

ORDINANCE NO. 52

AN ORDINANCE REGULATING THE SUBDIVIDING OF LAND

IN

THE CITY OF NEW MUNICH, MINNESOTA

The following official summary of Ordinance No. 52 has been approved by the City Council of New Munich as clearly informing the public of the intent and effect of the ordinance:

It is the intent and effect of this Ordinance to regulate the subdividing of land in the City of New Munich, to require subdividers to provide adequate utility services and roadways, and to limit subdivision plats to such areas where residential requirements can be met. The Ordinance requires approval of preliminary plats by the Planning Commission and approval of the final plat by the City Council.

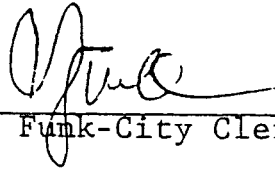
Procedures are established for carrying out the provisions of the Ordinance and fees established, to be paid upon the filing of a preliminary plat. All plats are required to be in conformance with state law and Stearns County Ordinance Establishing Standards And Procedures For Land Subdivision In Stearns County. Required improvements are described and provision made that City may require dedication of a part of subdivided land for public use.

Provision is made for the City Council to grant exceptions and variances to certain provisions of the Ordinance. The Planning Commission may hold such public hearings it may deem advisable. The Ordinance is to be administered by the Zoning Officer. Violation of the Ordinance is made a misdemeanor.

A printed copy of the Ordinance is available for inspection by any person at the office of the City Clerk.

This Ordinance shall be in full force and effect from and after passage and publication of this Title and Summary.

ATTEST:

  
\_\_\_\_\_  
Cel Funk-City Clerk

\_\_\_\_\_  
Mayor

ORDINANCE NO. 52

AN ORDINANCE REGULATING THE SUBDIVIDING OF LAND  
IN

THE CITY OF NEW MUNICH, MINNESOTA

THE CITY COUNCIL OF THE CITY OF NEW MUNICH ORDAINS AS FOLLOWS:

Section 1. General Provisions.

A. This ordinance, from the date of its passage, shall be entitled "Subdivision Controls Ordinance of the City of New Munich".

B. The purpose of this ordinance is to regulate subdividing of land in the City of New Munich so that new subdivisions will be integrated with the development objectives of the City of New Munich; and to require subdividers to provide adequate utility services and roadways for said subdivisions in the City; to limit residential subdivision plats to such areas where the residential requirements can be met.

Section 2. Definitions.

A. Development objectives. Those goals determined from time to time in plan or policy form, as part of the city's comprehensive planning program for the orderly and logical development of the city.

B. Lot. A piece, parcel or plot of land intended for building development or as a unit for transfer of ownership.

C. Preliminary Plat. The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission.

D. Final Plat. The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the City Council for approval which will be submitted to the County Recorder of the County for recording after approval is granted.

E. Subdivision. The division or re-division of a lot, tract or parcel of land, regardless of how it is to be used into two or more lots either by plat or by metes and bounds description: or the division or re-division of a new park, playground, street or other public right of way facility; provided, however, the following classes shall be exempt:

1. Parcels greater than ten (10) acres where no new streets, roads or other right of way are involved.
2. The division of a lot or tract of record for the purpose of attachment to contiguous lots or tracts provided no residual plot is left.

F. Subdivider. Any person commencing proceedings under this ordinance to effect a subdivision of land hereunder for himself or another.

Section 3. Procedures. The following procedures shall be followed in the administration of this Ordinance and no real property within the jurisdiction of this Ordinance shall be subdivided and offered for sale or a plat recorded until a final plat has been approved by the Planning Commission of the City of New Munich, and until accepted by the County Recorder for recording.

A. Preapplication meeting. Prior to the submission of any plat for consideration to the Planning Commission under the provisions of this ordinance, a subdivider shall meet with the Planning Commission and he shall be advised what shall be expected of him as a developer.

B. Public hearings may be required at the discretion of the Planning Commission or the City Council.

C. Preliminary Plat. The subdivider shall submit to the Planning Commission five (5) copies of a preliminary plat of his proposed subdivision, the requirements of which are set forth in this ordinance. The preliminary plat shall be accompanied by a fee of Twenty-five Dollars (\$25.00) plus One Dollar (\$1.00) for each lot up to a maximum of One Hundred Fifty Dollars (\$150.00). In addition thereto, each applicant shall be required to pay a fee of One Hundred Fifty Dollars (\$150.00) for each public hearing, which may be held to consider request of subdividers. The Planning Commission shall review the preliminary plat and it shall consult with any persons it deems may have an interest in the plat including city officials, city attorney and city engineer. The Planning Commission shall also consider matters of health and welfare, residence, and city planning. The Planning Commission shall notify the subdivider as to the time and place of the Planning Commission meeting at which time he will be afforded an opportunity to appear and further explain the plat. In the event said plat is approved, the Planning Commission shall express its approval or its conditional approval and state the conditions of such approval, if any; or if disapproved, shall express its disapproval and its reasons therefor.

Approval shall mean the acceptance of the design as a basis for preparation of the final plat and its submittal to the Planning Commission and City Council for approval.

Subsequent to the approval of the preliminary plat and prior to the filing of the final plat, the City Council shall require complete information in regard to the water supply, sewage disposal, storm drainage, gas and electric service, road construction and surfacing of streets. Where private sewage disposal systems and/or private water systems shall be required, consideration shall be given to the criteria established in ordinances and regulations established by Stearns County.

D. Final Plat. After the foregoing information has been submitted to the Planning Commission, the subdivider may file a final plat which shall conform substantially to the preliminary plat as approved. Said final plat must be filed within ninety (90) days after approval of the preliminary plat unless an extension in writing is granted by the City Planning Commission, for good cause.

The City Attorney and City Engineer shall examine the final plat to see that it is in substantial agreement with the preliminary plat as approved by the Planning Commission and that it meets the requirements of all city ordinances.

Accompanying the final plat shall be a statement showing that there are no delinquent taxes against said property and a title opinion by a practicing attorney at law based upon an examination of an abstract of title or the records of the County Recorder or the Registrar of Titles for the lands included within the plat ensuring the title to be in the owner or

subdivider. In the event the final plat is approved, the developer shall cause it to be filed with the County Recorder. Any approval of the final plat by the City Planning Commission and City Council shall be null and void if the plat is not recorded within one hundred twenty (120) days after the date of its approval unless application for an extension of time is made in writing and such extension granted for good cause.

Section 4. Requirements. All plats submitted to the City of New Munich Planning Commission shall be in complete conformance with state law in regard to platting requirements, and in complete conformance with the Stearns County Ordinance Establishing Standards and Procedures for Land Subdivision of Stearns County.

Section 5. Required subdivision improvements.

Subdivision 1. As a condition precedent to the approval of any final subdivision plat, the subdivider shall make the required improvements listed below:

A. Street and alley grading. The full width of the right of way of each street and alley dedicated in the plat shall be graded. A stabilized gravel sub-base meeting the specification of the City Planning Commission shall be provided. Grades shall be established pursuant to requirements of the City. City may require streets to be furnished with a bituminous material acceptable to the Planning Commission.

B. Water Mains. Where a community or public water system is available, water mains shall be installed.

C. Sanitary Sewers. Where sanitary sewage disposal facilities are available, sewer lines shall be installed or connected to trunk line sewers.

D. Drainage facilities. Such facilities and easements shall be installed as will adequately provide for the drainage of surface waters.

E. Miscellaneous facilities. Tree planting, street name signs, traffic control signs, pedestrian ways and other improvements may be required. Owners and developers shall provide culverts.

Subdivision 2. In lieu of completion of the required subdivision improvements before final approval of the subdivision plat, the City Planning Commission may permit the subdivider to submit a performance bond or cash escrow agreement to assure the completion of the improvements. The performance bond or cash escrow account shall be equal to one and one-fourth ( $1\frac{1}{2}$ ) times the estimated cost of the required improvements. If the required improvements are not completed within a two (2) year period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the City Council and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the subdivider.

Section 6. Public Land. Because subdivision activity creates a need for a full range of public facilities, the City Council may require the dedication of a part of the subdivision for public use acceptable to the Planning Commission and the City Council.

Section 7. Variances and Exceptions. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this ordinance, the City Council shall have the power to vary the requirements of this ordinance in harmony with the general purposes and intent thereof. Before it reaches its decision, the Planning Commission may hold such public hearings as it may deem advisable. For its evaluation, the Planning Commission shall require detailed site plans showing topography, drainage, all proposed structures, uses, streets, off-street parking facilities in the development and proposed staging of such improvements, as well as copies of proposed covenants, deed restrictions or other safeguards to insure compliance with the proposed plan. Before granting a variance or exception, the City Council shall make a determination that the proposed development will constitute a desirable and stable community development and that it will be in harmony with adjacent areas.

Section 8. Enforcement and penalties.

A. If any section, sub-division, sentence or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

B. This ordinance shall be administered by the  
*Zoning Officers*



C. Any subdivider, who violates any provision of this ordinance shall be charged with a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment for a period not exceeding ninety (90) days or both, plus, in either case, the costs of prosecution.

D. In the event of a violation or a threatened violation of this ordinance, the City Council or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations and it shall be the duty of the City Attorney to institute such action.

Section 9. Repealing. Upon the effective date of this Ordinance, any other Ordinance or parts of other Ordinances in conflict with this Ordinance to the extent of such conflict and no further, are hereby repealed.

Section 10. Effective Date. This ordinance shall take effect and be in force from and after its passage and publication according to law.

Adopted by the City Council this \_\_\_\_\_ day of \_\_\_\_\_,  
1984.

\_\_\_\_\_  
President of the Council  
City of New Munich

(seal)

Attest:

\_\_\_\_\_  
Clerk