

CHAPTER 15
SECTION 2

SUBDIVISION ORDINANCE

1502.000. Subdivision Ordinance

1502.001. Title. This Ordinance shall be known as the Subdivision Ordinance for the City of Winsted, McLeod County, Minnesota.

1502.002. General Provisions.

- A. Purpose.** In order to safeguard the best interest of the City of Winsted and to assist the Applicant in harmonizing his/her interests with those of the City at large, the following Ordinance is adopted in order that it will bring results beneficial to both parties. It is the purpose of this Ordinance to make certain regulations and requirements for the platting of land within the City of Winsted, pursuant to the authority contained in Minnesota Statutes, which regulations the City Council deems necessary for the health, safety and general welfare of this community.
- B. Scope.** The provisions of this Ordinance relate to any division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels of land by platting, replatting, conveyance, registered land survey or other means. The provisions of this Ordinance also apply to any land split which creates a lot sized 2½ acres or less.
- C. Approvals Necessary for Acceptance of Subdivision Plats.** Before any plat shall be approved or recorded, it shall be referred to the City Planning Commission for review and recommendation and then approved by the City Council of Winsted.
- D. Building Permits.** No building permits will be considered for issuance by the City of Winsted for the construction of any building, structure or improvement to the land or to any lot in a subdivision as defined herein, until all requirements of this Ordinance have been fully complied with. Subdivisions must also conform to all other official controls of this community before the issuance of any permits. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose.
- E. Conveyance by Metes and Bounds.** No conveyance in which the land conveyed is described by metes and bounds, or by reference to an unapproved registered land survey made after the effective date of Laws 161, Chapter 626, shall be made or recorded unless the parcel described in the conveyance:
1. was a separate parcel of record at the effective date of this Ordinance; or
 2. was the subject of a written agreement to convey that which was entered into prior to such date; or

3. was a separate parcel of not less than two and one-half (2½) acres in area and a 150 (one hundred fifty) feet in width on the effective date of this Ordinance; or
4. is a single parcel of land not less than five (5) acres in area and three hundred (300) feet in width.

F. Severability. If any section/subsection, sentence, clause/phrase of this Ordinance is for any reason held to be invalid, such decision shall not effect the validity of this remaining portions of this Ordinance.

G. Conflict. Whenever there is a difference between minimum standards or dimensions specified herein and those contained in other official regulations, resolution or ordinances of the City, the highest standard shall apply.

1502.003. Rules and Definitions

A. Rules. For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural and the plural the singular; and the word shall is mandatory and not discretionary.

B. Definitions. For the purpose of this Ordinance, certain words and terms are hereby defined as follows:

1. Alley – is a public right-of-way that affords a secondary means of access to abutting property.
2. Applicant – is a person, firm or corporation undertaking the subdivision of re-subdivision of a tract or parcel of land according to the requirements of this Ordinance. For the purpose of this Ordinance, the terms are to be considered interchangeable.
3. Arterial Street – provides for traffic movement to and from municipalities and their surrounding rural areas, to and from regional highways and collector streets and between major parts of an urban area. Intersections are at grade and direct access to abutting property is secondary to traffic movement.
4. Block – is a tract of land bounded by streets, or a combination of streets, and public parks, cemeteries, railroad rights-of-ways, shorelines, waterways or the exterior boundary or boundaries of the subdivision.
5. Buildable Area – that portion of the gross property proposed to be subdivided minus area contained in surface waters, wetlands, massings of significant trees that are retained, slopes exceeding eighteen (18) percent over fifty horizontal feet, and/or roadways assigned a functional classification of ‘Arterial’ by local, county or state authorities.

6. City – is the City of Winsted.
7. City Council – is the governing body of the City of Winsted.
8. City Planner – is the City Planner or a duly authorized consultant.
9. Collection Street – distributes the internal traffic within an area of a community, such as a residential neighborhood or industrial district, between the arterial and local streets, provides access to abutting land. Continuity should be sufficient to accommodate short trips, but discourage through movement.
10. Comprehensive Plan – refers to the group of maps, charts and texts that make up the official guide to the orderly development of the City and its environs.
11. Cul-de-Sac – is a minor street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
13. Design Standards – are the specifications to land owners of subdivisions for the preparations of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of way, blocks, easements and lots.
14. Development Agreement –between the City Council and Applicant through which the City Council may agree to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation, in exchange for agreement to construct any and all improvements to existing City standards, or a higher standard in some cases, abide by all conditions of the City Council, perform all required tasks within the established time frame, warranty all improvements, and provide security in an amount acceptable to the City to ensure performance of the Agreement and all warranties. Said agreement shall be recorded at the same time or prior to the final plat.
15. Easement – is a grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining drives, utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.
16. Engineer – is the City Engineer or a duly authorized consultant.
17. Final Plat – is a drawing or map of a subdivision, meeting all of the requirements of the City in such a form as required by McLeod County for the purpose of recording.
18. Frontage/Local Service Road – is a road intended primarily to provide access to abutting property and located adjacent and generally parallel to a thoroughfare to which access is prohibited or restricted.

19. Half Street – is a street having only one-half (1/2) of its intended roadway width developed to accommodate traffic.
20. Improvements – is pavement, curbs, gutters, sidewalks, sewer and water facilities, grading, street signs, street lighting, plantings and other items for the welfare of the property owners and/or the general public.
21. Local Streets – provides for direct access to residential, commercial, industrial or other abutting property.
22. Lot (plot) – is a portion of a subdivision or other parcel of land intended for building development or for transfer of ownership.
23. Natural Vegetation, Native Vegetation – are plant species that are indigenous to Minnesota or that expand their range into Minnesota without being intentionally or unintentionally introduced by human activity and are classified as native in the Minnesota Plant Database.
24. Owner – includes the plural as well as the singular, and where appropriate, shall include a natural person, partnership, firm association, public or quasipublic corporation, private corporation or a combination of them.
25. Parks and Playgrounds – are public land and open space in the City of Winsted dedicated or reserved for recreation purposes.
26. Percentage of Grade – on the street centerline, is the distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.
27. Pedestrian Way – is a public or private right-of-way across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lines.
28. Planned Unit Development – is a tract of land developed as a unit rather than as individual development wherein two (2) or more buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries.
29. Planning Commission – is the Planning Commission of the City of Winsted.
30. Preliminary Plat – is a tentative drawing or map of a proposed subdivision meeting requirements herein enumerated.
31. Protective Covenants – are contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.
32. Regional Highway – provides for through traffic movement at relatively high speeds between municipalities.

33. Significant tree – is a healthy tree measuring at chest height a minimum of twelve (12) inches in diameter for hardwood deciduous trees or eight (8) inches in diameter for coniferous/evergreen trees.
34. Site Map – is a map showing existing conditions including all platted parcels, streets, rights-of-way, easements and any predominant topography or natural features such as lakes, wooded areas, etc.
35. Sketch Plan - A sketch preparatory to the preliminary plat to enable the Applicant to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations.
36. Steep Slope – an area with a vertical slope of eighteen (18) percent or greater and over fifty horizontal feet in length.
37. Street Width – is the shortest distance between lines of lots delineating the street’s right-of-way.
38. Subdivider/Developer – is a person, firm or corporation undertaking the subdivision of re-subdivision of a tract or parcel of land according to the requirements of this Ordinance. For the purpose of this Ordinance, the terms are to be considered interchangeable.
39. Subdivision – is the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels for the purpose of transferring ownership or building development, or if a new street is involved, any division or development of a parcel of land. The term shall include re-subdivision of land, provided however, that the sale or exchange of small parcels of platting land to or between adjoining property owners shall not be considered as a subdivision.
40. Tangent – is a straight line that is perpendicular to the radius of a curve or circle, which touches but does not intersect said curve or circle.
41. Variance – a modification of the application of the zoning ordinance to a specific lot where, because of unique circumstance, strict enforcement would cause an undue hardship or practical difficulties in the use of the land.
42. Vertical Curve – is a surface curvature on a street centerline between lines of different percentage of grade.
43. Zoning Ordinance - The Zoning Ordinance or resolution controlling the use of land as adopted by the City.

1502.004. Subdivision Application: Procedure and Approval Process

A. Classification of Subdivision. Before any land is subdivided the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, based upon whether the proposal is classified a minor subdivision or a major subdivision:

1. Minor Subdivision (see subdivision D, #1 below):
 - a. sketch plan
 - b. final plat
2. Major Subdivision (all subdivision proposals not classified as minor subdivisions):
 - a. sketch plan
 - b. preliminary plat
 - c. final plat

B. Official Submission Date. For the purpose of meeting the statutory timelines, the date on which the Applicant has submitted a complete application containing all information requirements of this ordinance, has properly executed all required application forms, and any additional requests of the City Administrator, in addition to all appropriate fees having been paid, shall constitute the official submission date of the plat on which the statutory period required for formal approval, conditional approval, or disapproval shall commence to run.

C. Sketch Plan.

1. In order to insure that all Applicants are informed of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other City code provisions or plans, and prior to the submission of a plat, all Applicants shall submit a sketch plan to the City Administrator for review. A proposed phasing/staging plan shall be submitted for any project involving more than one construction season. At a minimum the phasing/staging plan shall set forth the chronological order of subdivision build-out, the timing of subdivision build out in relation to installation of improvements, and estimated completion dates. The City Administrator may require additional information be supplied.
2. Applicants seeking review of a sketch plan shall submit the items stipulated in Section 8 of this ordinance. This submission requirement is needed for the Applicant, City Administrator, and other participants, as needed, to review and discuss the development proposal in its formative stages. The City Administrator shall determine whether the development proposal is a major or minor subdivision and shall provide the Applicant with a list of submission requirements for the appropriate development type as well as the expected process flow and timetable.

3. The Applicant shall not be bound by any sketch plan for which review is requested, nor shall any representatives of the City be bound by any such review.

D. Minor Subdivisions: Application

1. Minor Subdivision defined:
 - a. In the case of a request to divide a portion of a lot where the division is to permit the adding of a parcel of land to an abutting lot so that no additional lots are created and both new lots conform to zoning ordinance lot size standards;
 - b. In the case of a request to combine two existing platted lots;
 - c. In the case of a request to divide no more than two (2) lots from a larger tract of land thereby creating no more than three (3) lots. To qualify, the parcel of land should not have been a part of a minor subdivision within the last five (5) years; and
 - d. In the case of a request to divide a base lot, which is a part of a recorded plat upon which has been constructed a two family dwelling, townhouse, or quadraminium, where the division is to permit individual private ownership of a single dwelling unit within such a structure and the newly created property lines will not cause any of the unit lots or structure to be in violation of this chapter, the zoning ordinance, or the state building code.
2. Content and Data Requirements for Minor Subdivisions:
 - a. The requested minor division shall be prepared by a registered land surveyor in the form of a Certificate of Survey.
 - b. The data and supportive information detailing the proposed subdivision is specified in Section 9. Exceptions, stipulated in writing, may be granted by the City Administrator.
 - c. Design Standards. The minor subdivision shall conform to all design standards as stipulated in this ordinance. Any proposed deviation from said standards requires the processing of a variance request.
3. Processing:
 - a. If the subdivision application involves property that meets the definition specified in Subdivision D, #1("a" or "b" above), the City Administrator shall have the authority to approve the subdivision, provided that it complies with applicable provisions of this chapter.
 - b. In all other cases, the applications shall be processed as specified below. The Applicant for a minor subdivision (described in "c" or "d" above) shall be required to submit the information required in Section 9, unless the City Administrator and the Planning Commission agree to a reduced set of illustrations and information requirements.

E. Preliminary Plat.

1. The application shall:
 - a. be filed with the City Administrator on forms available at the City offices, submission of an executed fee responsibility form, and accompanied by a fee, as established by the City Council. The City Administrator shall deposit any money received as fees hereunder to the credit of the general fund of the City of Winsted. No money shall be refunded to the Applicant. The fee is not intended to cover specialized engineering, planning, or site analysis reviews. Fees for additional technical services such as these will become the responsibility of the Applicant;
 - b. an up-to-date certified abstract of title or registered property report showing title in the Applicants name, or an option to buy said property by said Applicant as shown on the Preliminary Plat;
 - c. the application shall include the items specified in Section 9 of this ordinance which constitutes a checklist of items to be submitted for subdivision review;
 - d. the Applicant shall supply to the City of Winsted a list of names and mailing addresses of all property owners within 350' of the proposed subdivision; and
 - d. be accompanied by a minimum of fifteen (15) copies of the preliminary plat, five (5) copies at the plan sheet size (22" by 34") and ten (10) copies at the 17" by 22" size, or as appropriate considering the requirement to submit plans at a 1" equals 100' scale and with the approval of the City Administrator.
2. The City Administrator shall submit five (5) copies of the Preliminary Plat to the Planning Commission, and may, at their discretion, submit one (1) copy to the City Engineer, one (1) copy to the City Planner, and one (1) copy to the City Attorney. The remaining copies shall be placed in the City's files.
3. The City Administrator may instruct the appropriate staff to prepare technical reports and provide general assistance in preparing a recommendation on the action to the City Council. This may include the City Planner, the City Engineer, City Building Official, or the City Attorney, or others as deemed needed.
4. Upon receipt of the completed application as outlined above, the City Administrator shall set a public hearing for public review of the Preliminary Plat. The hearing shall be held within thirty (30) days of the Official Submission Date of the application. The Applicant and/or his representative shall appear at the public hearing before the Planning Commission in order to answer questions concerning the proposal.

Notice of the public hearing may consist of a legal property description, shall contain a description of the request, and shall be advertised in the official newspaper at least ten (10) days before the day of the hearing. Property owners within three hundred fifty (350') feet of the proposed subdivision shall also be notified through the mail of the hearing. Failure of any property owner to receive said notice shall not invalidate the public hearing.

5. No later than thirty (30) days after the close of the public hearing described above, the Planning Commission shall submit the Plat to the City Council with its own recommendations, including any conditions it recommends be placed upon the Plat prior to approval. The City Council may approve, approve with conditions, or disapprove said Plat by a majority vote of its members regardless of the recommendations made by the Planning Commission. If the Planning Commission has not acted upon the Preliminary Plat within thirty (30) days following the close of the public hearing on such and in compliance with this chapter, the Council may act on the Preliminary Plat without the Planning Commission's recommendation, and may approve, approve with conditions, or disapprove said Plat by a majority vote of its members after the required public hearing.
6. The City Council shall take final action within one hundred twenty (120) days of the application's Official Submission Date. The subdivision application shall be preliminarily approved or denied by the City Council. If the City Council fails to approve or disapprove the Preliminary Plat in this review period, the application shall be deemed preliminarily approved.
7. At any time during this process, either the Applicant or the City may request an extension of the imposed time limits. Both the Applicant and the City must agree to the time extension and must execute a time extension form that will become a part of the subdivision file.
8. If the City Council requires changes to the Preliminary Plat, and if such changes are determined to be minor changes in the opinion of the City Council, then such changes may be noted on the Plat and approved as such.
9. If the changes to be made are major changes in the opinion of the City Council, then a new Preliminary Plat must be prepared and resubmitted, along with the payment of new fees, based upon the procedures and timelines established in this section.
10. Standards for Approval of Preliminary Plats: No preliminary plats shall be approved unless the Applicant proves by clear and convincing evidence that:
 - a. the application for a preliminary plat is not premature and conforms to the Winsted Comprehensive Plan;
 - 1) Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the City Council.
 - 2) Conditions Establishing Premature Subdivisions. A Subdivision may be deemed premature should any of the following conditions be found to exist:
 - I. Lack of Adequate Drainage. A condition of inadequate drainage shall be deemed to exist if:

- a) Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural integrity of the proposed structures.
 - b) The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.
 - c) The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downhill or downstream land.
 - d) Factors to be considered in making these determinations may include, but not be limited to:
 - i. Average rainfall for the area.
 - ii. The relationship of the land to waterbodies, wetlands, and floodplains.
 - iii. The nature of soils and subsoils and their ability to adequately support surface water.
 - iv. The slope of the land and its effect on effluents.
 - v. The presence of streams as related to effluent disposal.
- II. Lack of Adequate Water Supply. A proposed subdivision shall be deemed to lack an adequate water supply if the proposed subdivision, when developed to its maximum permissible density, does not have adequate sources of water to serve the proposed subdivision without causing an unreasonable depreciation of existing water supplies for surrounding areas.
- a) Factors to be considered in making this determination may include, but are not limited to:
 - i. Ground water quantity.
 - ii. Ground water quality.
 - iii. Drinking water source quality.
 - iv. Drinking water source quantity.
- III. Lack of Adequate Streets or Highways to Serve the Subdivision. A proposed subdivision shall be deemed to lack adequate streets or highways to serve the subdivision when:

- a) Streets which currently serve the proposed subdivision and/or that are proposed to serve the subdivision are of such width, grade, stability, site distance, and surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare and when, with due regard to the advice of the county or state and their respective design standards, said roads are inadequate for the intended use.
 - b) The traffic volume generated by the proposed subdivision as calculated by the City Engineer and subject to generally accepted generation computation formulas and design standards, would create unreasonable highway congestion at the time of the application or proposed for completion within the next two (2) years.
- IV. Lack of Adequate Waste Disposal Systems. A proposed subdivision shall be deemed to lack adequate waste disposal systems if there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density, after reasonable sewer capacity is reserved for schools, planned public facilities, and commercial and industrial development projected for the next five (5) years. Expected wastewater generation rates applicable to a proposed subdivision shall be based on generally accepted generation computation formulas as assigned by the City Engineer. Factors to be considered in making this determination may include, but are not limited to:
- a) Centralized wastewater treatment availability and capacity.
 - b) Proposed maximum demand for centralized wastewater treatment capacity generated by the proposed development.
 - c) Municipal collection system availability and capacity.
 - d) Proposed maximum demand placed on the municipal collection system by the proposed development.
 - e) Layout and design of service mains within the development.
- V. Lack of Adequate City Support Facilities. A proposed subdivision shall be deemed to lack adequate public support facilities such as parks and recreational facilities, schools, and police, fire, and ambulance protection and services, when said support facilities are reasonably expected to be necessitated by the subdivision and cannot be reasonably provided for within the next five (5) fiscal years.

VI. Inconsistency with Comprehensive Plan. A subdivision shall be deemed premature if it is found to be inconsistent with the purposes, objectives and recommendations of the duly adopted Comprehensive Plan of the City of Winsted, as may be amended from time to time.

VII. Inconsistency with Environmental Protection Policies. A proposed subdivision shall be deemed premature if it is found to be inconsistent with environmental protection policies set forth within local, county, state, and federal rules and regulations, as may be amended.

3) Burden of Establishing. The burden shall be upon the Applicant to show that the proposed subdivision is not premature.

- b. the uses in the subdivision will be connected to and served by public utilities for the provision of water supply and sewage collection and treatment facilities;
- c. the Applicant has the financial ability to complete the proposed subdivision in accordance with all applicable laws and regulations;
- d. the proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels;
- e. the Applicant has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.

11. Requirements Governing Approval of Preliminary Plats:

- a. The Planning Commission may recommend and the City Council may require such changes or revisions as deemed necessary for the health, safety, general welfare, and convenience of the City.
- b. The approval of a Preliminary Plat by the Planning Commission and the City Council is tentative only, involving merely the general acceptability of the layout submitted.
- c. Subsequent approval will be required of the proposals pertaining to water supply, storm drainage, sewage and sewage disposal, gas and electric service, grading, gradients and roadway widths, and the surfacing of streets.

12. If the Preliminary Plat is approved, such approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this chapter to be indicated on the Final Plat. The City Council may impose such conditions and restrictions as it deems appropriate or require such revisions or modifications in the Preliminary Plat or Final Plat as it deems necessary to protect the health, safety, comfort, general welfare, and convenience of the City.

13. If the Preliminary Plat is not approved by the City Council the reasons for such action shall be recorded in the proceedings of the Council and shall be transmitted to the Applicant.

14. Any resubmission of a plat application that has been denied by the City Council shall be prohibited for one (1) year following denial unless the City Council votes to allow the resubmission by super majority.

F. Final Plat.

1. After approval of the Preliminary Plat, the Applicant shall prepare and submit a Final Plat to the City for study and recommendation. This Plat must be submitted within one (1) year from approval of the Preliminary Plat, or as specified in an approved development contract. If the Final Plat is not submitted within this time period and the Applicant has not requested a time extension, the approved Preliminary Plat becomes null and void.
2. The procedure for filing the Final Plat is that which is established for submission of the Preliminary Plat under this section, except as specified below. The Applicant shall provide fifteen (15) copies of the Final Plat to the City, five (5) at a 22" by 34" size and ten (10) at a 17" by 22" size, or as appropriate considering the requirement to submit plans at a 1" equals 100' scale and with the approval of the City Administrator. All Final Plats shall comply with the provisions of Minnesota Statutes and the requirements of this chapter. An Applicant shall submit with the Final Plat a current abstract of title or a registered property certificate, along with any unrecorded documents and an opinion of title.
3. Review of a Final Plat:
 - a. Upon receipt of a Final Plat, the City Administrator shall refer one (1) copy each to the City Council, appropriate City staff, the County Surveyor, and to all applicable utility companies, and one (1) copy with Abstract of Title or Registered Property Certificates and Opinion Title to the City Attorney.
 - b. The City Council may refer the Final Plat to the Planning Commission for recommendation if they feel the proposed Final Plat is substantially different from the approved Preliminary Plat. The Planning Commission shall submit a report thereon to the City Council within 30 days.
 - c. The City Staff receiving a copy of the Final Plat shall submit reports through the City Administrator to the City Council within thirty (30) days of receiving the Plat expressing their recommendation on the Final Plat.
 - d. The County Surveyor shall review the Final Plat and notify the Applicant's surveyor or Final Plat preparer of corrections that are to be made to the Final Plat.
 - e. Prior to approval of a Final Plat, the Applicant shall have executed an agreement with the City controlling the installation of all required improvements. Said agreement will require all improvements to comply with approved engineering standards and applicable regulations, and shall set forth the amount and form of security required by the City to insure proper installation and warranty of all improvements. Unless otherwise approved by the City Council, the security shall be in the form of an irrevocable letter of credit.

- f. A master subdivision agreement shall be required for all phased plats. The master agreement is intended to ensure the phased subdivision is developed in the manner envisioned by both parties while providing the Applicant needed flexibility. The master agreement shall address platting issues related to project phasing, future development of approved preliminary plat lots, construction of project infrastructure, number of years to complete all phases prior to remaining preliminary plat lots becoming void, if/when replatting is required due to changes in conceptual plans/phasing, and applicability of future zoning/subdivision standards to future phases. The master agreement is an additional requirement to the development agreement covering individual project phases/final plats.
4. The City Council, after receiving the Final Plat and any recommendations from the Planning Commission, shall approve, approve with attached conditions, or disapprove the Final Plat within one hundred twenty (120) days of its Official Submission Date. This action taken by the City Council is dependent upon the Final Plat's conformance with the Preliminary Plat, as approved by the City Council. If the Final Plat is not approved, the reasons for such action shall be recorded in the official proceedings of the City and shall be transmitted to the Applicant.
5. At any time during this process, either the Applicant or the City may request an extension of the imposed time limits. Both the Applicant and the City must agree to the time extension and must execute a time extension form that will become a part of the subdivision file.
6. The Final Plat, when approved, shall be submitted by the Applicant to the McLeod County Recorder for recording. A development agreement must be recorded prior to or simultaneously with the plat. The Final Plat must be recorded within one hundred eighty (180) days from the date of approval or it will become null and void. If recording is not accomplished according to these procedures, the City may require another review of the proposed subdivision according to these regulations and State law. Prior to recording, the Final Plat must be signed by representatives of the City and the Applicant must post all required security in a City approved manner. If a Final Plat is submitted for a portion of the area encompassed in the Preliminary Plat and it is recorded within one hundred eighty (180) days from the date of approval, the remaining portion of the Preliminary Plat will remain valid for two (2) years. That portion of a preliminary plat for which a final plat is not submitted and recorded or for which a time extension form has not been executed between the Applicant and the City within this two year period, shall become null and void.
7. Fees for final recording by the County shall be paid by the Applicant. The Applicant, immediately upon recording, shall furnish the City with a reproducible copy of the recorded plat, either chronoflex or its equivalent and two (2) prints and an electronic version of the Plat in a format the City requests. Failure to furnish such copies shall be grounds for a refusal to issue building permits for the lots within a plat.

8. Any resubmission of a plat application which has been denied by the City Council shall be prohibited for one (1) year following denial unless the City Council votes to allow the resubmission by super majority.

1502.005. Design Standards.

A. General. The design standards as specified in this section are structured to provide the City of Winsted flexibility in review of subdivisions. The standards are necessary to assure that adopted plans and/or policies of the City are implemented and that other applicable ordinances of the City are enforced. Further, these standards are necessary to ensure that the proposed subdivision, when approved, will be in harmony with the natural environment. The following general design standards should be observed.

1. Valuable topographic and scenic features and ground cover shall be preserved and retained to the maximum possible extent. Drainage shall be provided for in the subdivision by adequate storm drains or by maintenance of natural drainage channels.
2. Land which the Planning Commission or City Council finds to be unsuitable in its natural state for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations, topography, utility easements or other features which will reasonably be harmful to the environment, health and general welfare of the present or future inhabitants of the subdivision and/or surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the Applicant/Applicant and approved by the Planning Commission to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.
3. All subdivisions are encouraged to be laid out in such a manner that all lots or building sites make optimum use of a south facing exposure, such that solar heating and cooling is not eliminated as a result of subdivision layout.
4. The rigid rectangular gridiron street pattern need not necessarily be adhered to and the use of curvilinear streets, U-shaped streets, cul-de-sacs typical of cluster type subdivision layout shall be encouraged where such use will result in a more desirable and efficient use of the land.

B. Blocks.

1. Length – Block lengths shall not exceed 1320 feet and shall not be less than 330 feet, unless impractical due to existing property division, topography or other conditions.
2. Width – The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

C. Pedestrian Corridors.

1. Applicant's shall define and construct a meaningful pedestrian circulation system subject to City approval which connects to the major sidewalk/trail/pathway system, as existing and proposed, and to schools, parks, and shopping areas and shall provide easements to accommodate such movement. Said pedestrian ways shall be coordinated with the City of Winsted Trail Map, routes within adjacent subdivisions, routes envisioned within the Comprehensive Plan, or as otherwise directed by the Planning Commission and City Council.
2. Developers of land abutting property that has been designated in the City's comprehensive trail plan for the installation of a trail shall be required to dedicate the land for the trail to the city and construct the trail. In lieu of a trail donation, trail construction, or trail easement dedication, the City may require a cash donation for the trail system.
3. Generally, the Applicant will demonstrate how pedestrians will traverse the proposed development from one end to the other, either through the use of a neighborhood trail system, sidewalks, or combination of pedestrian improvements. Specifically, the Planning Commission and City Council shall consider the following land use and transportation context factors when determining whether or not sidewalks shall be required.
 - a. Whether the corridor provides a primary access to a significant destination such as a park or recreational area, a school, or shopping/commercial areas.
 - b. Whether the corridor provides access across a natural or human-made barrier such as a creek or highway.
 - c. Whether the corridor is an area where a relatively high number of users of non-motorized transportation modes can be anticipated.
 - d. Whether a corridor provides important continuity or connectivity linkages for existing sidewalk, trail or pathway networks.
 - e. Whether nearby routes providing a similar level of service, convenience, and/or continuity currently exist.
4. In blocks longer than six hundred (600) feet, a pedestrian crossway may be required near the center of the block.

D. Lots.

1. Layout – Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines

2. Size and Dimension – Minimum lot area, width and depth shall not be less than that established by the Zoning Ordinance in effect at the time of adoption of the Final Plat.
3. Corner Lots – Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the Zoning Ordinance.
4. Frontage – Every lot must have the minimum frontage as required in the Zoning Ordinance on a City approved street other than an alley
5. Setback – Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the Winsted Zoning Ordinance. On those lots that are intended for business use, the setback shall be at least that required by the Winsted Zoning Ordinance.
6. Lot Remnants – Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the Applicant/Applicant can show plans for the future use of such remnant.
7. Natural Features – In the subdivision of land, due regard shall be shown for all natural features which, if preserved, will add attractiveness and stability to the proposed development and which may alter normal lot platting.

E. General Street and Alley Design. The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to run-off of storm water, to public convenience and safety and to the proposed uses of the area to be served.

1. Except for permanent cul-de-sacs, streets normally shall connect with streets, dedicated in adjoining or adjacent subdivisions or provided for future connections to adjoining unsubdivided tracts or shall be a reasonable projection of streets in the nearest subdivided tracts.
2. Local streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but cul-de-sacs will be permitted where topography or other conditions justify their use. Cul-de-sacs shall normally not be longer than six hundred (600) feet in length including the terminal turn-around that shall be provided at the closed end, with an outside curb radius of at least forty-five (45) feet and a right-of-way radius of not less than sixty (60) feet.
3. Where the plat to be submitted includes only part of the tract owned or intended for development of the Applicant, a tentative plan of proposed future street system for the unsubdivided portion shall be prepared and submitted by the Applicant.
4. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future

streets and appropriate resubdivision, with provision for adequate utility connections for such re-subdivisions.

5. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of streets shall be sixty (60) degrees. Street intersection jobs with an offset of less than one hundred twenty-five (125) feet shall be a voided.
6. Whenever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. Highway or thoroughfare, provisions may be made for a marginal access street approximately parallel and adjacent to the boundary of such right-of-way or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations or for lot depths.
7. Alleys shall be provided in commercial and industrial districts, except that this requirement may be waived where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the use proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts. Dead-end alleys shall be avoided wherever possible, but if unavoidable, such dead-end alleys may be approved if adequate turn arounds are provided at the closed end.
8. Dedication of half streets will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided or where it becomes necessary to acquire the remaining half by condemnation so that it may be improved in the public interest.
9. For all public ways hereafter dedicated and/or accepted, the minimum right-of-way and paved width for streets, thoroughfares, alleys or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

	<u>Right-of-Way</u>	<u>Paved</u>	
Arterial Street	100 feet	52 feet	
Collection Street	70 feet	44 feet	
Local Street	60 feet	36 feet	
Cul-de-sac or Marginal			(face to
Frontage	50 feet	32 feet	face of
Alley	30 feet	20 feet	curb)
Pedestrian Way	10 feet	N/A	
* Private Common Access	30 feet	20 feet	
Alley in Industrial or			

Commercial Areas	24 feet	20 feet
One-way Alleys, Residential	16 feet	12 feet
Two-Way Alleys, Residential	20 feet	16 feet

* The City Council may choose to approve private common access for P.U.D. townhouse development, etc., where appropriate. Standards for said access, however, shall comply with minimums as outlined for local streets (except ROW) and all other provisions as required by the City Council.

Where the existing or anticipated traffic on Primary and Secondary thoroughfares warrants greater widths of right-of-way, these shall be required.

10. Street Grade – Unless the existing topography warrants a greater maximum, upon recommendation of the City Engineer, the grades on all thoroughfares shall not be greater than six percent (6%) and the grade on all other streets and alleys in any subdivision shall not be greater than eight percent (8%). In addition, there shall be a minimum grade on all streets and thoroughfares of not less than five-tenths percent (.5%).

11. Street Alignment – The horizontal and vertical alignment standards on all streets shall be as follow:

- a. Horizontal-radii of center line:

Arterial Street	150 feet
Collector Street or Local Street	50 feet

- b. Vertical-minimum sight distance:

Arterial Street	500 feet
Collector Street or Local Street	300 feet
Cul-de-sacs	100 feet

F. Easements.

- 1. Utilities – Easements of at least twelve (12) feet wide centered on rear lot lines and easements of at least six (6) feet wide along the front of each lot shall be provided for utilities where necessary. Easements for storm or sanitary sewers shall be at least twenty (20) feet wide. They shall have continuity of alignment from block to block. Temporary construction easements may be required where installation depths are greater than ten (10) feet. Utility easements shall allow free movement of utility service vehicles.

- 2. Water Courses – When a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way and with such further width or construction as may be determined to be necessary.

G. Erosion and Sediment Control

1. The development shall conform to the natural limitation presented by topography and soil so as to create the least potential for soil erosion.
2. Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control erosion.
3. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.
4. When soil is exposed, the exposure shall be for the shortest feasible period of time.
5. Where the topsoil is removed, sufficient arable soil shall be restored over the developed area. The soil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.

H. Drainage

1. Where municipal storm sewer systems do not exist or the introduction of said system is deemed inappropriate by the City Council, storm sewer drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of storm sewer water to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for storm water shall provide for natural or artificial water level control.
2. No existing ditch, stream, drain, pond or drainage canal shall be deepened, widened, rerouted or filled without permission from the City Council.
3. Where artificial channels must be constructed to augment the natural drainage system, such channels as well as the natural drainage ways may be planned as part of a recreation system.
4. The drainage system shall be constructed and operational during the initial phase of construction.
5. Low Impact Development.
 - a. The Applicant should design the site to achieve the following performance standards:
 - 1) The site's post-development runoff volume shall be remain the same or be less than the site's pre-development runoff volume, unless downstream facilities are in place or will be constructed to reduce the site's post-development volumetric discharge to the pre-development level.

- 2) The post-development peak runoff rate associated with the two, ten, and 100-year, 24-hour, SCS Type II rainfall shall be no greater than the pre-development peak runoff rate associated with that event unless downstream facilities are in place or will be constructed to achieve the pre-development peak runoff rate.
- b. In Shoreland Overlay areas, the best management practices or design elements used by the Applicant shall include an appropriate combination of those provided on the lists below to achieve the performance standards listed in this Ordinance. In all other areas, the Applicant is encouraged to use best management practices or design elements provided on the lists below to achieve the performance standards listed in this Ordinance.
- 1) Utilize permeable areas and pretreatment to allow more infiltration of runoff into the ground through such means as:
 - I. Reduced imperviousness.
 - II. Infiltration basins and trenches.
 - III. Rainwater gardens.
 - IV. Permeable pavement.
 - V. Cisterns.
 - VI. Sand and organic filters.
 - VII. Bioretention areas.
 - VIII. Enhanced swales.
 - IX. Dry storage ponds with underdrain discharge.
 - X. Off-line retention areas.
 - XI. Natural depressions.
 - XII. Green roofs.
 - XIII. Other techniques approved by the City Engineer.
 - 2) Direct runoff to permeable areas and/or utilize stormwater storage for reuse or infiltration by such means as:
 - I. Orienting roof runoff towards permeable surfaces, or other best management practices rather than directly to driveways or non-permeable surfaces so that runoff will penetrate into the ground instead of flowing off-site.
 - II. Grading impervious surfaces to direct runoff to permeable areas, utilizing level spreaders or other methods to distribute the impervious runoff over pervious surfaces.
 - III. Using cisterns, retention structures, or rooftops to store precipitation or runoff for reuse.
 - IV. Removing or designing curbs, berms or the like so as to avoid isolation of permeable or landscaped areas.

c. General Standards.

- I. The overall design of the site shall support the function and performance of the practice, by minimizing or disconnecting impervious cover, implementing source controls, and utilizing better site design practices that reduce the quantity and adverse quality effects of runoff generated by the site.
- II. Pretreatment is required for all infiltration/filtration best management practices, except for uncontaminated roof runoff. Pretreatment techniques include a vegetated filter strip for overland flow, or a small sedimentation basin, structural water quality device (such as a hydrodynamic separator), or vegetated filter strip for piped flow.
- III. The use of traditional pipe conveyance and pond technologies to manage stormwater quality should only be considered after all other low impact development best management practices have been considered and used to the greatest extent possible. Pipe conveyance and rate control ponds used for flood control should, to the maximum extent practical, be separated from water quality best management practices so that the water quality best management practices are not inundated by flood storage.
- IV. The site design shall minimize the use of impervious surfaces.

d. Notwithstanding the provisions of Section 1502.010 of this Ordinance, a variance may be granted by the City Council from the requirements of this Section upon the recommendation of the City Engineer that the property in questions has:

- I. Extreme limitations of space for treatment;
- II. Unfavorable (i.e. hydrologic soil group "D" soils) or unstable soil conditions at a site to attempt infiltration;
- III. Risk of groundwater contamination; or
- IV. Close distance to seasonally saturated soils (or bedrock).

I. Wetland Systems. Where the subdivision of a lot or tract of land contains drainage ways, watercourses, floodable areas or wetlands and thus may be unsuitable for development, such areas shall be handled as follows:

1. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of storm water and significant wetlands.

2. If said land is designated, in whole or part, as park, open space or other public use on an adopted plan of the City, the Applicant shall dedicate said land to the City in accordance with Section 6 of this Ordinance.
3. An approved wetland replacement application or a certificate of exemption must be obtained in strict conformance with the provisions of the Minnesota Wetland Conservation Act prior to approval of a grading permit to allow wetland disturbing activities.
4. Impacts to Wetland:
 - a. A protective buffer of natural vegetation as defined in this Ordinance shall surround all wetlands within areas developed or redeveloped, in accordance with the following provisions:
 - 1) Minimum Width: The buffer shall have a minimum width of twenty-five feet (25') from the delineated edge of the wetland at the time of development.
 - 2) The wetland and required buffer shall be platted as an outlot if established as part of a subdivision application.
 - b. A building setback of ten feet (10') for a side yard and twenty feet (20') for a rear yard shall be provided from the delineated edge of all required wetland buffers at the time of development.

J. Environmental Preservation/Protection Measures.

1. Existing natural features which would add value to the subdivision and maintain native, historic, and/or culturally significant landscapes in the City such as tree massings, slopes greater than eighteen percent (18 %) over a horizontal distance of fifty (50) feet, watercourses, historic spots, delineated wetlands, assets identified on the County Biological Survey and similar assets shall be preserved insofar as possible through harmonious design of the subdivision.
2. Tree Preservation and Replacement.
 - a. The required landscape plan submitted with the preliminary plat shall identify trees that are to be saved when development or land disturbing activity is occurring in wooded area. The landscape plan shall reflect the Applicant's best effort to determine the most feasible and practical layout of buildings, parking lots, driveways, streets, storage and other physical features, so that that the fewest significant trees are destroyed or damaged. A 'significant tree' is a healthy tree measuring at chest height a minimum of twelve (12) inches in diameter for hardwood deciduous trees or eight (8) inches in diameter for coniferous/evergreen trees.

- b. Up to fifty percent (50%) of significant trees on any parcel of land being developed may be removed without replacement requirements. Replacement according to the tree replacement schedule is required when removal exceeds fifty percent (50%) of the total significant trees.
- c. In any development where the allowable tree removal is exceeded, the Applicant shall mitigate the tree loss at the direction of the City Council by either:
 - I. Planting replacement trees in appropriate areas within the development in accordance with an approved tree replacement schedule; or
 - II. Planting replacement trees on city property under the direction of the City Council or its designee, or
 - III. Paying the city the sum per diameter inch of required replacement in accordance with an approved the tree replacement schedule and the City's fee schedule. The payment shall be deposited into an account designated specifically for tree planting.

3. Landscaping Standards and Requirements.

- a. All residential subdivisions shall provide trees plantings on each lot. Trees shall not be planted in any city right-of-way unless approved by the City Council.
- b. Lot trees shall be planted as follows:
 - I. The number of plantings required is two (2) times the number of residential lots on the preliminary plat. A minimum of one (1) tree shall be planted on each lot for single-family detached and twinhome subdivisions. When a twinhome is located on one (1) lot, one (1) tree is required for each unit. The remaining trees shall be dispersed throughout the subdivision, except that entry landscaping will not count toward the required plantings.
 - II. No one tree species shall consist of more than fifty percent (50%) of the trees in a particular subdivision proposal.
 - III. Specific tree locations are subject to the location of easements and the approval of the City Council.
 - IV. The landscape plan submitted with the preliminary plat shall include the proposed tree location, species, and size identification.

4. Protection of Natural Features. The City Council reserves the right to decline approval of a subdivision if due regard is not shown for the preservation of natural features such as large trees, watercourses, scenic points, historical spots and similar community assets

which, if preserved, will add attractiveness and stability to the proposed development of the property.

1502.006. Public Land Dedication.

A. Findings.

1. The City Council finds that the preservation and development of parks, playgrounds, and open space areas within the City are essential to maintaining a healthy and desirable environment for residents and persons employed within the City, and it also finds that the value and attractiveness of residential, commercial and industrial developments to land owners, developers, purchasers, employers and employees is significantly enhanced by the presence of such park and open space amenities.
2. Minnesota Statutes Section 462.358 Subd. 2b, as may be amended provides that municipal subdivision regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for conservation purposes for public use as parks, playgrounds, trails, wetlands, or open space, and that the municipality may alternatively accept and equivalent amount in cash.
3. The City Council finds that it is appropriate that each development within the City contribute toward the City's park system in proportion to the benefit provided and the burden it will place upon that system. Therefore, these park donation regulations are established to require new developments or resubdivisions that create additional lots at the time of subdivision contribute toward the City's park system in rough proportion to the relative burden they will place upon that system.

B. Dedication of Land.

1. Pursuant to Minnesota Statutes, the City shall require all Applicants requesting platting, or replatting which results in the creation of additional lots, of all lands in the City of Winsted, to dedicate ten percent (10%) of the buildable area of all residential property being platted, subdivided or replatted for parks, playgrounds, public open space or to contribute an amount of cash, based on the fee schedule as set by the City Council, no later than at the time of final approval.
2. Furthermore, the City shall require all Applicants requesting platting, or replatting which results in the creation of additional lots, of all lands in the City of Winsted, to dedicate five percent (5%) percent of the buildable area of all commercial or industrial property being platted, subdivided or replatted for parks, playgrounds, public open space or to contribute an amount of cash, based on the fee schedule as set by the City Council, no later than at the time of final approval.
3. The City shall give due consideration to the public open space, trails, pathways, and recreational areas/facilities the Applicant proposed for the subdivision. The City need not

consider sidewalks required as part of the subdivision approval process under this standard.

4. The land to be dedicated for this purpose shall be in addition to the property dedicated for streets, alleys, waterways, pedestrian ways or other public ways.
5. The City Council of the City of Winsted shall have the right to determine the geographic location and configuration of said land dedication. No area may be dedicated as parks, playgrounds or public lands until such areas have been approved by the City Council for the purpose to which they are to be dedicated. The Applicant shall leave such dedicated land in a condition suitable to the City Council.
6. The City shall not require parkland dedication for re-subdivision, unless new lots are created, and then, said parkland dedication requirements shall only be applied to the new lots created.

C. Payment in Lieu of Land.

1. All monies collected from cash contributions shall be placed in a special fund from which only those public uses listed in Section A above may be constructed or improved or land for those same uses may be acquired.
2. The City shall have the option of requiring a cash payment in lieu of the land dedication as set forth in Section 1502.006(B) of this Ordinance. The in lieu amount shall be based on the fair market value of unplatted land as determined by the City Assessor and approved year to year by the City Council. The cash payment shall be calculated by applying the percentages contained in Section 1502.006(B) above, as may be amended, to the fair market value of unplatted land.
3. The City shall not collect a cash payment for re-subdivision, unless new lots are created, and then, said cash payment shall only be applied to the new lots created.

D. Delayed Dedication Payment. Upon petition by the Applicant, the Council may approve a delay in the actual dedication of the cash required in lieu of the land until such time as the development occurs on the property being platted, provided that a proper legal agreement is executed guaranteeing such dedication. Delayed dedication payment shall include eight percent (8%) interest per year.

1502.007. Required Improvements.

A. General. Prior to approving the final plat, the Applicant/Applicant shall be required to provide the following improvements for subdivisions unless the City elects to give approval to a project structured differently in a properly executed development agreement and when presented with financial guarantees as set forth in this Section.

1. Prior to the making required improvements, the City Council shall require the owner or Applicant to pay to the City an amount equal to 100% of the City Engineer's estimated total costs of such improvements, including not only construction, but all indirect costs such as engineering, legal, and administrative costs. The payment may be made in the form of cash, a performance escrow bond, or an irrevocable letter of credit at the discretion of the Council. This payment must be made to the City prior to the City Council approving the Final Plat.
2. No final plat shall be approved by the Council without first receiving a report from the City Engineer certifying that the improvements herein described, together with the agreements and documents required therein, meet the minimum requirements of all applicable ordinances. Drawings showing all improvements and constructed facilities/infrastructure as built shall be filed with the City Administrator.
3. No final plat shall be approved by the Council on land subject to flooding or containing poor drainage facilities and on land that would make adequate drainage of the streets and lots impossible. However, if the Applicant agrees to make the area completely safe for residential occupancy and provides adequate street and lot drainage and conforms to applicable regulations of other agencies, such as the U.S. Corps of Engineers or the Department of Natural Resources, the final plat of the subdivision may be approved. In addition, such plats may not be approved if the cost of providing municipal services to protect flood plain areas imposes an unreasonable economic burden upon the City.
4. All the required improvements to be installed under the provisions of this Ordinance shall be inspected during the course of their construction by the City Engineer. The owner or Applicant shall pay all of the inspection costs.
5. If assessments are employed for some of the development costs, as agreed to in a development agreement, the Winsted Assessment Policy will determine the assessment method employed.
6. An Applicant's responsibility for contributing to off-tract improvements may be required. Refer to Section 8 for the standards related to this requirement.

B. Improvements May Be Partial. It is not the intent of this ordinance to require the Applicant to develop the entire Plat and make all required improvements at one time, but no building permits shall be granted except for lots having access to streets on which the required improvements have been made, except as specified in Subdivision E below.

C. Maintenance of Improvements. The Applicant shall be required to maintain all public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of the improvements by the City Council. Following the acceptance of the dedication of any public improvement by the local government, the City may, in its sole discretion require the Applicant to maintain the improvement for a period of one (1) year from the date of acceptance.

D. Deferral or Waiver of Required Improvements.

1. The City Council may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all public improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of the inadequacy or nonexistence of connecting facilities. Any determination to defer or waive the provision of any public improvement must be made on the record and the reasons for the deferral or waiver also shall be expressly made on the record.
2. Whenever it is deemed necessary by the City Council to defer the construction of any improvement required under these regulations because of incompatible grades, future planning, inadequate or nonexistent connecting facilities, or for other reasons, the Applicant shall pay his share of the costs of the future improvements to the City prior to signing of the final subdivision plat by the City Mayor, or the Applicant may execute a separate subdivision improvement agreement secured by a letter of credit guaranteeing completion of the deferred improvements upon demand of the City.

E. Issuance of Building Permits.

1. When a subdivision improvement agreement and security have been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the required public improvements and the acceptance of the dedication of those improvements by the local government, as required in the City Council's approval of the final subdivision plat.
2. The extent of street improvement shall be adequate for vehicular access by emergency vehicles prior to the issuance of a building permit. No certificate of occupancy shall be issued for any structure until the street(s) serving the lot upon which the structure is located is/are paved. The Applicant shall, at the time of the offer of dedication, submit monies in escrow to the City in a sum determined by the City Engineer for the necessary final improvement of the street.
3. No building permit shall be issued for the final ten percent (10%) of the lots in a subdivision, or if ten percent (10%) is less than two (2) lots, for the final two (2) lots of the subdivision, until all public improvements required by the Planning Commission or City Council for the subdivision have been fully completed and the local government has accepted the Applicant's offer(s) to dedicate the improvements.

F. Street Improvements.

1. Grading – Streets shall be graded to the full width of the right-of-way in accordance with street grades submitted to and approved by the engineer or as approved by him/her. All street grading and gravel base construction shall be in accordance with City specifications depending upon zoning locality. Grading shall be completed prior to installation of applicable underground utilities, either private or public in nature. Gravel base construction shall be undertaken after completion of the installation of underground utilities.
2. Surfacing – All streets shall be improved with pavement in accordance with the standards and specifications for street construction as required by the City Council. All streets to be paved shall be of an overall width in accordance with the standards and specifications for street construction as required by the City Council.
3. Curb and Gutter – Curb and gutter will be constructed as required by the standards and specifications for street construction as required by the City Council.
4. Vegetation – Street trees and boulevard sodding shall be planted in conformance with the standards and specifications as required by the City Council.
5. Signs – Street signs of the standard design, as may be required by the City Council, shall be installed at each intersection.
6. Sidewalks – Sidewalks of standard design, as may be required by the City Council, shall be installed. The City Council shall consider the following land use and transportation context factors when determining whether or not sidewalks shall be required.
 - a. Whether the corridor provides a primary access to a significant destination such as a park or recreational area, a school, or shopping/commercial areas.
 - b. Whether the corridor provides access across a natural or human-made barrier such as a creek or highway.
 - c. Whether the corridor is an area where a relatively high number of users of non-motorized transportation modes can be anticipated.
 - d. Whether a corridor provides important continuity or connectivity linkages for existing sidewalk, trail or pathway networks.
 - e. Whether nearby routes providing a similar level of service, convenience, and/or continuity currently exist.

G. Sanitary Sewer and Water Distribution Improvements.

1. Sanitary sewers shall be installed as may be required by standards and specifications approved by the City Council.

2. City water facilities, including pipefittings, hydrants, etc. shall be installed as may be required by standards and specifications approved by the City Council. Where City water facilities are not available for extension into the proposed subdivision, the City Council may, by Ordinance, grant a franchise for such water facilities to serve all properties within a subdivision where a complete and adequate neighborhood water distribution system is designed in conjunction with the subdivision and complete plans for the system are submitted for approval of the City Council.
3. Where City sewer and water facilities are not available for extension into proposed subdivision, the Council may permit the use of individual water and sewer systems in accordance with appropriate State requirements.

H. Public Utilities.

1. Where feasible, in the opinion of the engineer, all utilities for telephone and electricity service shall be placed in rear line easements when carried on overhead poles.
2. Where telephone, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated alleys, dedicated public ways, in such a manner so as not to conflict with other underground services. All drainage and other underground utility installations that traverse privately owned property shall be protected by easements furnished by the Applicant.
3. Each utility company installing underground facilities must file with the City as a built drawing within one hundred eighty (180) days of installation, indicating the location of the utility, relation to the property lines, elevation to the facility and the ground elevation at each service or at each one hundred (100) foot intervals. The type, size, voltage or pressure of this facility including location of appurtenances along the lines for shut-off control shall also be included.

1502.008. Off-Tract Improvements

A. Purpose. This section is intended to ensure a pro rata share allocation of the costs for off-tract improvements necessitated by new development

B. Definition and Principles. As a condition of final subdivision approval, the City Council may require an Applicant to pay a pro rata share of the cost of providing reasonable and necessary circulation improvements and water, sewerage, drainage facilities and other improvements, including land and easements, located off-tract of the property limits of the subdivision or development but necessitated or required by the development. "Necessary" improvements are those clearly and substantially related to the development in question. The City Council shall provide in its resolution of approval the basis of the required

improvements. The proportionate or pro rata amount of the cost of such facilities within a related or common area shall be based on the following criteria.

C. Cost Allocation.

1. Full Allocation: In cases where off-tract improvements are necessitated by the proposed development, and where no other property owner(s) receive(s) a special benefit thereby, the Applicant may be required at his sole expense and as a condition of approval, to provide and install such improvements.
2. Proportionate Allocation: Where it is determined that properties outside the development will also be benefited by the off-tract improvement, the following criteria shall be utilized in determining the proportionate share of the cost of such improvements to the Applicant.
 - a. For Sanitary Sewers: The Applicant's proportionate share of distribution facilities including the installation, relocation, or replacement of collector, trunk, and interceptor sewers, and associated appurtenances, shall be computed as follows:
 - 1) the capacity and the design of the sanitary sewer system shall be based on the standards specified by the recommendations provided to the City Council by the City Engineer;
 - 2) the City Engineer shall provide the Applicant with the existing and reasonably anticipated peak hour flows as well as capacity limits of the affected sewer system;
 - 3) if the existing system does not have adequate capacity to accommodate the Applicant's flow given existing and reasonably anticipated peak-hour flows, the pro-rata share shall be computed as follows:

$$\frac{\text{Applicant's Cost}}{\text{Total cost of enlargement or improvement}} = \frac{\text{Development generated gallons per day to be accommodated by the enlargement or improvement}}{\text{Capacity of enlargement or improvement (gals. per day)}}$$

- b. For Water Supplies: The Applicant's proportionate share of water distribution facilities including the installation, relocation, or replacement of water mains, hydrants, valves, and associated appurtenances shall be computed as follows:
 - 1) the capacity and the design of the water supply system shall be based on the standards specified by the recommendations provided to the City Council by the City Engineer;
 - 2) the City Engineer shall provide the Applicant with the existing and reasonably anticipated capacity limits of the affected water supply system in terms of average demand, peak demand, and fire demand;

- 3) if the existing system does not have adequate capacity as defined above to accommodate the Applicant's needs, the pro rata share shall be computed as follows:

$$\frac{\text{Applicant's Cost}}{\text{Total cost of enlargement or improvement}} = \frac{\text{Development generated gallons per day to be accommodated by the enlargement or improvement}}{\text{Capacity of enlargement or improvement (gals. per day)}}$$

- c. For Streets or Roads: The Applicant's proportionate share of street improvements, alignment, channelization, barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements not covered elsewhere, the construction or reconstruction of new or existing streets, and other associated street or traffic improvements shall be as follows:

- 1) the City Engineer shall provide the Applicant with the existing and reasonably anticipated future peak-flows for the off-tract improvement;
- 2) if the existing system does not have adequate capacity as defined above, the pro rata share shall be computed as follows:

$$\frac{\text{Applicant's Cost}}{\text{Total cost of enlargement or improvement}} = \frac{\text{Development peak hour traffic to be accommodated by the enlargement or improvement}}{\text{Capacity of enlargement or improvement (peak hour traffic)}}$$

- d. For Drainage Improvements: The Applicant's proportionate share of storm water and drainage improvements including the installation, relocation, or replacement of storm drains, culverts, catch basins, manholes, riprap, improved drainage ditches and appurtenances, and relocation or replacement or other storm drainage facilities or appurtenances, shall be determined as follows:

- 1) the capacity and the design of the drainage system to accommodate storm water runoff shall be computed by the Applicant's engineer and approved by the City Engineer;
- 2) the capacity of the enlarged, extended, or improved system required for the subdivision and areas outside of the Applicant's tributary to the drainage system shall be determined by the Applicant's engineer subject to approval of the City Engineer. The plans for the improved system shall be prepared by the Applicant's engineer and the estimated cost of the enlarged system calculated by the City Engineer. The pro rata share for the proposed improvement shall be computed as follows:

$$\frac{\text{Applicant's Cost}}{\text{Total cost of enlargement or improvement}} = \frac{\text{Development generated peak rate of runoff expressed in cubic feet per second to be accommodated by the enlargement or improvement}}{\text{Capacity of enlargement (total capacity)}}$$

improvement expressed in cubic feet per second)

e. For Other Improvements: The Applicant's proportionate share of other capital improvements shall be computed as follows:

$$\frac{\text{Applicant's Cost}}{\text{Total cost of enlargement or improvement}} = \frac{\text{Development share of enlargement or improvement}}{\text{Capacity of enlargement or improvement}}$$

D. Escrow Accounts. Where the proposed off-tract improvement is to be undertaken at some future date, the monies required for the improvement shall be deposited in a separate interest-bearing account to the credit of the City until such time as the improvement is constructed. If the off-tract improvement is not begun within two (2) years of deposit, all monies and interest shall be returned to the Applicant.

1502.009. Documentation Requirements

A. Purpose. The documents to be submitted are intended to provide the municipality with sufficient information and data to assure compliance with all municipal codes and specifications and ensure that the proposed development meets the design and improvement standards contained in this ordinance. The specification of documents to be submitted is based on the type of development and particular stage of development application.

B. Requirements. The documents and information to be submitted are shown below. In specific cases and for documented reasons, the municipality may waive the submission of a particular document. The reasons for waiver shall be indicated in the minutes of the approving authority.

REQUIRED SUBMISSION DOCUMENTS

Item No.	INFORMATION DESCRIPTION	Sketch Plan	Preliminary Plat	Final Plat
I. PLAT INFORMATION				
1.	Name, address of owner and/or Applicant	X	X	X
2.	Name, signature, license number, seal and address of land surveyor, engineer, architect, or other person involved in preparing the plat.	X	X	X
3.	Name of subdivision - not duplicating the name of any plat previously recorded in the County.	X	X	X
4.	Title block, denoting type of application, county name, and name of City.	X	X	X
5.	A key map at a specified scale showing location of tract with reference to surrounding properties, streets, municipal boundaries, school district boundaries, or other key geographic references within 350 feet of the development property and the date of the survey.	X	X	

Item No.	INFORMATION DESCRIPTION	Sketch Plan	Preliminary Plat	Final Plat
6.	Location of boundary lines in relation to a known section, quarter section, or quarter-quarter section lines comprising a legal description of the property.	X	X	X
7.	List of names and mailing addresses for all property owners located within 350 feet of the property for which the plat is proposed.	X	X	
8.	North arrow and scale (not more than 100' per inch)	X	X	X
9.	Proof of Property Title	X	X	
10.	Title Opinion and Abstract			X
11.	Proof that taxes are current		X	X
12.	Signature blocks for Mayor, City Administrator, and Municipal Engineer			X
13.	Certification Blocks:			
	a. for registered land surveyor indicating that all the monuments shown on the plat actually exist, and their location, size, and material are correctly shown.			X
	b. notarized certification by owner, and by any mortgage holder by record, of the adoption of the plat and the dedication of streets, easements, other rights-of-way, and any lands for public use.			X
	c. for the County Treasurer indicating that all taxes and special assessments against the property have been paid in full prior to recording of the plat.			X
	d. approval and review blocks to be signed by the Planning Commission Chairperson, the City Mayor, and the City Administrator.			X
	e. space for a certificate of review and approval to be signed by the Planning Commission, such as: "This plat of _____ was approved and accepted by the Planning Commission of Winsted at a meeting held this ___ day of _____, 20__."			X
	f. space for a certificate or review and approval to be signed by the City Council, such as: "This plat of _____ was approved and accepted by the City Council of the City of Winsted at a regular meeting held this ___ day of _____, 20__."			X
14.	Boundary lines of adjoining unsubdivided or subdivided land within 350' feet, identified by name and ownership, including all contiguous land owned or controlled by Applicant.	X	X	
15.	Boundary line survey, including measured distance and angles, which shall close by latitude and departure with an error of closure not exceeding one (1') foot in 5,000 feet.		X	X
16.	Acreeage of tract to the nearest tenth of an acre.		X	X
17.	Existing zoning classification for land in and abutting the subdivision and a schedule of zoning district requirements including lot area, width, depth, yard setbacks, lot coverage regulations, open space and parking requirements, the	X	X	

Item No.	INFORMATION DESCRIPTION	Sketch Plan	Preliminary Plat	Final Plat
	location of Shoreland Overlay District boundaries, or other information as needed.			
18.	Monumentation			X
19.	Plat shall be on 22" x 34" sheets or larger.		X	X
20.	Date of original and all revisions		X	
21.	Location and dimensions of any existing or proposed streets.	X (general)	X	X
22.	Dimensions, bearings, curve data, length of tangents, radii, arcs, and central angles for all centerlines and rights-of-way, and centerline curves on streets.			X
23.	Existing electric power lines and street lights.	X	X	
24.	Existing gas and oil pipelines.	X	X	
25.	Existing parks, public lands, and land to be set aside for public use.	X (general)	X	
26.	Existing buildings and structures, size, location, and setbacks.	X (general)	X	
27.	Easements, existing and proposed.	X (general)	X	X
28.	All proposed lot lines and area of lots (sq. ft.), including front and side street setback lines.		X	X
29.	Identification of proposed uses within the development, including specification of the number of dwelling units contained within multi-family structures.		X	
30.	Proposed restrictive covenants if they are to be used for preliminary plat. Restrictive covenants, if any, of all adjoining subdivisions.	X (existing)	X	X
31.	Development stages or staging plans.		X	
32.	List of required regulatory approvals or permits.			X
33.	List of variances required or requested.		X	
34.	Payment of application fees.	X	X	X

II. ENVIRONMENTAL INFORMATION

35.	All existing wetlands or other environmentally sensitive areas on the site.	X (general)	X	X
36.	Identification of all surface water features, lakes and water courses, along with identification of the ordinary high water level of the water feature, as they may fall within the development site.	X (general)	X	X
37.	Location of the 100-year flood plain and floodway district boundaries on the site.	X (general)	X	X
38.	Two copies of a complete topographic map with contour intervals not greater than two (2') feet, superimposed on at		X	

Item No.	INFORMATION DESCRIPTION	Sketch Plan	Preliminary Plat	Final Plat
	least one print of the preliminary plat that extends at least 100' feet beyond the subject property. United States Geologic Survey datum shall be used for all topographic mapping.			
39.	Boundary, limits, nature and extent of wooded areas, specimen trees, and other significant physical features.	X (general)	X	X
40.	Complete drainage concept including proposed grading plan and drainage of site.		X	X
41.	A proposed phasing/staging plan shall be submitted for any project involving more than one construction season. At a minimum the phasing/staging plan shall set forth the chronological order of subdivision build-out, the timing of subdivision build out in relation to installation of improvements, and estimated completion dates. The City Administrator may require additional information be supplied.	X (general)	X	

III. IMPROVEMENTS AND CONSTRUCTION INFORMATION

41.	Proposed utility infrastructure plans, including sanitary sewers, water supply, storm water management, fire hydrants, telephone, electric, and cable TV.		X	X
42.	Soil erosion and sediment control plan.		X	X
43.	Proposed street names.		X	X
44.	Road and paving cross sections and profiles.		X	X
45.	New block and lot numbers.	X		X
46.	Lighting plan and details.		X	X
47.	Landscape plan and details.		X	X
48.	Site identification signs, traffic control signs, and directional signs.		X	X
49.	Vehicular and pedestrian circulation patterns.	X (general)	X	X
50.	Parking plan showing spaces, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.		X	

1502.010. Variances.

A. General. The Planning Commission may recommend a variance from the provisions of this Ordinance when, in its opinion, undue hardship may result from strict compliance. In recommending any variance, the Commission shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making recommendation, the Planning Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions of the vicinity. A variance shall only be recommended when the Planning Commission finds:

1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the Applicant of the reasonable use of the land.
2. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which property is situated.
3. That the variance is to correct inequities results from an extreme physical hardship, such as topography, etc. Economic considerations do not constitute a hardship under this definition, as specified in Minnesota Statutes.

After consideration of the Planning Commission recommendations, the City Council may grant variances, subject to 1, 2 and 3 immediately above. Any recommendations for variances to the City Council in connection with acceptance of the Final Plat of a subdivision shall be made through the Planning Commission.

1502.011. Violations and Penalty.

A. Sale of Lots from Unrecorded Plat. It shall be unlawful to sell, trade or otherwise convey or offer to sell, trade or otherwise convey any lot of land as a part of or in conformity with any plan, plat or replat of any subdivision or area located within the jurisdiction of this Ordinance, unless said plan, plat or replat shall have first been recorded in the Office of the Register of Deeds, McLeod County.

B. Receiving or Recording Unapproved Plat. It shall be unlawful to receive or record in any public office any plans, plats or replats of land laid out in building lots and streets, alleys or other portions of the same intended to be dedicated to public or private use or for the use of purchasers or owners of lots fronting on or adjacent thereto and located within the jurisdiction of this Ordinance unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.

C. Misrepresentation as to Construction, Supervision or Inspection of Improvements. It shall be unlawful for any person, firm or corporation owning an addition or subdivision of land within the City to present that any improvements upon any of the streets, alleys or

avenues of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the City Council or has been supervised or inspected by the City when such improvements have not been so constructed, supervised or inspected.

D. Penalty. Anyone violating any of the provisions of this Ordinance shall be charged with a misdemeanor and if found guilty be fined or jailed an amount determined by the court of proper jurisdiction. Each day a violation is allowed to continue shall constitute a separate violation or offense.

E. Repealer and Signatures. Section 1502 of the City Code, Winsted Ordinance 91-04 entitled "Subdivision Ordinance" and all its amendments is hereby repealed in its entirety and replaced as herein provided. This subdivision ordinance or the content of chapter 1502 shall be in full force and effect from and after its passage and approval as provided by law.