

ORDINANCE NO. 112

AN ORDINANCE OF THE CITY OF HOKAH, HOUSTON COUNTY, MINNESOTA, REGULATING THE SUBDIVISION OF LAND IN THE CITY OF HOKAH, REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSE; ESTABLISHING MINIMUM SUBDIVISION DESIGN STANDARDS; PROVIDING MINIMUM IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER; SETTING FORTH PROCEDURES TO BE FOLLOWED AND PRESCRIBING PENALTIES.

The City Council of the City of Hokah, Houston County, Minnesota, ordains:

SECTION I. As the title thereof indicates, Ordinance no. 112 deals with land development and the subdivision thereof as to lands located within the corporate limits of the City of Hokah prescribing standard lot size and dealing with design standards for developers and sub-dividers to assure that any development activity engaged in the City of Hokah shall be in accordance with acceptable standards and procedures to maintain and enhance land values of not only lands, the subject matter of developments, but other adjacent previously improved lands.

SECTION II. The full text of Ordinance no. 112 is on file in the Office of the City Clerk-Administrator, City Hall, Hokah, Minnesota, marked "Official Copy" and is available for inspection at reasonable times by persons having an interest in the subject matter of said ordinance.

Said ordinance was duly passed and enacted the 7<sup>th</sup> day of December, 1982.

Approved:

Edward Lonkoski  
Mayor

Attest:

Ernest Sloan  
City Clerk-Administrator

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NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOKAH, MINNESOTA:

Article 1. GENERAL PROVISIONS

A. Title

This Ordinance from the date of its passage shall be entitled:

LAND SUBDIVISION REGULATIONS, HOKAH, MINNESOTA

B. Legal Authority

The enactment of this Ordinance is in pursuance of the authority granted by the Laws of the State of Minnesota, Chapter 462.358.

C. Purpose

The general purposes of this Ordinance are: to carry out the policies and goals of the Comprehensive Guide Plan to provide for the orderly, economic and safe development of land and urban services and facilities and to promote the public health, safety, morals, and general welfare. Further this Ordinance is adopted:

To improve land records by establishing standards for surveys and plats, and by requiring accurate legal descriptions of boundaries which will help provide clear title:

To Prevent scattered or premature platting of lots beyond the service areas of existing public utilities and improvements;

To prohibit platting of lots which are un-buildable or very difficult to build on;

To preserve the natural beauty and topography of Hokah and to insure appropriate development with regard to these natural features;

To assure sound layout and to permit economy of construction in new subdivisions;

To secure the reservation of public lands and waters;

To encourage attractive, stable and wholesome community growth by providing procedures for plat review which involve checking by all appropriate officials;

To cause the cost of public improvements to be borne by lot purchasers rather than to permit the cost to become a burden upon existing property owners who have already paid for their improvements; and

To establish minimum improvement standards and design criteria.

D. Geographic Jurisdiction

This Ordinance shall regulate the subdividing of land within the City of Hokah.

E. Use and Interpretation

1. Whenever any subdivision of land shall hereafter be laid out, the subdivision plat and plans of proposed improvements shall, in all respects, be in full compliance with these regulations.
2. Until said plats and plans are approved, properly signed and officially recorded:
  - a. no land shall be subdivided, nor any street laid out;
  - b. No lot or parcel of land, within any subdivision shall be offered for sale nor shall any sales, contract for sale, or option be made or given; and
  - c. No utility services by any public service corporation nor public improvements shall be made.
3. In their interpretation and application, the provisions of the Ordinance shall be held to be the minimum requirements.
4. Where the conditions of this Ordinance conflict with other laws or Ordinances, the regulations which are more restrictive, or which impose higher standards or requirements, shall govern.

## Article 2. RULES AND DEFINITIONS

For the purposes of this Ordinance certain terms and words are herein defined as follows:

### A. Rules.

1. Words used in the present tense shall include the future: and words in the singular number shall include the plural number, and the plural the singular.
2. The word “shall” is mandatory and not discretionary, and the word “may” is permissive.
3. The word “person” includes a “firm,” “association,” organization,” “partnership,” “trust,” “company,” or “corporation,” as well as an individual.
4. The word “lot” shall include the words “tract,” “plot,” “piece,” and “parcel”.
5. The words “used” or “occupied” include the words “intended,” designed,” or “arranged to be used”.

### B. Definitions

Alley – Any strip of land publicly or privately owned, less than fifty (50) feet and more than twenty (20) feet in width between property lines, asset aside for secondary public vehicular access to abutting property.

Arterial Street or Highway – A street or highway of considerable continuity designed primarily to serve as an intercommunication link between various sectors of the area and beyond.

City Council – The City council of Hokah, Minnesota.

Collector Street – A street designed to serve the internal traffic circulation of a recognized land use area which distributes and collects with Arterial Streets or Highways.

Commission – The city Planning Commission of Hokah, Minnesota.

Comprehensive Guide Plan – the general long range master development plan, or any portion thereof, adopted by the city in accordance with the laws of the State of Minnesota.

Cul-de-sac- A comparatively short street having but one end open to traffic and the other end being permanently terminated by a vehicular turn-around.

Final Plat – Shall mean the drawings and documents described in Article 4, B.

Improvements – Street grading, pavement, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, ponds and drainage structures, monuments, street signs, street lights, street trees, wire utilities and other facilities the City of Hokah may ultimately assume the responsibility for in maintenance and operation.

Local Street – A street designed for access to abutting property and not intended to facilitate through traffic.

Lot – Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area required by this Ordinance for a building site in the Zoning Use District in which such lot is situated, and having its principal frontage on a street.

Marginal Access Street – A local street which is parallel and adjacent to highways and arterial with access to abutting private properties only on one side.

Plat – the map, drawing or chart on which the sub-divider' plan of subdivision is presented to the City for approval.

Preliminary Plat – Shall mean the drawings and documents described in Article 4, A.

Sub-divider – The owner of the parcel of land to be subdivided or his authorized representative.

Subdivision – The division or re-division of a lot, tract or parcel of land regardless of how it is to be used, into two (2) or more lots; or the division or re-division of land involving dedication of a new park, walkway, street or other public right-of-way facility, or the vacation, realignment or any other change in existing streets, alleys easements, recreation areas, water or other public improvements or facilities provided, however, that 1) the division of land solely for agricultural purposes into parcels of five (5) acres or more shall not be deemed a subdivision if no public streets, easements and public facilities are involved and 2) the division of a lot for the purpose of attachment to contiguous lots provided no residual plot is left unattended.

### Article 3. PROCEDURES FOR PLATTING

The following procedures are established for the administration of this Ordinance and no plat shall be recorded until the proposed subdivision has been reviewed and approved by the Planning Commission. Planned unit developments and plans for any combination of users shall be presented in the same manner as plats for the review of the Commission.

#### A. Pre-Application Meeting

1. Prior to the submission of any plat for consideration by the Commission, the sub-divider shall meet with the Planning Commission or any individual to whom the commission may delegate this responsibility to introduce himself as a potential sub-divider and learn what shall be expected of him in that capacity. An initial informal sketch of the proposed plat over a print of a topographic map or other suitable sketch and a tentative proposed improvement list will be required. The sketch shall also show the

relationship of the land to be platted to surrounding subdivisions. The sub-divider shall familiarize himself with provisions of the Comprehensive Guide Plan affecting the use of his property, and he shall satisfy himself that the zoning is appropriate for his intended use of the property.

2. The purpose of the pre-application conference is to afford the sub-divider an opportunity to avail himself of the advice and assistance of the Commission and staff before preparation of the preliminary plat and before formal application for its approval, in order to save time and money and to make the most of his opportunities. The sub-divider is then advised to engage a land planning specialist. He should also consult with the ultimate users of the development and lending and mortgage institutions.

#### B. Preliminary Plat

1. The sub-divider shall submit to the City Clerk twelve (12) copies of a preliminary plat of his proposed subdivision. The preliminary plat shall be submitted to the City Clerk not less than two (2) weeks prior to the next regularly scheduled Commission meeting and shall be accompanied by a fee of two hundred (\$200) dollars plus five (\$5) dollars for each lot payable to the City of Hokah.

2. The City clerk shall determine whether the preliminary plat is in proper form, the fee has been paid and all requirements have been met.

3. The city clerk shall promptly submit one copy each of the preliminary plat to the Mayor, the Chairman of the Commission, the City Attorney, the city Engineer, the city Planner, if any, an official of the Fire Department and Water works, the District Engineer of the Minnesota Department of Transportation if the plat borders a State Aid Highway,, the Minnesota Department of Natural Resources if the plat includes flood plains, and one copy each to each company providing electric, gas, and telephone services with a request for their reactions to be presented at the next regularly scheduled Commission meeting.

4. The Chairman of the commission shall set a hearing date and the City Clerk shall give notice in the official newspapers at least ten (10) days before the day of the hearing.

Upon completion of the public hearing the Commission shall review the preliminary plat considering the reactions from interested parties and take appropriate action. If recommended for approval, the Commission shall, by written report, express its action as a conditional approval and shall recommend the conditions of such approval, if any; or if recommended for disapproval, shall express its reasons therefore.

5. The council shall consider the recommendation of the commission and shall take action on the application within sixty (60) days of the public hearing. The action of the council shall be recorded on the copies forwarded by the commission and one copy shall be kept as a permanent record by the City Clerk.

6. Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather it shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the reparation of the final plat.

7. Conditional approval of a preliminary plat shall be effective for a maximum period of two (2) years except that submission within this period of a final plat applying to at least a portion of the area covered by the preliminary plat shall extend the effective period of conditional approval to a maximum of sixty (60) months from date of conditional approval.

#### C. Final Plat

1. The owner or sub-divider shall file six (6) copies of the final plat and a guarantee of performance with the City Clerk at least two (2) weeks before the next regularly scheduled Commission meeting. These copies of the final plat shall conform substantially to the preliminary plat as conditionally approved. Final plat approval shall become null and void on all plats which are not filed within the time herein specified

unless an extension is requested in writing to the Council and for good cause granted by the Council in writing.

2. The sub-divider may file a final plat limited to such portion of the preliminary plat which he proposes to record and develop at one time, provided that such portion shall conform to all requirements of this ordinance.

3. The City Clerk shall refer one (1) copy of the final plat to the Mayor, one copy to the Chairman of the Commission, one copy to the City Engineer, and one copy to the City Attorney for their review and report.

4. The Commission, City Attorney, and the City Engineer shall check the final plat to see that it is in substantial agreement with the preliminary plat as approved and that it meets all ordinance and regulations of the City. If the commission recommends approval, such approval shall be entered upon the tracings by the Chairman. If the Commission disapproves, it shall transmit its reasons to the council and provide the applicant a copy. The commission shall act on the final plat within thirty (30) days of filing.

5. Within sixty (60) days of filing the council shall take action. If the council approves, such approval shall be entered upon the tracings by the Mayor and City Clerk. Approval by the Council shall be by resolution setting forth all conditions upon which approval is predicated. If the council disapproves, it shall set forth its reasons and provide the applicant and Commission with a copy.

6. The final plat shall not be recorded until the guarantee of performance is accepted by the Council. A certificate to that effect shall be issued on demand and shall accompany the final plat.

#### D. Filing

1. The final plat, if approved, shall be filed with the Houston County Register of Deeds. Any approval of the final plat by the Council shall be null and void if the plat is not recorded within thirty (30) days after the date of approval. A stable base polyester reproducible duplicate and six (6) paper prints of the final plat, after the plat has been recorded, shall be filed with the City Clerk. No building permit shall be issued nor construction started until the recorded duplicate has been returned to the City.

2. Approval of the final plat shall not be deemed to constitute or affect acceptance by the City of any improvement shown on the plat.

### Article 4. PROCEDURES FOR RE-SUBDIVISION OF LAND AND THE VACATION OF PLATS.

#### A. Re-subdivision of Land

1. Procedure for Re-subdivision. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such 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 subdivisions, such parcel shall be approved by the Planning Commission by the same procedure, rules, and regulations as for a subdivision.

2. Procedure for Subdivisions Where Future Re-subdivision is Indicated. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be re-subdivided into small building sites, the Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

#### B. Vacation of Plats

1. Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.
2. Such an instrument shall be approved by the Planning Commission in like manner as plats of subdivisions. The Council may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
3. Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
4. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

#### Article 5. PRESENTATION REQUIREMENTS FOR PLATS

The Plats shall be prepared in either a size of 20 by 30 by 40 inches and at a minimum scale of one (1) inch equals one hundred (100) feet on a stable polyester reproducible base. Plats shall contain the following information:

##### A. Preliminary Plat

##### 1. Identification and Description

- a. Proposed name of subdivision, which name shall not duplicate or be similar in pronunciation to the name of any plat heretofore recorded in the City and County.
  - b. Legal description including location by section, town and range.
  - c. Names, addresses and phone numbers of the owner, sub-divider, engineer, and surveyor of the plat.
  - d. Graphic scale, north point, and date of survey.
  - e. Boundary line of proposed subdivision clearly indicated by bearings and distances to section lines and corporate limit lines.
  - f. Total approximate acreage of proposed subdivision.
2. Existing conditions in tract and in surrounding area to a minimum distance of three hundred (300) feet.
- a. The name and location of adjacent subdivisions,.
  - b. Platted streets, railroad right-of-way, easement lines of record limited to the plat itself, parks and schools.
  - c. Boundary lines and ownership of adjoining land.
  - d. Location, size and invert elevations of sewers, water mains, culverts, gas mains, drains, transmission lines or other underground facilities.
  - e. Permanent buildings, structures, hydrants and utility poles and lines, limited however to the plat itself and the surrounding area to a minimum distance of seventy (70) feet.
  - f. Lakes, watercourses, marsh areas, areas subject to flooding, rock outcrop, wooded areas, isolated trees of one foot or more diameter, contours at vertical intervals of not more than two (2) feet with drainage indicated at all subject property boundaries, indication of top of banks and toe of steep slopes, and such other information such as soil tests or depth to ground water if requested by the Commission or staff to aid in their review. All elevation data shall be mean sea level.
  - g. The existing zoning classification of the tract and adjoining properties.

##### 3. Proposed Subdivision Design Features.

- a. layout, numbers, dimensions and size in square feet of all lots.
- b. Location and area of all land intended to be dedicated to public use or reserved in the deeds for use of all property owners in the subdivision.

c. Proposed layout and width of all improvements including streets and easements showing street numbers or names, parks, walkways, and other public areas. The name of any street heretofore used in the City shall not be used, unless the proposed street is an extension of an already named street, in which event the name shall be used. The street layout shall include all contiguous land owned or controlled by the sub-divider and be shown in relation to streets and alleys of adjacent subdivisions.

d. Proposed street grades and drainage plan.

e. A general statement with drawings indicating proposed methods for providing water, storm water and sanitary sewage facilities.

f. A vicinity map at a scale of not less than two thousand (2,000) feet to the inch showing the location of streets, major drainage courses, and the location of and the distance to the nearest subdivision and how the streets may connect with those of the nearest subdivision.

g. Accompanying documents shall include an abstract of title, an attorney at law's opinion and a draft of protection covenants, if any, whereby the sub-divider proposes to regulate land use and otherwise protect existing natural features and future improvements within the proposed development.

h. The proposed uses of land, giving the type and number of dwelling units and the type of business or industry.

#### B Final Plat

1. Title under which the subdivision is to be recorded.
2. Names and addresses of the owners and sub-dividers.
3. Date, scale shown graphically, north point, a key map showing the general location of the subdivision and the total area of the plat.
4. Legal description including location by section, town, and range.
5. Boundary line of plat with distances and bearings and tied to corners of sections or half-sections.
6. The location and description of bench marks and all monuments erected.
7. The exact length, width, bearing, radii, points of curvatures and tangency, length of arcs, etc. of the lands surveyed and divided, and of all block lines, lot lines, public grounds, streets, alleys, and easements. Dimensions shall be expressed in feet and decimals of a foot to the nearest one hundredth of a foot.
8. Name and or number of all streets within and abutting the plat, block and lot numbers, and the purpose for all easements and public grounds.
9. Lake or stream shore meander lines, flood plain, floodway, and top and toe of bluffs.
10. Other information as required under provisions of Minnesota State Statutes.
11. Certifications of ownership, accuracy of land survey, conveyance of streets and public lands, easement grants, performance guarantee, plat approval and other legal requirements by the City Attorney and Council.
12. Final plans and specifications for improvements, approved by the City Engineer and signed by the owner and sub-divider, shall accompany the Final Plat. Where rights-of-way are to be dedicated to the county, both the City Engineer and county Engineer shall approve the plans. The Engineer shall check the plat for conformance to these regulations.

#### Article 6. DESIGN STANDARDS FOR PLATS

The following regulations control the manner in which streets, lots and other elements of the sub-division are arranged on the land.

A. General

1. The subdivision shall conform to the Hokah Comprehensive Guide Plan and the Hokah Official (Streets) Map; if any.
2. The subdivision shall be designed to serve potential building sites in the most advantageous manner according to current planning concepts as defined by the City Planner if any.
3. Land subject to flooding, improper drainage, erosion, or of slope deemed unsuitable for commercial or residential use, shall not be platted for occupancy nor shall such land be platted for other use as may continue such conditions, or increase danger to health, safety, life or property. In general, such lands shall be dedicated for public use if the City agrees to accept them.

B. Streets and Alleys

1. The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of storm waters and to the proposed uses of the area to be served.
2. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. When a new subdivision adjoins un-subdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of such un-subdivided land.
3. The following table of standards for street design shall be observed by the sub-divider:

| Street Type  | Minimum Right-Of Way Width<br>(lot line to lot line) | Minimum Road-Way Width | Max Gradient | Min Gradient |
|--|--|------------------------|--------------|--------------|
| Arterial   | 100 Ft.  | 30 Ft.                 | 4%           | 0.7%         |
| Collector and Industrial                                     | 80 Ft.   | 28 Ft.                 | 6%           | 0.7%         |
| Local Streets  | 60 Ft.   | 22 Ft.*                | 8% **        | 0.5%         |
| Cul-de-sac and Short loop streets for single family use only | 50 Ft.   | 20 Ft.                 | 9% **        | 0.5%         |

\* 28 feet for blocks intended for multi-family use or where parking is allowed.

\*\* Steeper grades to a maximum of 10% may be allowed by the Commission.

4. Tangents of at least one hundred (100) feet in length shall be introduced between reverse curves on collector streets and fifty (50) feet on lesser streets.
5. Where new streets extend existing adjoining streets, their projections shall be at the same or greater width, but in no case less than the minimum required width.
6. Local streets shall be so aligned that their use by through traffic will be discouraged.
7. Street jogs with center line offsets of less than one hundred fifty (150) feet shall be avoided.
8. Insofar as practical, street intersections shall be at right angles and no intersection shall be at an angle of less than sixty (60) degrees. It must be evidenced that safe and efficient traffic flow is encouraged.
9. No dead-end streets shall be approved unless said streets are provided to connect with future streets on adjacent land.
10. Maximum length of permanent cul-de-sac streets shall be six hundred (600) feet measured along the center line from the intersection of origin to end of right-of-way. Each cul-de-sac shall be provided at the closed end with a turn-around having a minimum

outside roadway diameter of eighty (80) feet and a minimum street property line diameter of one hundred ten (110) feet. Loop streets are preferred over long cul-de-sac streets.

11. Half-streets shall be prohibited except where the city finds a better design will result and it will be practical to require the dedication of the other half of an arterial or collector street when the adjoining property is subdivided. Reserve strips controlling access to streets shall be prohibited except when owned by the City of Hokah.

12. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

13. The provision for alleys shall be discouraged, but when provided, the minimum right-of-way shall be twenty (20) feet, and the roadway shall be the full width of the right-of-way.

14. A building set-back line safeguarding future street widening or other public improvement may be required by the City.

### C. Easements

1. Easements shall be provided for utilities, where necessary. They shall be centered on rear and other lot lines. They shall have continuity of alignment from block to block. At deflection points, easements for pole line anchors shall be provided where necessary.

2. Where 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 substantially in alignment with the lines of such water course, together with such further width for construction or both, as will be adequate for storm water runoff. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy runoff.

3. Easement widths shall be as determined by the City Engineer, except on easement for utility or drainage purposes shall be less than twelve (12) feet in width.

### D. Blocks

1. The lengths, widths and shapes of blocks and lots shall provide for adequate building sites suitable to the special needs of the use contemplated; provide for convenient access, circulation, control and safety of traffic and provide for the limitations and opportunities of topography.

2. Block lengths shall not exceed 1,500 feet and, if possible, shall not be less than four hundred (400) feet in length. In blocks longer than eight hundred (800) feet, a pedestrian crossway with a minimum right-of-way of twelve (12) feet may be required near the center of the block. The use of additional walkways and access-ways to schools, parks, scenic points and other destinations may also be required.

3. A block shall be so designed as to provide two (2) tiers of lots of appropriate depth unless it adjoins a railroad, highway or arterial street and unless the rear lot line abuts a different land use, or topographic conditions necessitate a single tier of lots. In these cases, the lot depth shall be at least twenty-five (25) feet greater than minimum requirements.

### E. Lots

1. Every lot shall front on a publicly dedicated street.

2. Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on two (2) parallel streets shall be permitted only under unusual circumstances.

3. Minimum lot sizes within the City shall conform to zoning regulations in force. Corner lots shall be platted at least eighty (80) feet wide. Minimum street frontage shall be thirty-five (35) feet.
4. Residential lots, served by septic systems, shall be minimum of one hundred (100) feet wide at the building line and shall have a minimum area and depth as recommended by the City Engineer, provided further that no such lot shall have an area less than twenty thousand (20,000) square feet.
5. 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 un-useable out-lot or parcel.
6. Residential lots on major street intersections and at other intersections having restricted vision clearance due to topographic or other conditions may be required to have a radius of twenty (20) feet at the street corner.

#### F. Public Lands

1. Because subdivision activity creates a need for a full range of public facilities, the City shall require the dedication of a part of the subdivision for public use, up to twelve (12) percent of the area, provided that land so dedicated conforms to the development objectives of the city as expressed by the comprehensive Guide Plan. A cash payment in lieu of dedication may be made at the discretion of the City. The City will not approve a site which is undesirable for the proposed use.
2. If the Comprehensive Guide Plan requires a public space larger than twelve (12) percent of the area of the subdivision, the sub-divider shall reserve the area in excess of the dedication requirement for the purchase by the appropriate public agency within three (3) years from the endorsement date of the final plat. The price shall be at agricultural use value as determined at time of subdivision.

#### G. Natural Features

1. In the subdivision of land, due regard and care shall be shown for all natural features and historic sites which, if preserved, will add attractiveness and stability to the proposed development.
2. Hillside Regulations. On any hillside where the average slope is twelve (12) percent or more the sub-divider shall submit sufficient detailed information as to geologic conditions and soil types so the City Engineer can make a determination as to the safety of the development in the particular location. The City Engineer shall determine the average slope of each site. Each one percent increase of slope over 10 percent shall increase the required lot width by four (4) feet and the required lot area by two thousand (2000) square feet. No cut or fill will be permitted so as to create a slope exceeding a vertical rise of one (1) foot for each three (3) feet of horizontal distance. No development will be permitted which will leave a permanent non-forested scar on the slope, or will make a material change on the site or will materially change the site relationship with surrounding areas.

#### H. Protective Covenants

The sub-divider is encouraged to further restrict the use of land within the subdivision to achieve better development. However, any covenants which do not assist orderly, efficient, integrated development and promote the general welfare of the community in the opinion of the Commission may constitute grounds for disapproval of the plate.

## Article 7. REQUIRED SITE IMPROVEMENTS

Before the City approves a Final Plat, the sub-divider shall give satisfactory assurance of the provision of the following improvements:

### A. Monuments

1. Concrete monuments shall be set flush with the finished grade and shall be at least four (4) inches in diameter or square, three (3) feet long with the top of the monument containing a cross or metal pin to identify properly the location of the point. Said concrete monument shall be placed at all sub-division boundary corners, angle points, points of curvature, block corners, and as otherwise directed by the City Engineer.
2. All lot corners shall be marked with metal pins not less than one-half (1/2) inch in diameter and twenty-four (24) inches long set flush with finished grade.
3. A permanent benchmark 4"x4"x4' with a brass plate inscribing the number and elevation shall be accessibly placed within subdivisions exceeding one acre when directed by the City Engineer, the elevation of which shall be referred to the U.S. G. S. datum and accurately noted on the subdivision plat.
4. All official benchmarks, monuments or triangulation stations shall be preserved in precise location.

### B. Grading and Surface Drainage

1. Grading and the provisions of surface drainage facilities shall minimize damage to the natural features of the subdivision and avoid erosion onto adjoining properties. Six (6) inches of topsoil shall be placed to cover all non-building areas after grading. Sod and/or grass seed shall be used and maintained to stabilize the soil and to avoid weed growth.
2. Grading shall be accomplished in such a manner as to prevent ponding in excess of eight (8) inches in the event of a complete failure of the storm sewer system. Grades shall be established in order to prevent flooding of basement windows or entryways during heavy storms.
3. Drainage easements shall be provided in all cases when surface waters from more than one (1) lot are conveyed down a property line.
4. All street and alley rights-of-way shall be graded to full width and to the line and in a manner approved by the city Engineer. The grade of all streets, alleys and sidewalks shall be established by the City.
5. Where development is permitted within Flood Plain districts indicated on the Zoning Map of Hokah, principal building sites are to be filled and graded so that the first floor and basement floor will be at a point no lower than one (1) foot below the flood protection elevation for the principal building site and shall be designed to extend at such elevation at least fifteen (15) feet beyond the limits of the anticipated structure. However, no filling or excavation shall be permitted which will adversely affect the capacity of floodways and tributary channels, drainage ditches or other drainage facility. The City Engineer shall approve only those improvements which provide adequate protection from floods.

### C. Storm Water Drainage System

1. The Planning Commission shall not recommend for approval any plat of subdivision which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any

sanitary sewer system. A copy of design computations shall be submitted along with plans.

2. The system shall be constructed in accordance with plans and specifications of the City and at grades established by the city. The design shall be based upon rain storms of ten (10) year frequency and to carry the runoff anticipated from the full development of tributary areas at the density indicated on the comprehensive guide Plan. In addition the major water course in each watershed, as defined by the city, shall be designed to accommodate at least rain storms of one hundred (100) years frequency at full development.

3. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the City Engineer. However, in subdivisions containing lots less than 12,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivisions and be conducted to an approved out-fall.

4. If a connection to a public storm sewer will be provided eventually, as determined by the city Engineer and the Planning Commission, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat received final approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.

5. When drainage channels are constructed, the velocity of flow in an open turf gutter shall not exceed six (6) feet per second. Limestone block gutters will be required if velocity of flow is greater than six (6) feet per second or if it is otherwise likely that destructive erosion will result.

6. All culverts are to extend across the entire right-of-way. Driveway culverts shall be minimum of twenty (20) feet in width and twelve (12) inches in diameter. Headwalls shall be of limestone when required.

7. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provisions has been made for the improvement of said potential condition in such sum as the Planning Commission shall determine.

8. Where a subdivision is traversed by a watercourse, drainage-way, channel, or stream, there shall be provided a public storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose, including maintenance vehicle access along one side. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

#### D. Sanitary Sewage

1. The sub-divider shall make adequate provision for the disposal of sanitary sewage from the platted area. He shall at this expense construct a sanitary sewer system including all necessary pumping stations, pumping equipment, manholes and laterals to the street right-of-way lines to provide for the discharge of sanitary sewage from all lots or parcels of land, within the platted area to connection with the city's sanitary sewers. The sewerage system shall be constructed in accordance with the plans and specifications of the city and at the sewer grades as established by the city.

2. proposed single family subdivisions on lots over 20,000 square feet which will be located outside the city limits and will be one mile from a sanitary sewer, and where in the opinion of the Planning Commission the subdivision will not be reasonably accessible

to a sanitary sewer within fifteen (15) years, the sub-divider may serve the lots with individual disposal systems approved by the City Engineer.

#### E. Water Supply System

1. The sub-divider shall construct a water main system and fire hydrants to adequately serve all lots or parcels of land within the platted area and shall connect the same to the city's existing water mains. The water main system shall be constructed in accordance with plans and specifications of the city and shall not be less than six (6) inches in diameter. The installations, construction and sterilization of the water mains shall be under the supervision and inspection of the city Engineer, and the owner may be required to pay a reasonable charge for the engineering, inspection and sterilization service. The water mains shall, upon inspection, approval and acceptance by the city, become the property of the city.

2. The sub-divider may install individual wells in proposed single family subdivisions which will be located more than one mile from a public water supply system and where the lots will be over 20,000 square feet in area and where in the opinion of the Planning commission the subdivision will not be reasonably accessible to a public water supply within fifteen (15) years.

3. Fire hydrants shall be located at block corners and not otherwise further apart than five hundred (500) feet.

#### F. Street Paving, Curbs, Gutters and Sidewalks

1. The sub-divider shall pave all streets and install curbs and gutters where required. The street improvement shall be constructed in accordance with the plans and specifications of the city, and shall adequately reflect the classification of the street, its location and anticipated volume of traffic. The sub-grade shall extend at least two (2) feet each way beyond the paved surface and the paved surface shall not be less than a five-ton design on local streets. Collector streets shall be designed of not less than non-tom design. Minimum roadway radius shall be twenty (20) feet. The installation of the streets is under the supervision of the City Engineer.

2. Curbs and gutters shall be required in all subdivisions where the average lot size is ten thousand (10,000) square feet or less.

3. Sidewalks and crosswalks shall be provided by the sub-divider where considered desirable by the Planning Commission for the protection of the public. Such areas shall include, but shall not be limited to, all arterial streets, all subdivisions where the average lot size is eight thousand (8000) square feet or less, and all commercial development.

#### G. Street lights and Street Name Signs

Street lights and street name signs shall be provided by the sub-divider according to the specifications of the city and the plans of the Commission.

#### H. Street Trees

The parking shall be graded and seeded according to the city specifications, and a minimum of one street tree per lot shall be placed and the kind of tree shall conform to the plans of the Commission if any.

#### I. Public Telephone, Electric Utility (15KV and below) and other Wire Utilities

Underground service shall be required except by variance by the Council. The sub-divider shall be responsible for making necessary arrangements for the installation of such facilities, shall assure that they do not interfere with other underground utilities and that incidental appurtenances, such as transformer enclosures, etc. shall be located so as not to be unsightly or hazardous to the public.

#### J. Other Improvements

The Council may require the installation of other improvements recommended by the Commission and/or City Engineer.

### Article 8. PROCEDURES FOR IMPROVEMENTS

#### A. Improvements paid for by Sub-divider

Before the final plat shall be recorded the sub-divider shall guarantee the construction of all improvements in accordance with approved plans and specifications and insure completion of the improvements within an approved specified time. All sewers, waterlines, drainage facilities, street improvements, sidewalks, street lights and other designated improvements shall, upon inspection, approval and acceptance by the city, become the property of the city or county under Article 5, H., 12.

#### B. Detained Engineering Plans

1. All engineering plans shall bear the signature and seal of the Professional Engineer under whose directions they were prepared. Two (2) prints of preliminary plans and two (2) prints and a reproducible ink-on-cloth or polyester set of final plans shall be submitted to the City Clerk.
2. After conditional approval of the preliminary plat and prior to submission of the final plat the sub-divider shall submit preliminary engineering drawings to the City Engineer for his inspection. They should include all anticipated site improvements but final street grades, and details are not required at this point.
3. Final construction plans shall be submitted for approval with the final plat. The city Engineer shall review these plans for compliance with the requirements of the City.

#### C. Construction and Inspection

1. Specific permission of the city Engineer shall be secured before commencement of construction of any improvement. No substantial deviation from the approved plans and specifications will be allowed without the written permission of the Council. Field changes may be allowed by the City Engineer.
2. The selection of contractors and subcontractors is subject to approval by the City Council.
3. Work shall be available for inspection by the City Engineer as required. The sub-divider or his contractor shall notify the City Engineer when work is to be started, and if abandoned, when restarted.
4. The sub-divider shall pay for all inspection costs. Upon completion of each improvement the sub-divider shall notify the city Engineer in writing.
5. The City Council may by resolution accept improvements after receipt of a written notice of a satisfactory final inspection by the City Engineer and the posting of a maintenance guarantee.

6. The Board of County Commissioners may accept improvements outside the city limits when the city has requested dedication be made to the county under 5, B. 12. In this case all references to the City Engineer in Articles 8 and 9 shall mean County Engineer.

#### D. Guarantee of Performance

1. The sub-divider shall provide a guarantee for the completion of all improvements within a period of two (2) years after approval of the final plat. Said guarantee shall be not less Than one hundred fifteen (115%) percent of the City Engineer's approved estimate of the cost of construction and may take the form of either a surety bond or a certified check.
2. In the case of streets not wholly within the proposed subdivision, streets where adjacent property owners are involved or similar conditions, the sub-divider may petition the Council to have the necessary improvements constructed and assessments levied against the property.
3. The sub-divider shall maintain all improvements until accepted under Article 8.C. after completion as verified by the inspection of the City Engineer. Maintenance shall be guaranteed by cash or maintenance bond in the amount of five (5%) percent of the estimated cost of the improvements.
4. If the required improvements are not completed within the required time or if improvements are not satisfactorily maintained for the required time, the sub-divider shall be automatically in default and the guarantee of performance shall be applied by the City to the cost of completing or restoring said improvements.

### Article 9. ADMINISTRATION

#### A. Enforcing Officer and Appeals

This Ordinance shall be administered by the Planning Commission except as specifically provided herein. The City Engineer is hereby designated the enforcing officer. Any party aggrieved by a decision of the City Engineer, City Clerk or Planning Commission may file a written appeal within forty-five (45) days thereafter to the City Council. The City Council shall receive testimony and pass on the appeal.

#### B. Building and Occupancy Permits

No building permit shall be issued by any governing official for the construction of any building, structure or improvement on any land henceforth subdivided until all requirements of this Ordinance have been fully complied with. No certificate of occupancy shall be granted for the use of any structure within any subdivision approved for platting until required utilities and roadways have been installed and made ready for service to the property.

#### C. Metes and Bounds Description

No Conveyance of land shall be recorded or filed if the land is described in the conveyance by metes and bounds or by reference to an unapproved land survey made after the effective date of this Ordinance. The foregoing provision does not apply to a conveyance if the land described:

1. Was a separate parcel of record at the date of adoption of this Ordinance.
2. Was the subject of a written and notarized agreement to convey entered into prior to such time.

#### D. Variances and Exceptions

1. When the sub-divider can show that a provision of these regulations, if strictly adhered to, would cause unnecessary hardship, and when in the opinion of the commission, because of topographic or other non-self-inflicted condition peculiar to the site, a departure may be made without destroying the intent of such provisions, nor interfering with carrying out the Comprehensive guide Plan, the commission may vary, modify, or waive the requirements so that justice may be done and the public interest secured.

2. In no case shall any variation or modification be more than a minimum easing of the requirements, and the Commission may require such conditions of approval as will, in its judgment, secure substantially the objectives of the requirement so varied or modified.

#### E. Amendments

The City Council may amend the procedures, standards, requirements and other provisions of this Ordinance upon recommendation of the Planning Commission and after duly holding a public hearing thereon.

#### F. Validity

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

#### G. Penalties

1. Any person who unlawfully violates any of the terms or provisions of this Ordinance shall be charged with a misdemeanor, punishable by a fine of not more than one hundred (\$100) dollars and/or by imprisonment not exceeding thirty (30) days. Each day such violation is committed or permitted to continue shall constitute a separate offence and shall be punishable as such hereunder. All fines for violations shall be paid to the city and shall be credited to the general revenue fund.

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

3. Mandamus proceedings may be instituted in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

#### H. Effective Date

This Ordinance shall take effect and be in force from and after the date of its adoption and publication.

Passed this 7<sup>th</sup> day of December 1982

Edward Lonkoski  
Mayor

Ernest Sloan, City Clerk

Filed 12/31/81