

CITY OF LEWISTON

ORDINANCE NO. _____

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CHAPTER 10 - SUBDIVISIONS

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Part 1: GENERAL PROVISIONS

1001.01 - POLICY

1. It is hereby declared to be the policy of the city to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the city pursuant to the official Comprehensive Plan of the city for the orderly, planned, efficient and economical development of the city.
2. Land to be subdivided shall be of a character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
3. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan and the capital budget and program of the city, and it is intended that enforcement of these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building codes, city code zoning provisions, land use plan and capital budget of the city.

1001.02 - PURPOSES

1. This chapter sets forth the minimum requirements deemed necessary to ensure and protect the health, safety and welfare of the public.
2. More specifically, the provisions of this chapter are designed to:
 - a. Assure that all lands will be developed for the best possible use with adequate protection against deterioration and obsolescence;
 - b. Assure that effective protection is given to the natural resources of the community, especially ground water and surface water areas;
 - c. Encourage well planned subdivisions through establishment of adequate design standards;
 - d. Discourage developments that might adversely affect the local tax base;
 - e. Create neighborhoods which will be of lasting credit to the community;
 - f. Facilitate adequate provisions for transportation and other public facilities;
 - g. Secure the rights of the public with respect to public lands and waters;
 - h. Improve land records by the establishment of standards for surveys and plats;
 - i. Safeguard the interests of the public, the homeowner, the subdivides and units of local government;
 - j. Provide a common ground for understanding between developers and local units of government; and
 - k. Prevent excessive governmental operating and maintenance costs.

1001.03 - JURISDICTION

1. These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of the city and the unincorporated land within two miles of its corporate limits.
2. No land shall be subdivided until:
 - a. The subdivider or his or her agent shall submit a general development plan of the parcel to the Planning and Zoning Commission;
 - b. Obtain approval of the general development plan and preliminary and final approval of the plat itself by the Planning and Zoning Commission and Council; and
 - c. The approved plat is filed with the County Recorder.

1001.04 - ENACTMENT

This chapter is enacted pursuant to § 462.355, subd. 3, Laws of Minnesota, 1959, as amended.

1001.05 - INTERPRETATION, CONFLICT AND SEPARABILITY

1. Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.
2. Conflict with public and private provisions.
 - a. Public provisions. The regulations are not intended to interfere with, abrogate or annul any other city code provision, rule or regulation, statute or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other city code provision, rule or regulation, or other provision of laws, whichever provisions are more restrictive or impose higher standards shall control.
 - b. Private provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided that, where the provisions of these regulations are more restrictive or impose higher standards or regulations than the easement, covenant or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Planning and Zoning Commission or the Council in approving a subdivision or in enforcing these regulations, and the private provisions are not inconsistent with these regulations or determinations thereunder, then the private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

3. Separability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning and Zoning Commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

1001.06 - SAVING PROVISION

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the city under any section or provision existing at the time of adoption of the regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the city, except as shall be expressly provided for in these regulations.

1001.07 - RESERVATIONS AND APPEALS

Upon the adoption of these regulations according to law, any previous subdivision regulations of the city, as amended, are hereby repealed, except as to the sections expressly retained herein.

1001.08 - AMENDMENTS

The Planning and Zoning Commission may, of its own motion or upon petition or at the direction of the Council, cause to be prepared amendments supplementing or changing regulations herein established. Before any proposed amendment can be acted on, a public hearing shall be held by the Planning and Zoning Commission with notice given in the official newspaper at least ten days prior to the hearing. If action is not taken within 60 days of the public hearing, another hearing shall be held with the same procedures.

1001.09 - CONDITIONS

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to the city. The developer has the duty of compliance with reasonable conditions laid down by the Planning and Zoning Commission for design, dedication, improvement and restrictive use of land so as to conform to the physical and economical development of the city and to the safety and general welfare of the future lot owners in the subdivision and of the community at large.

1001.10 - RESUBDIVISION OF LAND

For any change in a map of an approved or recorded subdivision plat, if the change affects any street layout shown on the map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivision, the parcel shall be approved by the Planning and Zoning Commission by the same procedure, rules and regulations as for a subdivision.

1001.11 - VARIANCES

1. General. The Board of Adjustment, on request of the applicant, may grant a variance from strict compliance with the subdivision regulations contained in this chapter when it finds that each of the following conditions exist:
 - a. Application of the subdivision regulations to the land will create an unusual and exceptional hardship not experienced by other property of similar intended use and condition;
 - b. The variance is necessary for the preservation and enjoyment of substantial property rights;
 - c. The authoring of the variance will not be of substantial detriment to the community and will not materially impair the purposes of the subdivision regulations or the public interest; and
 - d. The intended use and conditions of the property forming the basis for granting a variance are not of so general or recurrent a nature as to cause the formulation and adoption of a general subdivision regulation for similar uses and conditions.
2. Conditions. In approving variances, the Board of Adjustment may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements of these regulations.
3. Procedures. A petition for any variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning and Zoning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

1001.12 - ENFORCEMENT AND VIOLATIONS

1. General.
 - a. It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.
 - b. No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of the subdivision has been approved by the Planning and Zoning Commission and Council in accordance with the provisions of these regulations and filed with the County Recorder.
2. Civil enforcement. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalty provision of this chapter and, further, it may be required that the building or premises be restored to its original condition.

1001.13 - DEFINITIONS AND USAGE

1. Usage.
 - a. For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section.

- b. Unless the context clearly indicates to the contrary, the word “herein” means “in these regulations” and the word “regulations” means “these regulations”. A “building” includes a “structure”; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be constructed to include the words “intended, arranged or designed to be used or occupied”.
2. **Definitions.** For the purpose of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.
- a. **ALLEY.** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other streets.
- b. **APPLICANT.** The owner of land proposed to be subdivided or his or her representative. Consent shall be required from the legal owner of the premises.
- c. **BLOCK.** Any combination of land ownership bounded by streets, roads or highways or a combination thereof or by a combination of streets, roads or highways and public parks, cemeteries, railroad right-of-way, streams, lakes or similar human-made or natural physical barriers.
- d. **BOND.** Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Council wherever a bond is required by these regulations.
- e. **BUILDING.** Any structure built for the support, shelter or enclosure of persons, animal, chattels or movable property of any kind, including any structure.
- f. **CITY ENGINEER.** The Minnesota licensed engineer designated by the Council to furnish engineering assistance for the administration of this chapter.
- g. **COMPREHENSIVE DEVELOPMENT PLAN (MASTER PLAN).** A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, or the city and its environs and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan and recommendations for plan execution. A COMPREHENSIVE PLAN represents the Planning and Zoning Commission’s recommendations for the future development of the city.
- h. **CONSTRUCTION PLAN.** The maps or drawings showing the specific location and design of improvements to be installed in the subdivision.
- i. **CROSS WALKWAY.** A right-of-way or easement dedicated to public use, which cuts across or into a block to facilitate pedestrian access to adjacent streets and properties.
- j. **CUL-DE-SAC (COURT).** A maximum uninterrupted length of 600 feet of street having one end open to traffic and being permanently terminated by a circular turn-around for vehicles.
- k. **DEVELOPER.** The owner of land proposed to be subdivided or his or her representative. Consent shall be required from the legal owner of the premises.
- l. **EASEMENT.** A grant by the property owner of the use of a designated portion of land by the public, individuals, groups or corporations for specific purposes.

- m. **ESCROW.** A deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond. The escrow funds shall be deposited in a separate account.
- n. **FINAL PLAT.** All required maps, information and documents as set forth in the subdivision regulations and as required by the Planning and Zoning Commission.
- o. **FRONTAGE.** The side of a lot abutting on a street or roadway.
- p. **FRONTAGE STREET.** Any street to be constructed by the developer or any existing street in which development shall take place.
- q. **GENERAL DEVELOPMENT PLAN.** A sketch preparatory to the preparation of the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the Planning and Zoning Commission as to the form of the plat and the objectives of these regulations.
- r. **GRADE.** The slope of a road, street or other public way, specified in percentage terms.
- s. **IMPROVEMENTS.** See LOT IMPROVEMENTS or PUBLIC IMPROVEMENTS.
- t. **LOT.** A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.
- u. **LOT, CORNER.** A lot situated at the intersection of two streets, the interior angle of the intersection not exceeding 135 degrees.
- v. **LOT IMPROVEMENT.**
 - i. Any building, structure, place, work of art or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of the betterment.
 - ii. Certain lot improvements shall be properly bonded as provided in these regulations.
- w. **MONUMENT.** Concrete and/or metal markers utilized to establish survey points and lot boundaries.
- x. **NON-RESIDENTIAL SUBDIVISION.** A subdivision whose intended use is other than residential, such as commercial or industrial. The subdivision shall comply with the applicable provisions of these regulations.
- y. **OFFICIAL MAP.** A map of the city and/or any portion thereof lying within the incorporated limits, which shows the exact alignment, gradients, dimensions and other pertinent data for highways and major streets and including specific controls for setbacks from the right-of-way of buildings or other physical structures or facilities.
- z. **OPEN SPACE.** An area of land preserved from building development and reserved for the use of the general public or a homeowners' association for the purpose of active and passive recreation and certain necessary community facilities.
- aa. **OWNER.** Any person or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

- bb. **PARK AND RECREATION DEVELOPMENT FUND.** A special fund established by the Council to retain monies contributed by developers in accordance with the “money in lieu of land” provisions of these regulations within reasonable proximity of the land to be subdivided so as to be of local use to the fixture residents of the subdivision.
- cc. **PARKS.** Area of public land developed and maintained primarily as pleasurable landscaped areas providing for both active and passive recreational purposes, including tot-lots, playgrounds, neighborhood parks, play fields and special purpose areas.
- dd. **PRELIMINARY PLAT.** All required maps, information and documents as set forth in these regulations and as acquired by the Planning and Zoning Commission for approval.
- ee. **PUBLIC IMPROVEMENT.** Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. All such *IMPROVEMENTS* shall be properly bonded.
- ff. **RESUBDIVISION.** A change in a map of an approved or recorded subdivision plat if the change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
- gg. **RIGHT-OF-WAY.** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or for another special use. The usage of the term RIGHT-OF-WAY for land-platting purpose shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining the right-of-way and not included within the dimensions or areas of such lots or parcels. RIGHT-OF-WAY intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees or any other use involving maintenance by the maker of the plat on which the RIGHT-OF-WAY is established.
- hh. **RIGHT-OF-WAY WIDTH.** The distance between property lines measured at right angles to the centerline of the street.
- ii. **STREETS.**
 - i. ***ARTERIAL.*** A four-lane street which provides service for intraurban trips at a somewhat lower level of traffic mobility than the expressway. The at-grade intersections should be fully or partially regulated by traffic-control devices to ensure safe and efficient conditions for the arterial traffic. Direct private access onto the street will be permitted but regulated. Under certain circumstances, a frontage road may be needed. Additional right-of-way would be required for the frontage road.
 - ii. ***COLLECTOR.*** A street that serves local traffic and provides for direct private access to abutting land uses. This system channels the local traffic to and from the arterial system and is capable of serving a minimum amount of through traffic.

- iii. **EXPRESS WAY.** Divided roadways which are designed for through traffic and also to serve intraurban travel between major centers of activity in the metropolitan area. The at-grade intersections are usually spaced at infrequent intervals and are fully or partially regulated by traffic-control devices. No direct private access onto the street should be permitted so as to minimize the number of vehicles/vehicle conflicts. If no alternative forms of access are available and frontage roads are warranted, additional right-of-way will be required.
 - iv. **FREEWAYS.** Designed for the safe and efficient movement of high volumes of through traffic, at relatively high speeds. A standard design feature of a FREEWAY is a divided roadway with full control of access by the use of ramps.
 - v. **FRONTAGE ROAD.** Adjacent to a major thoroughfare. Its primary function is to preserve the safety and capacity of the thoroughfare by controlling access to the major street while still providing direct access to the adjoining properties. The roadway of the FRONTAGE ROAD abuts the thoroughfare's right-of-way.
 - vi. **LOCAL.** Offers the lowest level of mobility because service to through traffic is deliberately discouraged. Direct private access to abutting land uses is provided.
- jj. **SUBDIVIDER.** Any person who:
- i. Having an interest in land, causes it, directly or indirectly, to be divided into subdivision;
 - ii. Directly or indirectly, sells, leases or develops or offers to sell, lease or develop, or advertises for sale, lease or development any interest, lot, parcel site, unit or plat in a subdivision;
 - iii. Engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel site, unit or plat in a subdivision; and/or
 - iv. Is directly or indirectly controlled by, or under direct or indirect, common control with any of the foregoing.
- kk. **SUBDIVISION.** Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots or interests for the purpose of offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions, including the re-subdivision. SUBDIVISION includes the division or development of residential and non-residential zoned land, whether by deed, metes and bounds description, lease, map, plat or other recorded instrument.
- ll. **SUBDIVISION AGENT.** Any person who represents, or acts on behalf of, a subdivider or developer, in selling, leasing or developing, or offering to sell, lease or develop any interest, lot, parcel, unit, site or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

- mm. **SUBDIVISION BY METES AND BOUNDS.** Any subdivision containing not more than three lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Master Plan, Official Map, Zoning Chapter or these regulations.
- nn. **SUBDIVISION PLAT.** The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning and Zoning Commission and the Council for approval and which, if approved, may be submitted to the County Recorder for filing.
- oo. **VARIANCE.** Any departure from the requirements of these regulations that is granted by the appropriate governmental agency.
- pp. **ZONING ADMINISTRATOR.** The officer as appointed by the Council to administer these regulations and to assist administratively other boards and commissions.

1001.14 - IMPROVEMENTS, PAYMENT AND PERFORMANCE BONDS

1. **Cost and assessment.**
 - a. The city may finance public works within the limits of sound fiscal policy. A cash deposit equal to the estimated construction costs, determined by the City Engineer, shall be made prior to the authorization of any public works.
 - b. In new subdivisions, the cost of all public works, including all engineering and administrative costs, shall be assessed to the properties benefitted. These costs shall be assessed as follows:
 - i. All storm drainage costs will be paid by the city and assessed on a per lot basis.
 - ii. All sanitary sewer and water main construction costs will be paid by the city and will be assessed on a front foot basis.
 - iii. All service lines will be paid by the city and assessed on a unit basis.
 - iv. All trunk line sewer and water main construction costs will be assessed to the area to be developed on a per lot basis.
 - v. All street construction costs including grading, base, curb and gutter and surfacing will be paid by the city and will be assessed on a per front foot basis.
 - vi. All assessments to the property shall be over a period as determined by the control not to exceed 15 years, with a simple interest rate of 1% over bond rate.
 - vii. Assessment charges shall include all construction, engineering and administrative costs.
 - c. **Option.** The subdivider, at his or her option, may install public improvements in a new subdivision or resubdivision in accordance with the subdivision application.

1001.15 - FEES

1. A filing fee payable to the City of Lewiston shall accompany the application for final review by the Council of each subdivision.
2. The filing fees shall be as set forth and changed from time to time by action of the Council.

Part 2: SUBMISSION OF PLATS

1002.01 - PRELIMINARY PLAT

1. The subdivider shall prepare a general development plan and a preliminary plat, which shall conform to the requirements of this chapter and others, together with improvement plans and other supplemental material as may be specified by the Planning and Zoning Commission and its reviewing agencies.
2. An application shall be filed at least 15 days prior to the meeting of the Planning and Zoning Commission, at which action is desired. After approval, the City Administrator shall send copies of the preliminary plat to each of the following agencies for their comments or recommendations:
 - a. Public Utilities Commission;
 - b. Street Department;
 - c. Park and Recreation Board;
 - d. Sewer Department;
 - e. Fire Department;
 - f. City Engineer;
 - g. County Engineer, if the subdivision is adjacent to a county road;
 - h. State Highway Commissioner, if the subdivision is adjacent to a state highway;
 - i. DNR Commissioner, if the subdivision is adjacent to the floodplain; and
 - j. County Commissioners, if the subdivision lies outside the corporate limits of the city.

1002.02 - PUBLIC HEARING ON PRELIMINARY PLAT

The Planning and Zoning Commission or City Council shall hold at least one public hearing on the preliminary plat. Notice of the public hearing shall be given at least ten days before the date of the hearing by publications in the official newspaper and by written notice mailed to the applicant and to owners of record listed in the office of the City Administrator of all land within 350 feet of the outer boundary of the preliminary plat. The failure to give mailed notice to individual property owners or defects in the notice shall not affect the validity of the proceedings or of any action taken by the Planning and Zoning Commission of the Council. It shall be the responsibility of the subdivider to furnish the city with names and addresses of all owners of property within 350 feet of the development boundaries. The Planning and Zoning Commission shall give a recommendation on the plat to City Council. City Council has final say regarding approval or disapproval of a preliminary plat.

1002.03 - APPROVAL OF PRELIMINARY PLAT

Approval of a preliminary plat shall not constitute approval of the final plat. Unless earlier rescinded by the Council, approval of a preliminary plat is limited to a period of one year after which time the applicant is required to resubmit preliminary plat. Upon application filed with the City Administrator, the

Council may continue the approval for an additional period of time. The application shall be filed at least 20 days prior to expiration of the approval of the preliminary plat.

1002.04 - FINAL PLAT

1. Following approval of a preliminary plat, the applicant may prepare a final plat and shall file with the City Administrator an application for approval of the final plat. The application shall be filed at least 15 days prior to the meeting of the Planning and Zoning Commission, at which action is desired. The City Administrator shall send copies of the application and final plat to each of the agencies which received a preliminary plat for their comments and recommendations.
2. No final plat shall be considered unless it is filed with the City Administrator within the effective period of the approval of the preliminary plat.
3. A final plat shall conform to the requirements of this chapter and all conditions set forth in the approval of the preliminary plat.

1002.05 - REVIEW OF FINAL PLAT

The Planning and Zoning Commission shall review the final plat and the comments and recommendations of the other agencies and shall submit its findings and recommendations in writing to the Council and the applicant.

1002.06 - COUNCIL ACTION; FINAL PLAT

1. The Council shall, by resolution, approve or disapprove the final plat.
2. The reasons for disapproval shall be recorded in the minutes of the Council and reported to the applicant and Planning and Zoning Commission by the City Administrator.
3. No final plat shall be approved by the Council unless satisfactory evidence is filed with the city that all past taxes have been paid in full, that the final plat is in a form acceptable for recording in the office of the County Recorder and until there is deposited with the city the amount of the filing fee to be charged for the recording.

1002.07 - RECORDING FINAL PLAT

Upon approval by the Council, the City Administrator shall record the final plat in the office of the County Recorder as provided by law.

1002.08 - DENIAL OF PLAN AND/OR PLAT

In the case of all subdivisions, the Planning Commission shall recommend denial of, and the City Council may deny, approval of a preliminary or final plat if it makes any of the following findings:

1. That the proposed subdivision, including the design, is in conflict with any adopted component of the Lewiston Comprehensive Plan, Zoning Ordinance, or any other provision of the City Code;
2. That the physical characteristics of this site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development or use contemplated;

3. That the site is not physically suitable for the proposed density of development;
4. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage;
5. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
6. That the design of the subdivision or the type of improvements will conflict with easements of record;
7. That the design will create a significantly higher density than the surrounding areas;
8. That the design will create an undue burden on the City's traffic system or water/wastewater infrastructure.

Part 3: APPLICATIONS AND PLATS

1003.01 - APPLICATION FOR PRELIMINARY PLAT

An application for approval of a preliminary plat shall include the following:

1. A copy of the completed and signed application;
2. A cover letter describing the project including, but not limited to, the number of lots and overall density. The cover letter should also include a written request for any proposed variance and findings to support said variance.
3. Six copies of the preliminary plat on black or blue line prints;
4. Six copies of the preliminary street and sidewalk profile map on black or blue line prints with outside dimensions of 24 inches wide and 36 inches long drawn to a horizontal scale of one-inch equals 100 feet and a vertical scale of one-inch equals ten feet, showing the location of existing and proposed streets and sidewalks, utility easements, depth to rock and ground water along the streets and typical street cross-sections; and
5. Six copies of a vicinity map drawn either on each preliminary plat or on a separate sheet with a scale of one-inch equals 500 feet or more, but not to exceed 1,000 feet, showing existing subdivisions, streets and tracts of land adjoining the proposed subdivision.

1003.02 - APPLICATION FOR FINAL PLAT

1. An application for approval of a final plat shall include the following:
 - a. Two copies of the completed and signed application;
 - b. A cover letter describing the project including, but not limited to, changes between the preliminary and final plat, if any conditions were required in the approval of the final plat, and how the final plat meets all applicable conditions and code requirements;
 - c. Ten copies of the final plat on black or blue line prints;
 - d. One reproducible Mylar of the final plat, each of which shall contain all of the certifications, signatures (except that of the City Administrator and County Recorder), and acknowledgment required to file and record the same in the office of the County Recorder;
 - e. Two copies of a title opinion prepared by an attorney and approved by the City Attorney identifying the owners and persons of record having an interest in the properties being subdivided;
 - f. A copy of boundary closure calculations; and
 - g. Two copies of existing or proposed private deed restrictions, if any.
2. Except for the signature of the City Administrator, the final plat shall be in recordable form and shall include the fee to be charged for filing and recording of the plat in the office of the County Recorder indicating the amount of the fee.

1003.03 - FORMAT

Each preliminary plat shall be prepared by a Minnesota Engineer or Minnesota Registered Land Surveyor. When more than one sheet, it shall be numbered consecutively and shall contain a notation of the total number of sheets (i.e., “2 of 3”). Each plat shall be drawn to scale of one-inch equals 100 feet.

1003.04 - FORM OF PLATS

Preliminary plats and final plats shall be prepared in accordance with the provisions of this chapter and the laws of the state and shall contain the following information:

Preliminary Plat	Final Plat
<i>(All measurements and information shall be accurate)</i>	
1. Identification. Date, scale, north point, and proposed name of the subdivision. The name shall not duplicate or closely approximate the name of any other subdivision in the city.	1. Identification. Same.
2. Legal description. Legal description of the land to be subdivided.	2. Legal description. Same.
3. Principals. Names of the owners of record and registered land surveyors.	3. Principals. Same.
4. Boundaries. Length and bearing of the exterior boundaries of the land being subdivided.	4. Boundaries. Same.
5. Radii and tangents. Approximate radii of all curves and lengths of all tangents.	5. Radii and tangents. Exact radii of all curves and lengths of tangents.
6. Lots and Blocks. Layouts and approximate dimensions of lots and blocks. Lots shall be numbered progressively through each block, and blocks shall be numbered progressively through each plat.	6. Lots and blocks. Layout and exact dimensions of lots and blocks. Lots shall be numbered progressively through each block, and blocks shall be numbered progressively through each plat.
7. Monuments and lot corners. The approximate location of all permanent monuments and lot corners.	7. Monuments and lot corners. The exact location and material of all permanent lot corners and monuments.
8. Existing streets and public uses. Layout, width and identification of existing public streets, easements, drainage ditches, parks and other public property within and adjacent to the proposed subdivision.	8. Existing streets and public uses. Same.
9. Existing utilities. Location of existing sanitary and storm sewer lines, water mains and culverts adjacent to the proposed subdivision with pipe sizes, cross-sectional areas, grades and capacities indicated.	9. Existing utilities. Omit.
10. Other existing features. Location of existing buildings and structures, railroad right-of-way, municipal lines, township lines and lakes, rivers and streams and their known high and low water elevations. Water elevation references shall be the United States Geological Survey Datum. Flood hazard areas shall be clearly labeled.	10. Other existing features. Same, except buildings and structures shall be omitted.

Preliminary Plat	Final Plat
<i>(All measurements and information shall be accurate)</i>	
11. Proposed features. Layout, width and identification of proposed streets, easements, drainage ditches, parks and other property to be dedicated to the public or reserved by covenants for the common use of property owners within the subdivision. Location of proposed sewer lines, water mains, culverts and drainage facilities.	11. Proposed features. Layout, width, and identification of proposed street rights-of-way, easements, drainage ditches, parks and other property to be dedicated to the public or reserved by covenants for the common use of property owners within the subdivision.
12. Topography. Topographic map of the area showing contours as follows: 2-foot intervals where slope is 7 % or less; 5-foot intervals where slope is from 7 % to 15 %; 20-foot intervals where slope is greater than 15 %. All areas of the subdivision to be platted with a slope greater than 25 % must be clearly indicated.	12. Topography. Omit.
14. Zoning. Identification of zoning classification .	14. Zoning. Omit.
15. Dedication. Omit.	15. Dedication. A statement of dedication signed, acknowledged, and witnessed as required by law for recording conveyances. The dedication shall read substantially as follows: “We, the undersigned, certify that we are the sole interested parties in the tract of land described in the foregoing Surveyor's Certificate, which is written on the plat on which this instrument is written, that we have caused the same to be surveyed and platted as. . .Subdivision as shown on said plat and that we do hereby grant and dedicate to the public for public use forever the streets, alleys, avenues, park sites, walks, easements, school facilities and limited accesses as shown thereon.”
16. Certificates. Omit.	16. Certificates. (a) Surveyor — A certificate of the surveyor that the plat was made in accordance with this chapter and the laws of Minnesota, that the plat is a correct representative of the survey, that all distances are correctly shown on the plat, that all monuments have been correctly placed in the ground as shown, and that the outside boundary lines are correctly designated on the plat; (b) Owner — A certificate of the owners in substantially the form as follows: “As owners, we hereby certify that we caused the land described on this plat to be surveyed,

Preliminary Plat	Final Plat
<i>(All measurements and information shall be accurate)</i>	
	divided, mapped, dedicated as represented on the plat." This certificate shall be signed; (c) Taxes — A certificate by the County Auditor that all prior taxes have been paid; acknowledged and witnessed as required by law for recording conveyances; (d) City Administrator — A certificate by the City Administrator that the plat has been approved by the Council; (e) County Surveyor — A certificate that the plat has been checked for surveying accuracy and compliance with applicable state platting laws.
17. Deed restrictions. Omit.	17. Deed restrictions. Copies of proposed deed restrictions, if any, shall be attached to the final plat.

1003.05 - CONVEYANCE OF UNPLATTED LAND OR PORTION OF PLATTED LOT

No conveyance involving a portion of a platted lot or involving unplatted land the conveyance of which is prohibited by M.S. § 462.358, subd. 4, as it may be amended from time to time, shall be made unless approval is first obtained as follows.

1. Portion of platted lots. On application of the owner, the Planning and Zoning Commission may approve a conveyance of a portion of a platted lot under the following circumstances if, in each instance, the new and residual parcels of land which would result from the conveyance meet the frontage and area requirements of Ch. 9 of this code of ordinances:
 - a. When it is desired to detach a portion of a platted lot and add it to an adjoining platted lot; and
 - b. When it is desired to divide two platted lots into not more than three parcels, and the dedication of public utility or street easements is not involved.
2. Unplatted land. On application of the owner filed with the Zoning Administrator, the Council, by resolution, may approve a conveyance by metes and bounds if it is determined that the following conditions exist:
 - a. The restriction against such conveyance will create an unnecessary hardship;
 - b. The conveyance will not interfere with the purposes of this chapter;
 - c. The dedication of the public utility or street easements' is not involved;
 - d. The conveyance involves the division of a parcel into not more than three separate parcels;
 - e. The new and residential parcels of land which would result from the conveyance meet the

frontage and area requirements of Ch. 9 of this code of ordinances.

3. Applications. All applications under this section shall be filed with the Zoning Administrator and shall have attached thereto a surveyor's certificate, legal description and map of the land to be surveyed.
4. Violations. Any owner or agent of the owner of land who conveys a portion of a platted lot or unplatted land in violation of the provisions of this section shall be subject to the same violation provisions as set forth in § 1005.08 of this chapter.

Part 4: DESIGN STANDARDS

1004.01 - GENERAL

The design of each subdivision and resubdivision shall conform to the Comprehensive Plan and shall comply with the design standards contained in this subchapter.

1004.02 - STREET DESIGN

1. The street system of a proposed subdivision shall be designed to facilitate adequate traffic circulation within the subdivision and from the subdivision to adjacent areas.
2. Street arrangements, character, width, grade, location, sight distance and surface material shall be related to existing or planned streets, topography, convenience, safety and their intended ultimate function.
 - a. The arrangement of major streets in a subdivision shall provide for the continuation or projection of existing streets in adjacent areas or conform to a plan approved by the Planning and Zoning Commission where topographic or other conditions make continuance of conformance to existing streets impracticable.
 - b. Collector streets shall be properly related to major streets and designed in a manner so as to supplement the major street system but not to serve in lieu thereof.
 - c. Local streets shall be designed to benefit from the topography, to discourage through traffic and to provide the minimum amount of street necessary for safe access to adjacent property. The use of curvilinear and cul-de-sac streets is allowed where necessary.
 - d. Where a subdivision abuts upon, or contains, an existing or proposed highway, major thoroughfare or railroad right-of-way, the Planning and Zoning Commission may require reverse frontage lots with appropriate screen plantings in the non-access reservation strip; or the provision of suitable access roads parallel to, and on either side of, the highway, major thoroughfare or railroad right-of-way providing access to adjacent properties and affording separation of through and local traffic.
 - e. Streets are designed and laid out so as to have one end permanently closed shall not exceed 600 feet in length, except where the Board of Adjustment has approved additional length due to property limitation or large lot size.
 - f. Turnarounds shall be provided at the permanently closed ends of all streets and shall have a minimum turnaround radius of 50 feet. The Planning and Zoning Commission may approve a "T" or "Y" type turnaround in lieu of the circular turnaround.
 - g. All subdivisions abutting a public lake, river or stream shall provide public access at least 80 feet wide to the low water elevation so that there will be public access at not more than one-quarter mile interval as measured along the false, river or stream shoreline.

1004.03 - SIDEWALK DESIGN

All sidewalks should be constructed parallel with the street and shall be located on the public right-of-way. Sidewalks shall be five feet in width and constructed according to specifications on file at City Hall.

1004.04 - INTERSECTIONS

1. All streets shall intersect at right angles or as close thereto as possible.
2. No street shall intersect another at an angle of less than 70 degrees.
3. More than two streets intersecting at the same location shall be prohibited.
4. Street jogs with centerline offsets of less than 150 feet shall be prohibited.

1004.05 - UTILITY EASEMENTS

Easements for telephone service, electricity, gas lines and other public utilities shall be provided and centered along the rear and side lot lines when needed. The easements shall be ten feet in width and shall be aligned from block to block.

1004.06 - BLOCKS

Block lengths shall not exceed 1,200 feet and shall not be less than 300 feet. Block widths shall be sufficient to provide two tiers of lots of appropriate depth.

1004.07 - LOTS

1. The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and the type of use contemplated. All lots shall comply with the minimum lot frontage and area requirements specified in Ch. 9 of this code of ordinances.
2. Every lot shall abut on a public street a minimum of 40 feet to assure access for fire protection, utilities and other services.
3. Lot remnants which are less than the minimum lot size shall be added to adjacent lots.
4. Side lot lines shall be as near to perpendicular to straight streets as possible. Side lot lines adjacent to curved streets shall be radial to the curved.
5. Residential lots fronting freeways, expressways and major streets, where deemed appropriate by the Council, shall be separated therefrom by the use of frontage roads, parallel streets, service drives or alleys in order to eliminate direct access to the major street.
6. Residential lots shall have sidewalks constructed parallel with streets and shall be constructed in the public right-of-way.
7. Residential lots fronting freeways, expressways and major streets, where deemed appropriate by the Council, shall be separated therefrom by the use of frontage roads, parallel streets, service drives or alleys in order to eliminate direct access to the major street.

8. Residential lots shall have sidewalks constructed parallel with streets and shall be constructed in the public right-of-way.

1004.08 - PARKS, PLAYGROUNDS, RECREATION AREAS AND SCHOOL FACILITIES

In a subdivision, a developer is not required to contribute land for recreational or school facility use, but must contribute money in lieu of land, in the amount equal to 1.5% of the selling price of the total developed subdivision. However, the Council, with recommendation of the Planning and Zoning Commission, reserves the right to purchase a minimum of one-half acre of the development at the current value for city use.

Part 5: REQUIRED IMPROVEMENTS

1005.01 - GENERAL

The following improvements will be required for all new subdivisions and re-subdivisions within the jurisdiction of this chapter and to the specifications as adopted by the Council:

1. Water and sanitary sewer mains and laterals to the lot lines, water hydrants and water main shut-off;
2. Storm sewer, where required, to provide surface water drainage; and
3. Rough grading for roadway and drainage.

1005.02 - MONUMENTS

Durable iron monuments shall be placed at all block and lot corners, all intermediate points on blocks where there is a change in the direction of the block line, at points of curves in streets, at each angle and curve point on the exterior boundary lines of the plat, and at such other points as may be required by the Planning and Zoning Commission. All monuments shall be a minimum of one-half inch in diameter and 15 inches in length.

1005.03 - PUBLIC IMPROVEMENTS

1. All public works shall be constructed in accordance with all applicable state laws and regulations.
2. All public works shall be constructed under the general supervision of the City Engineer as directed by the Council.
3. No individual wells or disposal systems may be constructed, except in areas where the construction of city sewer and water is not feasible.
4. In lands where city sewer and water are deemed by the Council to be not feasible, development may take place if the following requirements are met:
 - a. All land must be platted.
 - b. All lots must have the capabilities of being served by city sewer and water in the future.
 - c. To meet the requirements for a building permit, each home site shall consist of at least three city-sized lots or one lot of equivalent size.
 - d. An individual well may serve up to four homes.
 - e. Each home must have an individual disposal system.
 - f. All wells and disposal systems must be built to all recommended state standards.
 - g. In the event one home is to be built on three or more acres, divisions 4.b, 4.c and 4.d above shall not apply.
5. The City Engineer shall be a duly registered civil engineer according to the laws of the state.

6. Plans for all public works shall be prepared by a registered civil engineer. The plans shall be approved by the Council and the City Engineer.
7. All level datum used within the city shall be referenced to mean sea level datum, 1929 adjustment, as determined by the United States and the state.
8. Public works shall be constructed to the current general specifications of the state's Department of Transportation, the standard utilities specifications of the City Engineers Association of Minnesota and in accordance with the City of Lewiston's current Standard Specification and Details.

1005.04 - STREETS

1. All streets constructed to a minimum width of 36 feet and in accordance with the City of Lewiston's current Standard Specification and Details.
2. All street construction shall be done in at least two stages. Stage one shall consist of utility construction, grading and base construction, and all drainage construction. Stage two shall consist of curb and gutter and surfacing. No more than one stage will be done in any one year.

1005.05 - SIDEWALKS

All sidewalks shall be a minimum width of five feet, located in the public right-of-way and constructed in accordance with the City of Lewiston's current Standard Specification and Details.

1005.06 - SERVICE LINES

1. Sewer service lines must conform with the State Code and the City of Lewiston's current Standard Specification

1005.07 - WATER

All water mains and services shall be constructed in accordance with the City of Lewiston's current Standard Specification and Details.

1005.08 - PENALTY

Every person violates a section, division, paragraph or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful or fails to act when the failure is thereby prohibited or declared unlawful and, upon conviction thereof, shall be punished as for a misdemeanor, except as otherwise stated in specific provisions hereof.