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ARTICLE I. IN GENERAL.

SEC. 13-1. DEFINITIONS.

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alleys. Minor ways which are used primarily for vehicular service access to the backs or to the sides of properties which otherwise abut on streets.

Arterial Streets and Highways. Those streets and highways designed or utilized primarily for high vehicular speeds and/or for heavy volumes of traffic.

Block. The distance as measured along a street between intersecting streets from center line to center line; and where the context requires, the enclosed area within the perimeter of the streets or property lines enclosing it.

Collector Streets and Highways. Those streets and highways designed or utilized to carry intermediate volumes of traffic from minor streets to arterial streets.

Commission. The Planning Commission of Mower County, Minnesota.

Drainage course. A water course or indenture for the drainage of surface water.

Easement. A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage courses and gas lines.

Engineer. A duly qualified civil engineer.

Local Streets. Those streets which are used or will be used primarily for access to abutting properties and which carry limited volumes of traffic.

Lot. A piece or parcel of land occupied or to be occupied by a building or a use, or as a unit for the transfer of ownership.

Lot width. The dimension of a lot measured on the building set back line.

Map. A drawing showing one or more parcels of land.

Parks. Areas of public land developed and maintained primarily as pleasurable landscaped areas providing for both active and passive recreational pursuits, including tot-lots, playgrounds, neighborhood parks, playfields and special purpose areas.

Percolation tests. An absorption rate measurement in soils as defined in the Sewage chapter.

Plat. A map showing a plan for the subdivision of land which is submitted for approval and is intended in final form for recording.

Private street. A purported street, way or strip or land reserved for the use of a limited number of persons or purposes as distinguished from a publicly dedicated street.

Public walkway. A public way designated for the use of pedestrian traffic.

Sanitary sewer. A constructed conduit connected with a sewer system for the carrying of liquids and solids other than storm waters to a sanitary treatment facility.

Service access streets. Minor streets which are parallel and adjacent to higher classified thoroughfares and which serve to reduce the number of access points to those thoroughfares and thereby increase traffic safety.

Sediment control. Controlling soil erosion losses by water or wind by approved erosion control practices.

Set back. The building set back line of distance as measured from the nearest street, road or water shoreline.

Soil boring. A mechanical or manual process of drilling soils to sufficient depth to determine properties.

Storm sewer. A constructed conduit for carrying surface waters to a drainage course.

Street. A way set aside for vehicular traffic, regardless of size or designation, but excluding private driveways serving only one parcel of land.

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

Subdivision. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than ten acres for the purpose, whether immediate or future, of transfer of ownership; provided, however, that the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted.

The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures;

the division or allocation of land as open space for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm draining or other public facilities.

Surveyor. A duly registered land surveyor employed by the subdivider for the preparation of subdivision surveys or plats as required by this chapter.

Thoroughfare plan. The part of the comprehensive plan, now or hereafter adopted, which includes a major street and highway plan and sets forth the location, alignment, dimensions, identification and classification of existing and proposed streets, highways and other thoroughfares.

Zoning ordinance. The part of the comprehensive plan, now or hereafter adopted, including an ordinance and official zoning map which divides the county into land use districts, with regulations, requirements and procedures for the establishment of land use controls. (3/12/73; 5/1/73.)

SEC. 13-2. PURPOSE.

This chapter is enacted for the purpose of safeguarding the best interests of the public, the homeowner, the subdivider and the investor, encouraging well-planned subdivisions by the establishment of adequate standards for designs and construction; and in order that new subdivisions will be integrated in the general plans of the community, thereby contributing toward an attractive, orderly, stable and wholesome community environment with adequate municipal services and safe streets. (3/12/73.)

SEC. 13-3. TERRITORIAL LIMITS OF REGULATIONS.

The subdivision regulations shall apply in all of Mower County except in the City of Austin and the villages, unless the villages adopt the subdivision regulations by referral. (3/12/73.)

SEC. 13-4. PLAT REQUIRED PRIOR TO SUBDIVISION; RECORDING OF PLAT.

It shall be unlawful for any person, being the owner or agent, having control of any land within the county to subdivide or lay out such land in lots unless by plat in accordance with the regulations contained herein. No plat shall be recorded with the register of deeds, and no lot shall be sold from such plat unless approved as herein required. (3/12/73)

SEC. 13-5. VALIDITY OF PLAT; TRANSFER OR SALE OF LAND BY REFERENCE TO UNAPPROVED PLAT.

No plat shall have any validity until it has been approved by the commission and the county board in the manner described herein.

It shall be unlawful for the owner or the agent of the owner to transfer or sell any land by reference to or by other use of a plat or description unless the plat has been approved by the commission and the county board as required herein. (3/12/73.)

SEC. 13-6. SUPERVISOR OF PLATS.

The county planner is hereby designated as the supervisor of plats. The planning commission shall provide the necessary technical assistance to the supervisor of plats in checking and reviewing all subdivisions that are submitted for his review. (3/12/73.)

SEC. 13-7. VIOLATION OF REGULATIONS -- COMPLAINT.

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the planning commission. The commission shall record properly such complaint, immediately investigate and take action thereon as provided by this chapter. (3/12/73.)

SEC. 13-8. SAME -- PENALTY.

Any person, who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of any of the provisions of this ordinance may be fined not less than twenty-five dollars nor more than three hundred dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. (3/12/73.)

ARTICLE II. PLATTING PROCEDURES.

Division 1. Generally.

SEC. 13-9. APPLICATION FOR APPROVAL OF PROPOSED SUBDIVISION.

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the procedures set forth in this article. (3/12/73.)

Division 2. Preliminary Plat.

SEC. 13-10. CONSULTATION WITH COUNTY PLANNER.

Before preparing a preliminary plat and submitting it to the planning commission for approval, the subdivider should meet and consult informally with the county planner for the purpose of ascertaining the locations of proposed major streets, parks, playgrounds, school sites and other planned projects which may affect the property being considered for subdivision. At the same meeting the subdivider should review with the county planner the minimum standards of subdivision design set forth in section 13-31 of this Code. This informal review should prevent unnecessary and costly revisions in the layout and development of the subdivision. Formal application or filing of a plat with the planning commission is not required for this informal advisory meeting. (3/12/73.)

SEC. 13-11. PREPARATION.

After meeting informally with the county planner, the subdivider shall cause to be prepared a preliminary plat prior to the making of any street improvements or the installation of any utilities. (3/12/73.)

SEC. 13-12. INFORMATION TO BE SHOWN.

The preliminary plat shall meet the standards of design as set forth in section 13-31 of this Code and shall show the following information:

- (a) Scale of one hundred feet to one inch or larger.
- (b) Name of subdivision, name and address of the owners and the engineer and surveyor.
- (c) Location of subdivision by section, town, range or other legal description together with small scale sketch showing location within the section.
- (d) Date, approximate north point and graphic scale.
- (e) Acreage of land to be subdivided.
- (f) Zoning classification of lands to be subdivided and all adjacent lands.
- (g) Contours at an interval of not greater than five feet or at lesser intervals if deemed necessary by the planning commission.
- (h) Boundary lines of area to be subdivided and their bearings and distances.
- (i) Existing and proposed easements and their locations, widths and distances.
- (j) Streets on and adjacent to the tract and their names, widths, approximate grades and other dimensions as may be required.
- (k) Utilities on and adjacent to the tract showing proposed connections to existing utility systems. Rear easements for utility poles and wires shall be provided wherever possible.
- (l) Lot lines and lot numbers.
- (m) Sites and their acreages, if any, to be reserved or dedicated for parks, playgrounds, schools or other public uses. Sites, if any, for semi-public, commercial or multi-family uses.
- (n) Minimum building setback lines.

- (o) Location of railroads, drainage courses, permanent buildings, or other structures and wooded areas.
- (p) Water elevation of adjoining lakes, rivers and streams at date of survey, and their approximate high and low water elevations. All elevations shall be mean sea level or some other assumed markable datum. When the subdivision borders a lake, river or stream, the distance and bearings of a meander line shall be established five feet above the required high water elevation of the lake, river or stream.
- (q) Percolation tests results, a minimum of two per proposed lot, one located on the proposed home site.
- (r) Other reasonable information, such as soil borings, if so requested by the county planner in order to make a proper review of the site.
- (s) Copies of proposed deed restrictions, if any, shall be attached to the preliminary plat. (3/12/73.)

SEC. 13-13. SUBMISSION OF COPIES WITH APPLICATION FOR CONDITIONAL APPROVAL.

Ten copies of the preliminary plat and supplementary material specified shall be submitted to the county planner with a written application for conditional approval at least twenty days prior to a regularly scheduled meeting of the commission. (3/12/73.)

SEC. 13-14. PUBLIC HEARING -- NOTICE TO SUBDIVIDER.

The county planner shall notify the subdivider by certified mail of the time and place of the hearing on approval of the preliminary plat, not less than ten days before the date fixed for the hearing. Notice shall also be mailed to the owners of the land within three hundred feet of the exterior boundary of the proposed plat. (3/12/73.)

(For state law as to requirement of public hearing before plat approval, see M.S., § 394.26.)

SEC. 13-15. SAME -- PLANNING COMMISSION MEETING.

The planning commission meeting may serve as the public hearing; provided, that the legal requirements of the same are met. (3/12/73.)

SEC. 13-16. CERTIFICATE OF RECOMMENDATION.

The preliminary plat shall have written thereon a certificate of recommendation of the county engineer, the county sanitarian and the investigating committee prior to consideration by the planning commission. (3/12/73.)

SEC. 13-17. SUBMISSION OF COPY OF PRELIMINARY PLAT TO COUNTY BOARD, PLANNING COMMISSION, ETC., FOR REVIEW AND RECOMMENDATION.

The county planner shall submit a copy of the preliminary plat to the county board, the commission, the MCAPO, appropriate township board, appropriate highway department and the

utility company which provides sewer and water services. Each of the above shall return a copy of the preliminary plat with appropriate notations regarding their review and recommendation within ten days after receipt of said preliminary plat. (3/12/73.)

SEC. 13-18. ACTION BY THE PLANNING COMMISSION.

Within thirty days after the hearing on the preliminary plat, the planning commission shall approve, disapprove or approve subject to modifications the plat. Failure of the planning commission to act on this preliminary plat within sixty days shall be deemed approval of the plat. If a plat is disapproved, reasons for such disapproval will be stated in writing. If approval is subject to modifications, the nature of the required modifications shall be indicated in writing. The action of the planning commission shall be noted on two copies of the preliminary plat with any notations made at the time of approval or disapproval of the specific changes required. One copy shall be returned to the subdivider and the other retained by the county planning department. (3/12/73)

SEC. 13-19. EFFECT OF PRELIMINARY PLAT APPROVAL; LAPSE OF APPROVAL.

Approval of the preliminary plat shall not constitute acceptance of the final plat. The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within one year from the date of such approval. An extension of time may be applied for by the subdivider and granted by the planning commission. (3/12/73.)

SEC. 13-20. SUBDIVISION OF PART OF LARGER TRACT.

Whenever part of a tract is proposed to be subdivided and it is intended to subdivide additional parts of the tract in the future, a sketch plan for the entire tract shall be submitted to the planning commission at the time the preliminary plat for the first part of the tract to be platted is submitted. (3/12/73.)

SEC. 13-21. REVIEW CHARGES.

A charge shall be made for the examination and approval or disapproval of every preliminary plat reviewed by the planning commission. At the time a preliminary plat is submitted for approval, the subdivider shall also submit a check payable to the county according to the schedule of fees for plat review which the county board of commissioners may establish. (3/12/73.)

Division 3. Final Plat.

SEC. 13-22. CONFORMITY TO PRELIMINARY PLAT.

The final plat shall conform substantially to the preliminary plat as approved, and it may constitute only a portion of the preliminary plat which the subdivider proposed to record and develop. (3/12/73)

SEC. 13-23. DATA

The final plat shall give the following information:

- (a) The plat shall be at a scale of one hundred feet to one inch or larger.
- (b) Date, title, name and location of subdivision, graphic scale and true north line.
- (c) All dimensions, angles, bearings and similar data on the plat shall be tied to primary control points. Locations and descriptions of said control points shall be given. Except where deemed clearly unreasonable or infeasible by the planning commission, these control points shall be the located section corners of the state.
- (d) Name and right-of-way width of each street, easement or other right-of-ways.
- (e) Lot numbers, lot lines and frontage dimensions.
- (f) Purpose for which sites, other than residential lots, are dedicated or reserved.
- (g) Minimum building setback lines.
- (h) Location and description of monuments.
- (i) Names and locations of adjoining subdivision and streets, the location of adjoining unplatted properties and the names and addresses of the owners of adjoining unplatted properties.
- (j) Certification on plat of title showing that the applicant is the owner and a statement by such owner dedicating streets, rights-of-way and any other sites for public use.
- (k) Appropriate certification as required by the state licensing laws as to the accuracy of survey and plat.
- (l) Certification by the county sanitarian when individual sewage disposal or water systems are to be installed.
- (m) Certification that the subdivider has complied with the following alternatives:
 - (1) All the improvements have been installed in accordance with the requirements of these regulations; or
 - (2) The county board of commissioners may require that, in lieu of the completion of such work before the final approval of the plat, the governing body or platting authority may accept or require a contract secured by a cash deposit, certified check or a bond in an amount and with surety and conditions satisfactory to it, to assure the county that such improvements and utilities will be actually constructed and installed according to the specifications approved by the governing body or platting authority as expressed in the contract; and the county may enforce such contracts by appropriate legal and equitable remedies.
- (n) Cross-sections, profiles and grades of streets, curbs, gutters and sidewalks showing locations of on-street utilities, and drawn to standard scales and elevations shall be attached to the final plat.
- (o) Protective covenants shall either be placed directly on the final plat or attached thereto in form for recording.

- (p) Certification on plat by the county planner that the plat has been approved for recording in the office of the county auditor. (3/12/73.)

SEC. 13-24. COPIES -- COUNTY PLANNER.

Six copies of the final plat together with any street profiles or other plans that may be required shall be submitted to the county planner by the subdivider at least twenty days prior to the meeting at which it is to be reviewed. (3/12/73.)

SEC. 13-25. SAME -- COUNTY ENGINEER.

One copy of the final plat shall be transmitted to the county engineer who will check such plat as to computations, monuments, etc., and that all the required improvements are provided to the satisfaction of the county board, or in the case of a monetary or bond surety in accordance with the provisions of section 13-23 of this Code, that it is sufficient to cover the cost of the required improvements. If it is found satisfactory, he will return the copy of the final plat (with his approval certified thereon) to the county planner within ten days of receipt thereof. (3/12/73.)

SEC. 13-26. SAME -- COUNTY SANITATION.

One copy of the final plat shall be transmitted to the county sanitarian when individual sewage disposal or water supply systems are to be installed. If the plat meets the approval of the sanitarian, he shall return the copy of the final plat (with his approval certified thereon) to the county planner within ten days of receipt thereof. (3/12/73.)

SEC. 13-27. ACTION BY COUNTY BOARD FOLLOWING REVIEW.

After the review of the final plat, the county board shall approve or disapprove the plat. If the plat is disapproved, the grounds for disapproval shall be stated. (3/12/73.)

SEC. 13-28 EFFECT OF COUNTY BOARD APPROVAL.

Approval by the county board shall not constitute acceptance by the public of dedication of any street, other public way or ground. (3/12/73.)

SEC. 13-29. COPY OF PLAT TO BE RETURNED TO SUBDIVIDER AND FILED WITH REGISTER OF DEEDS UPON APPROVAL.

When the final plat has been approved by the county board, one copy shall be returned to the subdivider, with the approval of the county board, certified thereon, for filing with the register of deeds as an official plat of record. (3/12/73.)

ARTICLE III. DESIGN STANDARDS.

Division 1. Generally.

SEC. 13-30. APPLICATION OF REGULATIONS.

The requirements of this article are applicable to all subdivisions within the jurisdiction of the commission. (3/12/73.)

SEC. 13-31. PREREQUISITES TO FINAL PLAT APPROVAL.

No final plat of any subdivision shall be approved unless the subdivider shall comply with the general principles and requirements of this article. All of the improvements required in this article shall be constructed only after the plans and specifications thereof have been approved by the appropriate public officials.

SEC. 13-32. CONFORMITY WITH COMPREHENSIVE PLAN.

The plat shall conform to the official thoroughfare plan and other parts of the adopted comprehensive plan of the county. (3/12/73.)

SEC. 13-33. THOROUGHFARE PLAN.

Whenever a tract to be subdivided embraces any part of an arterial or collector street or highway, so designated on the thoroughfare plan, such part shall be platted by the subdivider in the location and at the width indicated on such plan. (3/12/73.)

SEC. 13-34. RESERVATION OF PROPOSED PUBLIC GROUND WITHIN SUBDIVISION FOR ACQUISITION BY PURCHASE.

Where a proposed park, playground or other recreational area, proposed school site or other public ground, under the adopted comprehensive plan of the county, is located in whole or on part within the proposed subdivision, such proposed public ground or part, if not dedicated to the public, shall be reserved for a period of not less than two years from the date of final approval of the final plat by the board, for acquisition by purchase or otherwise. (3/12/73.)

SEC. 13-35. REQUIREMENT THAT PROPOSED PARK, PLAYGROUND, ETC. WITHIN SUBDIVISION BE SHOWN ON PLATS.

Where a proposed park, playground or open-space shown on the comprehensive plan is located in whole or in part in a subdivision, the planning commission shall require that such area or areas be shown on plats in accordance with the requirements specified in this section. Such area or areas shall be dedicated to the county by the subdivider, if the county board approves such dedication. (3/12/73.)

SEC. 13-36. SHOWING SITES SUITABLE FOR PARK, PLAYGROUND, ETC. DEVELOPMENT; GRADING SUCH AREAS.

The planning commission shall require that plats show sites of a character, extent and location suitable for the development of a park, playground or other recreation purposes. The planning commission may require that the developer satisfactorily grade any such recreation areas shown on the plat. (3/12/73.)

SEC. 13-37. DEDICATION -- PERCENTAGE OF SUBDIVISION AREA FOR PUBLIC USE; PAYMENT OF FEES WHEN DEDICATION IMPRACTICAL.

In all new subdivisions, seven percent of the gross area shall be dedicated for public recreation space, school sites or other public use with such percentage being in addition to property dedicated for streets, alleys, easements or other public ways. When a subdivision is too small for the practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider shall be required to pay a fee of fifty dollars per lot created or ten percent of the land value prior to its subdivision (the market value shall be determined by utilization of assessment records and formulas that apply thereto.) (3/12/73.)

SEC. 13-38. SAME -- MANNER.

When land is to be dedicated, it shall be offered for such dedication in substantially the same manner as for streets and easements as provided in section 13-61 of this Code. (3/12/73.)

SEC. 13-39. SAME -- WITHIN SUBDIVISION OF LESS THAN FIFTY LOTS.

Nothing in this article shall prohibit the dedication of land for park and recreational purposes for residential subdivisions of less than fifty lots; provided, that the subdivider and the commission determine that dedication of land is desirable. (3/12/73.)

SEC. 13-40. SAME -- CREDITS FOR PRIVATELY OWNED AND MAINTAINED OPEN SPACE OR RECREATIONAL FACILITIES; CREDIT CONDITIONS; LAND ELIGIBLE FOR CREDIT CONSIDERATION.

The county board, after recommendation by the commission, may grant credit for open space or local recreational facilities to be privately owned and maintained by the future residents of the subdivision. Such credit if granted in acres (or comparable amounts in in-lieu fees) shall be subtracted from the requirements for dedication or fees or both required under section 13-37 of this Code, provided:

- (a) Yards, court areas, setbacks and other open areas required to be maintained by other regulations shall not be included in the private open space and recreation credit.
- (b) Provision by written agreement is made that the areas shall be maintained adequately.
- (c) Use of the private open space or recreation facilities is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be defeated or eliminated without the consent of the county board. Covenants for private park or recreational facilities which are claimed for credit shall be submitted to the county prior to approval of the final subdivision map and shall be recorded contemporaneously with the final subdivision map.

Land which may be considered by the planning commission for credit toward required land dedication for local park or recreation facilities or in-lieu fees includes but is not to be limited to the following:

- (1) Areas of scenic or natural beauty
- (2) Historic sites
- (3) Existing or planned hiking, riding or motorless-type bicycle trails, including pedestrian walkways separated from public roads
- (4) Existing or planned planting strips
- (5) Landscaped portions of road parkways which are in excess of required road right-of-way widths for the road in question
- (6) Lakeside or river beaches
- (7) Private recreational facilities such as golf courses and swimming pools which are available to all of the owners or occupants of the lots located within the subdivision
- (8) In the case of apartment and planning unit developments, open areas on the site of twenty thousand square feet or more (exclusive of open areas required to be maintained by other regulations)
- (9) Access areas or improvement of dedicated street right-of-way widths in excess of the requirements of section 13-61 of this Code
- (10) Parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas are extensive and have natural features worthy of scenic preservation
- (11) Other purpose or purposes recommended by the planning commission and acceptable to the county board. (3/12/73.)

SEC. 13-41. SAME -- USE OF LAND AND FEES.

Dedicated land and fees are to be used for the purpose of providing local park or recreation facilities to serve residents of the subject subdivision. If the comprehensive plan of the county calls for a larger park or recreational development within one mile of all residents of the neighborhood containing the subdivision, the lands or fees may be applied to local park or recreational facilities within such larger recreation area. (3/12/73.)

SEC. 13-42. SAME -- STREET ACCESS REQUIREMENT; WAIVER OF REQUIREMENT.

All land offered in dedication for local park or recreational purposes shall have access on at least one existing or proposed public street. This requirement may be waived by the county board if the commission and the county board determine that public street access is unnecessary for the maintenance of the park area or use thereof by the residents. (3/12/73.)

SEC. 13-43. REGARD FOR NATURAL FEATURES, SITES OF HISTORICAL SIGNIFICANCE; PREPARED LIST OF SIGNIFICANT FEATURES.

In all subdivisions, due regard shall be shown for natural features such as trees, unusual rock formations, and water courses; for sites which have historical significance; and for similar assets which, if preserved, will add attractiveness and value to the subdivision and to the community. The planning commission may prepare a list of all significant features within its area of subdivision jurisdiction which it deems worthy of preservation. (3/12/73.)

SEC. 13-44. RIGHT TO DISAPPROVE SUBDIVISION SUBJECT TO FLOODING.

The right is reserved to disapprove any subdivision for the purposes of promoting the health, safety and general welfare of the citizens of the county. Reasons for disapproval of any subdivision may include, but need not be limited to any of the following:

- (a) Land is subject to flooding;
 - (b) Property has a high water table;
 - (c) Property has soil with a percolation rate of sixty-five mins/inch or greater;
 - (d) The land has poor drainage which may cause pollution of ground and surface waters;
 - (e) Layers of bedrock or impervious soils lie within six feet of the ground surface.
- (3/12/73; 11/26/74; 12/3/74.)

SEC. 13-45. MONUMENTS AND STAKES.

Concrete monuments or other monuments as approved by the county engineer shall be set at all corners of the property. Concrete monuments shall be at least thirty-six inches in length and four inches in diameter or four inches square. The monument must have a one inch iron pin at least six inches long set flush with the top of the monument.

Permanent iron pins shall be at least twenty-four inches long and three-quarters of an inch in diameter. (3/12/73.)

Division 2 Layouts.

Subdivision I. Streets

SEC. 13-46. CONFORMITY WITH PLAN FOR ADVANTAGEOUS DEVELOPMENT.

The street layout shall be in general conformity with a plan for the most advantageous development of adjoining areas and the entire neighborhood. (3/12/73.)

SEC. 13-47. ACCESS TO LOTS WITHIN SUBDIVISION.

The street layout shall provide access to all lots and parcels of land within the subdivision. (3/12/73.)

SEC. 13-48. INTERSECTIONS; CONTINUITY OF STREETS.

Where appropriate to the design, streets shall be established to avoid jogs at intersections and to promote continuity of local streets and those of higher classifications. (3/12/73.)

SEC. 13-49. CONTOUR OF LAND; MINIMIZE CUTTING AND FILLING; PRODUCTION OF STREETS WITH REASONABLE GRADE.

Streets shall be established to take advantage of the contour of the land so as to produce usable lots, cause a minimum of cutting and filling and to produce streets with reasonable grade as defined in section 13-73 of this Code. (3/12/73.)

SEC. 13-50. ANGLES OF INTERSECTION.

Streets shall intersect other streets as near to a ninety degree angle as topography and other factors permit. Intersections of streets with arterial or collector streets shall be limited to a minimum angle of seventy degrees unless specifically approved by the commission. (3/12/73.)

SEC. 13-51. TRAFFIC CIRCULATION.

Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to provide for adequate circulation of traffic within the vicinity. (3/12/73.)

SEC. 13-52. PLATTING STREETS TO PRESCRIBED WIDTH OF EXISTING ADJACENT STREETS.

Whenever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision which conforms to the thoroughfare plan, the remainder of the street or alley shall be platted to the prescribed width within the proposed subdivision. (3/12/73.)

SEC. 13-53. CONFORMITY OF WIDTHS WITH THOROUGHFARE PLAN.

Street and right-of-way widths shall conform to those indicated in the thoroughfare plan. Where such widths are not prescribed therein, the widths shall not be less than the minimums stated in section 13-61 of this Code. (3/12/73.)

SEC. 13-54. ALLEYS.

Alleys shall be platted in the rear of all lots to be used for business. Alleys will not be approved in other locations in residential areas, unless required by unusual topography or other exceptional conditions. (3/12/73.)

SEC. 13-55. LANDS ABUTTING ARTERIAL OR COLLECTOR STREETS.

Lands abutting arterial or collector streets shall be platted with the view of making the lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic on such trafficways; and with the view also of minimizing interference with traffic on such trafficways as well as the accident hazard. This may be accomplished in several ways:

- (a) By platting the lots abutting such trafficways at generous depth, with setbacks or front yards at least ten feet greater or deeper than otherwise required; and providing vehicular access to them by means of either alleys or service drives in the rear, or frontage access roads next to the trafficway, connected therewith at infrequent intervals;
- (b) By a collector street platted more or less parallel with the highway or thoroughfare, six hundred to one thousand feet distant therefrom, from which loop streets or dead end streets would extend toward the highway, the ends of which provide access to the lots abutting the highway to their rear. (3/12/73.)

SEC. 13-56. DEAD END STREETS AND CUL-DE-SACS.

Dead end streets and cul-de-sacs are often desirable and will be approved if limited to one thousand feet long and twenty platted lots fronting thereon. (3/12/73.)

Subdivision II. Blocks.

SEC. 13-57. WIDTH.

Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, unless, in the opinion of the commission, prevented by unusual topography or other physical conditions. (3/12/73.)

SEC. 13-58. LENGTH -- GENERALLY.

The length of blocks shall be such as are appropriate, in the opinion of the commission, for the locality and type development contemplated but shall not exceed eighteen hundred feet when the average lot size does not exceed an acre in area. (3/12/73.)

SEC. 13-59. LENGTH -- ARTERIAL AND COLLECTOR STREETS.

The number of intersecting streets along arterial and collector streets shall be held to a minimum, and where practicable, blocks along such trafficways shall not be less than eight hundred feet in length. (3/12/73.)

SEC. 13-60. CROSSWALK.

In any block over nine hundred feet in length, the commission may require that a crosswalk or pedestrian way, not less than ten feet wide, be provided near the center and entirely across the block. (3/12/73.)

Division 3. Minimum Widths of Streets and Alley Right-of-Way

SEC. 13-61. MAJOR STREETS AND HIGHWAYS.

The width of major streets and highways shall be as designated by the thoroughfare plan, but not less than eighty-eight feet wide in any case. (3/12/73.)

SEC. 13-62. COLLECTOR STREETS.

The width of collector streets shall be as designated by the thoroughfare plan, but not less than sixty-six feet wide in any case. (3/12/73.)

SEC. 13-63. LOCAL STREETS; DEAD END STREETS.

The minimum width of local streets shall be sixty-six feet. All dead end streets shall terminate in a circular turn-around having a minimum right-of-way diameter of one hundred feet. (3/12/73.)

SEC. 13-64. ALLEYS.

Alleys shall be twenty feet wide. (3/12/73.)

SEC. 13-65. SERVICE DRIVES.

Service drives shall be forty-four feet wide. (3/12/73.)

Division 4. Minimum Pavement Widths.

SEC. 13-66. ARTERIAL AND COLLECTOR STREETS.

Pavement widths for arterial and collector streets will be as designated in the thoroughfare plan. Where required to be provided as part of the subdivision, the subdivider will be responsible for twenty-seven feet. The difference, if any, between the cost of the portion to be provided at the expense of the subdivider including the cost of curb and gutter, if any, and that of the total width designated in the thoroughfare plan shall be borne by the county, or by the state highway department when applicable, unless it is determined by the commission that such greater width will benefit the subdivider in proportion to its cost. (3/12/73.)

SEC. 13-67. LOCAL STREETS; DEAD END STREETS.

Local streets and dead end streets shall have minimum widths of thirty-six feet; except, that where curb and gutter is required the total width, face to face of curb, shall be thirty-eight feet. The pavement of a turning circle at the end of a dead end street shall have a minimum outside diameter of eighty feet. (3/12/73.)

SEC. 13-68. ALLEYS.

Alleys shall have minimum widths of twenty feet. (3/12/73.)

Division 5. Street Surfaces.

SEC. 13-69. TYPE AND THICKNESS OF MATERIAL USED; RESPONSIBILITY FOR COST.

Streets shall be graded full width and fully constructed with a concrete pavement of a minimum thickness of six inches or of asphaltic concrete or other material of equivalent quality. If the classification of the street justifies the construction of a thicker section, the additional cost thereof shall be borne by the county, or the state highway department, depending upon the agency having jurisdiction. (3/12/73.)

SEC. 13-70. ALLEYS.

Alleys, where required, will be constructed with a concrete pavement of minimum thickness of six inches or of asphaltic concrete or other material of equivalent quality. This requirement may be varied by the commission it, in their opinion, the requirement imposes too severe a restriction when related to the projected use of the alley. (3/12/73.)

SEC. 13-71. CURB AND COMBINED CURB AND GUTTER ON COLLECTOR AND ARTERIAL STREETS.

Curb and combined curb and gutter shall be provided on collector and arterial streets as required by the approved thoroughfare plan.

SEC. 13-72. APPROVAL BY COUNTY ENGINEER.

All subbase courses and pavement surfaces are subject to the approval of the county engineer. (3/12/73.)

Division 6. Street Grades.

SEC. 13-73. MINIMUM.

The grades of any street or alley shall not be less than five-tenths percent. (3/12/73.)

SEC. 13-74. MAXIMUM GRADE -- ARTERIAL, COLLECTOR OR SECONDARY HIGHWAYS.

Arterial, collector or secondary highways as designated by the thoroughfare plan shall be limited to a maximum grade of five percent. (3/12/73.)

SEC. 13-75. SAME -- LOCAL STREETS.

Local streets shall be limited to a maximum grade of ten percent. (3/12/73.)

SEC. 13-76. SAME -- ALLEYS.

Alleys shall be limited to a maximum grade of ten percent when used to provide service to commercial and residential properties. (3/12/73.)

SEC. 13-77. SAME -- PEDESTRIAN WAYS OR CROSSWALKS.

Pedestrian ways or crosswalks shall be limited to a maximum grade of ten percent unless steps of an acceptable design are to be constructed. (3/12/73.)

SEC. 13-78. CHANGES.

All changes in street grade of one percent or more shall be connected by vertical curves. The length of the vertical curve will be determined on the basis of providing stopping sight distances for each road classification where design speed for arterial and collector streets is forty mph., and local streets is thirty mph. In no case shall the length of the required vertical curve be less than fifteen times the algebraic difference in rate of grades for arterial and collector streets or one-half of this minimum for all other streets. (3/12/73.)

SEC. 13-79. RADII OF CURVATURE ON STREET CENTERLINE.

The radii of curvature on the centerline of the street shall not be less than that required to produce stopping sight distance as defined in section 13-78 of this Code. In no case, however, shall the radii of curvature for arterials, collectors and secondary streets be less than three hundred feet or for local streets, service drives and alleys be less than fifty feet. (3/12/73.)

Division 7. Intersections.

SEC. 13-80. SPECIFICATIONS.

At a street and an alley intersection, property line corners shall be rounded by an arc, minimum radii of which shall be ten and five feet, respectively. The street curb intersections shall be rounded by a radius of at least twenty-five feet.

The above minimum radii shall be increased when the smallest angle of intersection is less than sixty degrees. (3/12/73.)

SEC. 13-81. DESIGN APPROVAL BY COUNTY ENGINEER.

Where, in the opinion of the county engineer, the centerline profiles of streets presented as part of the preliminary plat do not clearly indicate that adequate intersection design will be accomplished, the county engineer may request an intersection detail at a scale not to exceed one inch equals twenty feet, which detail will clearly represent the construction details for such intersection. (3/12/73.)

SEC. 13-82. LONGITUDINAL OR TRANSVERSE SLOPE.

Intersections shall be designed so as to avoid abrupt changes in longitudinal or transverse slope. (3/12/73.)

SEC. 13-83. STREET SIGNS.

The subdivider shall install street signs as required and approved by the county engineer. (3/12/73.)

Division 8. Lots.

SEC. 13-84. SIZE, SHAPE AND ORIENTATION.

The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated. (3/12/73.)

SEC. 13-85. RELATIONSHIP BETWEEN DEPTH AND WIDTH.

Excessive depth in relation to widths shall be avoided. A proportion of not more than three to one normally shall be considered appropriate. (3/12/73.)

SEC. 13-86. REQUIRED TO ABUT STREET; MEET REQUIREMENTS OF ZONING ORDINANCE.

Every lot shall abut on public road or privately dedicated sixty-six (66) foot wide utility and driveway easement. Lots for residential purposes shall meet the size requirements, building setback and side yard requirements of the zoning ordinance. (10/31/95)

SEC. 13-87. PLATTING CORNER RESIDENTIAL LOTS.

Corner lots for residential use shall be platted at least five feet wider than interior lots in order to permit conformance with the setbacks required by the zoning ordinance on the side streets. (3/12/73.)

SEC. 13-88. FRONTING ON ARTERIAL AND COLLECTOR STREETS.

Residential lots fronting on arterial and collector streets shall have sufficient depths to permit deep setbacks for the buildings. (3/12/73.)

SEC. 13-89. PLATTING DOUBLE AND REVERSE FRONTAGE LOTS.

Double frontage lots and reversed frontage lots shall not be platted except as hereinbefore permitted under section 13-55 of this Code. (3/12/73.)

SEC. 13-90. SIDE LOT LINES.

Side lots lines should be approximately at right angles to the right-of-way line of the street on which the lot fronts. (3/12/73.)

Division 9. Utilities and Drainage.

Subdivision I. Water Lines

SEC. 13-91. CONSTRUCTION.

Water lines shall be constructed in accordance with the standards of the county. (3/12/73.)

SEC. 13-92. PUBLIC SYSTEM -- CONNECTION WHEN FEASIBLE.

Where connection with a public water system is feasible, that system shall be utilized and service shall be provided to each lot. (3/12/73.)

SEC. 13-93. SAME -- INDIVIDUAL WELLS WHEN UNFEASIBLE.

When a public water system is not available, individual wells are permitted when in accordance with section 13-103 of this Code. (3/12/73.)

SEC. 13-94. APPROVAL OF HOUSE SERVICE.

House service for water shall be of a type approved by the sanitarian in conformance with adopted engineering practices. (3/12/73.)

**SEC. 13-95. MATERIAL, DESIGN AND LOCATION OF WATER MAINS;
OVERSIZED MAINS.**

All water mains shall be of a material and design approved by the state health department and be located in the street right-of-way. Oversized mains may be required with the additional costs to be borne by the benefited properties. (3/12/73.)

SEC. 13-96. FIRE HYDRANTS.

Fire hydrants of a type approved by the county engineer should be installed in accordance with adopted standards, whenever deemed necessary. (3/12/73.)

Subdivision II. Sanitary Sewers.

SEC. 13-97. CONSTRUCTION.

Sanitary sewers shall be constructed in accordance with the standards of the county sanitary and sewage control regulations. (3/12/73.)

SEC. 13-98. CONNECTION WITH TRUNK LINES.

Where connection with sanitary sewer trunk lines is feasible, the subdivider shall install approved sanitary sewer and make the connection with the trunk lines so as to provide service to each lot. (3/12/73.)

SEC. 13-99. HOUSE SERVICE.

House service for sanitary sewers shall be of a type approved by the sanitarian in conformance with adopted engineering practices. (3/12/73.)

**SEC. 13-100. MATERIAL, DESIGN AND LOCATION OF SEWER LINES;
OVERSIZED SEWER LINES.**

All sanitary sewer lines shall be of a material and design approved by the state pollution control agency, and with the exception of laterals be located in the street right-of-way. Oversized sewer lines may be required. (3/12/73.)

SEC. 13-101. INSTALLATION APPROVAL.

All installations of sanitary sewer lines shall be approved by the sanitarian. (3/12/73.)

SEC. 13-102. ON SITE DISPOSAL SYSTEM.

On site disposal systems may be permitted provided they conform to section 13-103 of this Code and the county sanitary and sewage control ordinance. (3/12/73.)

SEC. 13-103. CONDITIONS ON DEVELOPMENT IN AREA WITHOUT PUBLIC WATER AND SANITARY SEWER.

In areas which are not served by public water and sanitary sewer, no residential lot shall be developed unless it contains sufficient surface area for the existing subsurface soil conditions so as to prevent possible pollution problems. Based upon percolation tests, the required lot size shall be increased in multiples of the minimum lot area for that zone, until the lot size is adequate for the seepage rate.

All individual wells and septic tanks shall conform to the standards and/or specifications set forth in regulations adopted for their installation and shall be approved by the sanitarian.

No installations of the distribution box of a septic tank shall be located closer than fifty feet to a well.

The required plumbing shall be provided to permit connection to sanitary sewer mains where they become available as recommended. (3/12/73.)

Subdivision III. Storm Sewers.

SEC. 13-104. CONNECTION WITH EXISTING STORM SEWER SYSTEM.

Where connection with an existing storm sewer system is feasible, that system shall be utilized so as to provide complete drainage of the subdivision. (3/12/73.)

SEC. 13-105. DRAINAGE SYSTEM -- SUBDIVISION DESIGN IN ABSENCE OF EXISTING STORM SEWER SYSTEM.

In the absence of an existing storm sewer system, the subdivision shall be designed so as to be completely drained by a system of open ditches, culverts, pipes and/or catch basins. (3/12/73.)

SEC. 13-106. SAME -- INSTALLATION.

All surface and underground drainage systems shall be installed to adequately remove all natural drainage that accumulates in the developed property. All such systems shall be in conformity to the drainage plans and all piping shall provide complete removal and a permanent solution for the removal of drainage water. (3/12/73.)

SEC. 13-107. SAME -- LOCATION.

Drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width. (3/12/73.)

SEC. 13-108. SAME -- CAPACITY.

The drainage system shall be designed large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The drainage shall be based on conditions of total potential development permitted by the zoning ordinance in the watershed. Oversized sewer lines may be required. (3/12/73.)

SEC. 13-109. SAME -- APPROVAL.

All drainage systems shall be approved by the county soil conservation district and/or the county engineer. (3/12/73.)

SEC. 13-110. OPEN DRAINAGE DITCHES.

Open drainage ditches may be permitted where, in the judgment of the commission, conditions are such as to require a storm sewer in excess of forty-eight inches and where such open ditches will not in the judgment of the county sanitarian result in health hazards. (3/12/73.)

SEC. 13-111. RESPONSIBILITY OF DEVELOPER.

All necessary facilities including underground pipe, manholes, inlets, catch basins and other appurtenances necessary to provide adequate drainage for the property or to maintain any natural drainage course shall be the responsibility of the developer. (3/12/73.)

Subdivision IV. Electricity.

SEC. 13-112. INSTALLATION UNDERGROUND.

Electrical utilities whenever feasible, shall be installed underground and completed prior to street paving. (3/12/73.)

SEC. 13-113. PLACEMENT OF POLES WHEN OVERHEAD LINES UTILIZED.

When overhead power lines are utilized, the poles shall be placed in a rear lot easement and positioned so as to provide individual service to each lot. (3/12/73.)

SEC. 13-114. STREET LIGHTING.

Street lighting shall be in conformance with street lighting plans. Such light standards and fixtures shall be installed after approval by the appropriate power company and the authorization of the county engineer. (3/12/73.)

Subdivision V. Natural Gas.

SEC. 13-115. LINE INSTALLATION.

When natural gas is to be utilized, the lines shall be installed by the appropriate gas company and be completed prior to street surfacing. (3/12/73.)

Subdivision VI. Telephone.

SEC. 13-116. INSTALLATION OF FACILITIES UNDERGROUND.

Telephone facilities, whenever feasible, shall be installed underground and completed prior to street surfacing. (3/12/73.)

SEC. 13-117. POLE PLACEMENT WHEN OVERHEAD LINES UTILIZED.

When overhead telephone lines are utilized, the pole shall be placed in a rear easement and positioned so as to provide individual service to each lot. (3/12/73.)

Division 10. Sidewalks.

SEC. 13-118. CONSTRUCTION SPECIFICATIONS.

Sidewalks shall be constructed on one or both sides of streets where, in the opinion of the commission, these are necessary to protect the safety of pedestrians. When sidewalks are required, they shall be at least four feet wide and constructed of concrete pavement with a minimum thickness of four inches or other material of equivalent quality. (3/12/73.)

Division 11. Driveways.

SEC. 13-119. RESPONSIBILITY OF SUBDIVIDER.

The subdivider shall install driveway approaches for each connection to the street and when the street is provided with curb and gutter, the subdivider shall install curb returns on the driveway. (3/12/73.)

SEC. 13-120. CONSTRUCTION.

Driveways shall be constructed so as not to impede the surface drainage system and where curbs are not required. The subdivider shall provide one of the following types of improvements if necessary to provide for surface drainage:

- (a) A corrugated metal pipe at least twelve inches in diameter and fourteen feet in length to be placed for each driveway approach.
- (b) A properly dipped or swaled concrete pavement fourteen feet in length, of at least six inches thickness at the entrance of each driveway designed so as not to create a hazard to the underparts of automobiles. (3/12/73.)

Division 12. Easements.

SEC. 13-121. UTILITIES.

Easements at least twenty feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary. The easements shall have continuity of alignment from block to block; and at deflection points, easements for poleline anchors shall be provided where necessary. Easements may be required along property lines from utility easements on rear lot lines to right-of-ways. (3/12/73.)

SEC. 13-122. ALONG WATER COURSE OR DRAINAGE CHANNEL.

Easements shall be provided along each side of the center line of any water course or drainage channel whether or not shown in the comprehensive plan, to a sufficient width to provide proper maintenance and protection and to provide for water runoff and installation and maintenance of storm sewer. (3/12/73.)

SEC. 13-123. SUBDIVISION TRAVERSED BY A WATER COURSE, ETC.

Where a subdivision is traversed by a water course, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the soil conservation district, and in no case less than twenty feet in width. (3/12/73.)

SEC. 13-124. DEDICATION.

Easements shall be dedicated for the required use. (3/12/73.)

Division 13. Planting.

SEC. 13-125. STREET TREES.

Any trees or shrubs proposed to be installed on the street right-of-way by the subdivider or developer shall be approved for type and placement by the soil and water conservation district. (3/12/73.)

SEC. 13-126. SCREEN ON REAR LINE OF LOT.

The installation of trees and shrubs to form a tight screen effective at all times shall be required along the rear line of any lot in the subdivision which backs onto an arterial street. (3/12/73.)

Division 14. Sediment and Erosion.

SEC. 13-127. CONTROL DURING DEVELOPMENT.

Sediment and erosion during development shall be controlled. Control shall be according to specifications established by the county soil and water conservation district. (3/12/73.)

Division 15. Modifications and Exceptions.

SEC. 13-128. SUBDIVISIONS -- LARGE.

The general principles of design and minimum requirements for the layout of subdivisions, set forth in this article, may be varied by the commission in the case of a subdivision large enough to constitute a more or less self-contained neighborhood which is to be developed in accordance with a comprehensive plan safeguarded by appropriate restrictions, and which, in the judgment of the commission, makes adequate provision for all essential community requirements; provided, however, that no modification shall be granted by the commission which would conflict with the proposals of the official thoroughfare plan or with the other features of the comprehensive plan of the county, or with the intent and purposes of such general principles of design and minimum requirements. (3/12/73.)

SEC. 13-129. SMALL SUBDIVISION

Administrative Review/Approval in Lieu of Plat:

1. Subdivision of a farmstead from farmland which creates one new parcel containing the dwelling and/or (some or all) existing structures or buildings is exempt from the platting process when a survey is provided in lieu of a plat, and all requirements of the zoning ordinance can be met or exceeded. This subdivision is subject to the review process of Property Adjustment established by Mower County. The survey shall be recorded along with the deed when the parcel is created.

2. In the case of a subdivision of less than 10 acres, which is limited to the creation of one new single parcel which did not previously exist in the office of land records, is exempt from the platting process when a survey is provided in lieu of a plat, and all requirements of the zoning ordinance can be met or exceeded. This subdivision is subject to the review process of Property Adjustment established by Mower County. The survey shall be recorded along with the deed when the parcel is created.

3. Parcels of 10-acre or more are exempt from platting but are subject to the review process of Property Adjustment established by Mower County.

Application for such permits shall be files with the county planning department and the county planning commission shall consider the application and refer the application to the county board of commissioners together with the planning commission's recommendations. The county board shall then fix a date for the public hearing thereon, and not less than ten nor more thirty days public notice thereon shall be given. At the time and place fixed for the public hearing, the county board shall hear all recommendations for objections to the application and make its determination thereon. (5/25/2023)

SEC. 13-130. UNUSUAL PHYSICAL CONDITIONS.

In any particular case where the subdivider can show that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of these regulations would cause unusual difficulty or exceptional and undue hardship, the commission may relax such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided, that such relief may be granted without detriment to the public good and without impairing the intent and purposes of these regulations and the desirable general development of the neighborhood and the community in accordance with the comprehensive plan and the zoning ordinance of the county. Any modifications thus granted shall be entered in the minutes of the commission setting forth the reasons, which, in the opinion of the commission, justified the modification. (3/12/73.)