

**CHAPTER 11**  
**SUBDIVISION REGULATION**

Section 11.01 **General Provisions**

Subd. 1. **Short Title.** This Ordinance shall be known as the "Subdivision Ordinance of the City of Alexandria", and will be referred to herein as "this Ordinance."

Subd. 2. **Purpose.** In order to safeguard the best interests of the City of Alexandria and to assist the subdivider in harmonizing his interest with those of the City at large, the following Ordinance is adopted in order the adherence to same will bring results beneficial to both parties. It is the purpose of this Ordinance to make certain regulations and requirements for the platting of land within the City of Alexandria pursuant to the authority contained in Minnesota Statutes Annotated, which regulations the City Council deems necessary for the health, safety and general welfare of this community.

Subd. 3. **Scope.** The provisions of this Ordinance relate to any division of a tract of land into two or more parcels by platting, replatting, conveyance, registered land survey, or other means.

Subd. 4. **Approvals Necessary for Acceptance of Subdivision Plats.** Before any plat shall be recorded or be of any validity, it shall be referred to the City Planning Commission and approved by the City Council of Alexandria as having fulfilled the requirements of this Ordinance.

Subd. 5. **Conditions for Recording.** No plat of any subdivision shall be entitled to record in the Douglas County Recorder's Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Ordinance.

Subd. 6. **Building Permits.** No building permits will be considered for issuance by the City of Alexandria for the construction of any building, structure or improvement to the land or to any lot in a subdivision as defined herein, until all of this Ordinance has been fully complied with.

Subd. 7. **Exemptions.** The following conveyances shall be exempt from the provisions of this Ordinance and shall not constitute a subdivision:

A. The parcel was a separate lot of record prior to the effective date of the subdivision regulations. (Feb. 9, 1976)

B. The parcel was subject of a written agreement to convey entered into prior to the effective date of the subdivision regulations. (Feb. 9, 1976)

C. The parcel was a separate parcel of not less than two and one half (2½) acres in area and one hundred (100) feet in width on January 1, 1966.

D. The parcel was a separate parcel of not less than five (5) acres in area and three hundred (300) feet in width on July 1, 1980.

E. The parcel is a single parcel of commercial or industrial land of not less than five (5) acres having a width of not less than three hundred (300) feet and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than five (5) acres in size or three hundred (300) feet in width and provided further that each parcel has frontage on and access to a public street.

F. The parcel is a single parcel of residential or agricultural land of not less than twenty (20) acres and having a width of not less than five hundred (500) feet in width and its conveyance does not result in the division of the parcel into two (2) or more lots or parcel, any one of which is less than twenty (20) acres in size or five hundred (500) feet in width, and provided further that each parcel has frontage on and access to a public street.

G. The parcel relates to a division of a lot which is a part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot or to create two (2) lots provided the following are met:

1. The parcel is part of a recorded plat;

2. Any existing structure meets the setback requirements of the Zoning Ordinance;

3. The newly created parcels meet the land area and lot width requirements of the Zoning Ordinance;

4. Each parcel has frontage on and access to a public street;

5. No street dedication nor utility easement is necessary; and

6. Each parcel is serviced with separate and independent utilities.

Subd. 8. **Separability.** 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.

Subd. 9. **Conflict.** Whenever there is a difference between minimum standards or dimensions specified herein and those contained in other official regulations, resolutions or ordinances of the City the highest standards shall apply.

Subd. 10. **Conveyance by Metes and Bounds.** No conveyance of one (1) or more parcels in which the land is described by metes and bounds or by reference to an unimproved registered land survey made after the effect of this Ordinance shall be recorded if for commercial or industrial land the parcels are less than five (5) acres in area or less than three hundred (300) feet in width, or for residential and agricultural land the parcels are less than twenty (20) acres in area or less than five hundred (500) feet in width, unless such parcel is exempt in accordance with Section 11.01, Subdivision 7 of this Ordinance, or is granted a variance in accordance with Section 11.09 of this Ordinance.

Subd. 11. **Disclosure by Seller.** A person conveying a new parcel of land which, or the plat for which, has not previously been filed or recorded and which is a part of or would constitute a subdivision to which this Ordinance applies, shall attach to the instrument of conveyances either:

A. A recordable certification by the City Administrator that the subdivision has been approved by the Alexandria City Council, or that the restrictions on the division of taxes and filing and recording have been waived by resolution of the Alexandria City Council in this case because compliance will create an unnecessary hardship and failure to comply will not interfere with the purpose of this Ordinance; or

B. A statement which names and identifies the location of the appropriate City offices and advises the person that the City subdivision and zoning regulations may restrict or prohibit the use or the development of the parcel, or construction on it, and that the division of taxes and the filing or recording of the conveyances may be prohibited without prior approval, nonapplicability, or waiver from the city.

Source: Ord 338-2nd Series  
Effective Date: 2/8/93

Subd. 12. **Exception to Platting.** The Alexandria City Council, after review by the Alexandria Planning Commission, may approve an exception of platting (split) application provided the following Findings of Fact are met:

Source: Ord 338-2nd Series  
Effective Date: 2/8/93

- A. The parcel is unplatted property.
- B. All buildings meet zoning building setbacks.
- C. All accessory buildings meet maximum size requirements.
- D. All created lots or parcels meet zoning land area requirements.
- E. No street dedication is required.
- F. Adequate street frontage is provided for each parcel.

Source: Ord. 807-2nd Series  
Effective Date: 06/24/19

12/11/19 THIS PAGE REPLACES PAGE 11-5

G. Adequate utilities are available to service the parcels.

H. Proper utility easements are secured.

I. The original parcel has not been "split-off" after February 9, 1976.

Source: Ord. 342-2nd Series  
Effective Date: 5/24/93

### **Section 11.02 Rules and Definitions**

Subd. 1. **Rules.** For the purpose of this Ordinance, certain words and terms are hereby defined as follows:

Subd. 2. **Definitions.** For the purpose of this Ordinance, certain words and terms are hereby defined as follows:

A. Alley - is a public right-of-way which affords a secondary means of access to abutting property.

B. Block - is an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

C. Boulevard - The portion of the street added right-of-way between the curb line and the property line.

Source: Ord. 335-2<sup>nd</sup> Series  
Effective Date: 12/28/92

C.1. Buildable Land - The portion of a lot remaining after wetlands, bluffs and land below ordinary high water level have been eliminated.

Source: Ord. 586-2<sup>nd</sup> Series  
Effective Date: 8/14/06

D. Building - Any structure used or intended for supporting or sheltering any use or occupancy.

E. Building Setback Line - A line parallel to a street and between such a line and the nearest street right-of-way line, no building may be erected or placed.

F. City - is the City of Alexandria.

G. City Council - is the governing body of the

City of Alexandria.

H. Comprehensive Plan - refers to the group of maps, charts and texts that make up the Comprehensive Long-Range Plan of the City.

I. County Board - The Board of Commissioners of Douglas County.

J. Crossway - A publicly owned right-of-way which crosses a block and furnished pedestrian access to adjacent streets or properties.

K. Design Standards - are the specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.

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

M. Engineer - The duly authorized City Engineer.

N. Final Plat - is a drawing or map of a subdivision, meeting all of the requirements of the City and in such form as required by Douglas County for the purposes of recording.

O. Grade, Percentage of - The rise or fall of a street in feet in tenths of a foot for each hundred (100) feet of horizontal distance measured at the center line of the street.

P. Lot - is a portion of a subdivision or other parcel of land intended for building development or for transfer of ownership.

Q. Lot (of record) - A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this Ordinance and recorded as such in the County Recorder's Office, or approved by the City as a lot subsequent to such date, and which is occupied by or intended for occupancy by one (1) principle building or principle use together with any necessary buildings or such open spaces as required by this Ordinance and having its principle frontage on a street, or proposed street approved by the Alexandria City Council.

R. Lot Depth - The mean horizontal distance between the street right-of-way line and the opposite rear line of the lot measured at the general direction of the side lot lines.

S. Lot, double frontage - A lot having frontage on two parallel or approximately parallel streets.

T. Lot Width - The mean horizontal distance between the side property lines of a lot as measured at the building line.

U. Owner - includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm association, public or quasipublic corporation, private corporation, or a combination of them.

V. Parks and Playgrounds - are public land and open spaces in the City of Alexandria dedicated or reserved for recreation purposes.

W. Percentage of Grade - on street center line, means the distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.

X. Pedestrian Way - is a public or private right-of-way across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lines.

Y. Planning Commission - is the Planning Commission of the City of Alexandria.

Z. Plat - A map or drawing indicating the subdivision or re-subdivision of a land, intended to be filed or recorded. Such plat shall be recorded pursuant to Minnesota Chapter 505 and containing all elements and requirements set forth in this Ordinance, Minnesota Statutes section 462.358, and Minnesota Chapter 505.

AA. Preliminary Plat - is a tentative drawing or map of a proposed subdivision meeting requirements herein enumerated.

BB. Protective Covenants - are contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

CC. Right-of-Way - Land dedicated and publicly owned for uses as a street, alley or crosswalk.

DD. Street - is a public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard.

EE. Streets - Thoroughfares - Arterial Streets - are those used primarily for heavy traffic, and serving as arterial trafficways between the various districts of the community.

FF. Streets - Collector Street - are those that carry traffic from minor streets to the major system of thoroughfares and highways, including the principal entrance streets of residential districts.

GG. Street - Minor Streets - are those which are used primarily for access to abutting properties.

HH. Street - Marginal Access Streets - are minor streets which are parallel and adjacent to thoroughfares and highways; and which provide access to abutting properties and protection from through traffic.

II. Street - Cul-de-sac - is a minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

JJ. Street Width - is the shortest distance between lines of lots delineating the streets right-of-way.

KK. Subdivider - is any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.

LL. Subdivision - is a described tract of land which is to be or has been divided into two (2) or more lots or parcels, the purpose of transfer of ownership or building development, of, if a new street is involved, any division of a parcel of land. The term includes resubdivision and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided.

MM. Tangent - is a straight line that is perpendicular to the radius of a curve where a tangent meets a curve.



MN. Title, Proper Evidence Thereof - is either A) a title opinion from a licensed, practicing attorney based on an examination of an abstract or registered property certificate certified within 30 days of the opinion along with (i) the abstract/registered property certificate verifying the opinion and (ii) any unrecorded documents referenced in the opinion; or B) for Torrens property, a report from the Examiner of Titles for Douglas County, MN; or C) evidence of an owner's policy of title insurance for the subject property in an amount not less than \$100,000. All such evidence of title shall include all of the real property within the plat, show current ownership and encumbrances of such real property, and be dated no more than 30 days prior to submission of the final plat for approval.

Source: Ord 804-2nd Series  
Effective Date: 05/13/19

NN. Vertical Curve - is the surface curvature on a street center line located between lines of different percentage of grade.

### Section 11.03 **Procedure**

#### Subd. 1. **Preliminary Plat.**

A. **Filing.** Fifteen (15) copies of the preliminary plat shall be filed with the City Clerk. The required filing fee as established in Section 11.10 shall be paid and any necessary applications for variances from the provisions of this Ordinance shall be filed with the required fee before the proposed plat shall be officially filed. All plats shall include a listing prepared by a registered land surveyor, properly certified, identifying the owner of the property in question, and the owners and addresses of all properties situated within three hundred fifty (350) feet of the boundary of the property in question. The proposed plat shall be placed on the agenda of the first Planning Commission meeting after ten (10) days from the date of filing.

B. **Hearing.** The Planning Commission upon receipt of said application shall instruct the City Clerk to set a public hearing for the next regular meeting of the Planning Commission. The Planning Commission shall conduct the hearing, and report upon findings and make recommendations to the City Council. Notice of said hearing shall be published in the official newspaper at least ten (10) days prior, to all owners of land identified on the above mentioned property owner listing.

C. **Technical Assistance Reports.** After the public hearing has been set, the City Council Administrator shall

instruct the staff to prepare technical reports, (where appropriate) and provide general assistance in preparing a recommendation on the action to the City Council.

**D. Review by Other Jurisdictions.** As appropriate the City shall refer the preliminary plat to the Minnesota Department of Natural Resources (MnDNR) if the plat is located in the "S" Shoreland District or the "FP" Flood Plain Management District; to the Minnesota Department of Transportation (MnDOT) if the plat directly adjoins a federal or state highway; and to the Douglas County Highway Department if the plat adjoins a county road.

**E. Report to Council.** The Planning Commission shall make a recommendation to the City Council within sixty (60) days following the public hearing.

12/11/19 THIS PAGE REPLACES PAGE 11-10

**F. City Council Action.**

1. The Council shall act upon the preliminary plat within one hundred twenty (120) days of the date on which it was officially filed. If the recommendation of the Planning Commission has not been received in time to meet the requirement, the Council may act on the preliminary plat without such recommendation.

2. If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the Council and transmitted to the applicant. If the preliminary plat is approved, such approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this Ordinance to be indicated on the final plat. The City Council may require such revisions in the preliminary plat and final plat as it deems necessary for the health, safety, general welfare and convenience of the City of Alexandria.

3. If the City fails to preliminarily approve or disapprove a subdivision application within the review period, the application shall be deemed preliminarily approved, and upon demand the City shall execute a certificate to that effect. Following preliminary approval the applicant may request final approval by the City, and upon such request the City shall certify final approval within 60 days if the applicant has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which the preliminary approval is expressly conditioned either through performance or the execution of appropriate agreements assuring

performance. If the City fails to certify final approval as so required, and if the applicant has complied with all conditions and requirements, the application shall be deemed finally approved, and upon demand the City shall execute a certificate to that effect. After final approval a subdivision may be filed or recorded with the County Recorder's Office.

**Subd. 2. Final Plat.**

**A. Approval of the Planning Commission.** The final plat shall be filed with the City Clerk and submitted to the Planning Commission at least twenty (20) days prior to a Commission meeting at which consideration is requested. During the said twenty (20) days, the City staff shall examine the final plat and prepare a recommendation to the Planning Commission. Approval, disapproval, or any delay in decision of the final plat will be conveyed to the subdivider within ten (10) days after the meeting of the City Planning Commission at which such plat was  
12/11/19 THIS PAGE REPLACES PAGE 11-11

considered. In case the plat is disapproved, the subdivider shall be notified in writing of the reason for such action and what requirements shall be necessary to meet the approval of the Commission.

**B. Approval of the City Council.** After review of the final plat by the Planning Commission, such final plat, together with the recommendations of the Planning Commission shall be submitted to the City Council for approval. If accepted, the final plat shall be approved by simple action, which action shall provide for the acceptance of all agreements for basic improvements, public dedication and other requirements as indicated by the City Council. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the person or persons applying for such approval.

**C. Recording.** If the final plat is approved by the City Council, the subdivider shall record it with the Douglas County Recorder's Office within one hundred (100) days after said approval or approval of the final plat shall be considered void.

**D. Filing Documents.** The subdivider shall provide necessary plat instruments to the Douglas County Recorder's Office and one (1) transparent copy and one (1) paper copy to the City.

**Subd. 3. Replat.** In instances where a subdivider is requesting to replat existing subdivided property, the City Council may waive the preliminary plat and Planning Commission review procedures.

Source: 335-2<sup>nd</sup> Series  
Effective Date: 12/28/92

Subd. 4. **Sketch or Concept Plan.**

A. **Sketch Plan.** Applicants are encouraged to submit a sketch plan and any other pertinent information to the Development Review Team for consideration. Items required in Section 11.04 are those required for the preliminary plat but can be done in a "sketch" form so as to save time and cost.

B. **Development Review Team and Schedule.** A Development Review Team, comprised of the Zoning Administrator, Street Commissioner, City Engineer, Park Superintendent, Fire Marshal, Building Official, representatives from ALP and ALASD and/or other appropriate staff/departments will meet on an as-needed basis to review sketch or concept plans, prior to the submission of an actual preliminary plat application. This step  
12/11/19 THIS PAGE REPLACES PAGE 11-12

is voluntary, and may be initiated by request of an applicant to the Zoning Administrator.

Source: 500-2<sup>nd</sup> Series  
Effective Date: 2/10/03

Section 11.04. **Data Required for Preliminary and Final Plats**

Subd. 1. **General Information.**

A. **Contents.** The preliminary plat shall contain the following information:

1. Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions.

2. Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property.

3. Names and addresses of the developer and the designer making the plat.

4. Scale of plat, not less than one (1) inch to two hundred (200) feet.

5. Date and northpoint.

B. **Existing Conditions.**

1. Boundary line of proposed subdivision,

clearly indicated and to a close degree of accuracy.

2. Existing zoning classifications for land within and abutting the subdivision.

3. A general statement on the approximate acreage and dimensions of the lots.

4. Location, right-of-way width, and names of existing or platted streets, or other public ways, parks, and other public lands, permanent buildings and structures, easements and section and corporate lines within the plat and to a distance three hundred fifty (350) feet beyond shall also be indicated.

5. Boundary lines of adjoining unsubdivided or subdivided land, within three hundred fifty (350) feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.

12/11/19 THIS PAGE REPLACES PAGE 11-13

6. Topographic data, including contours at vertical intervals of not more than two (2) feet. Water courses, marshes, rock outcrops, power transmission poles and lines, and other significant features shall also be known. U.S.G.S. data shall be used for all topographic mapping where feasible.

#### **C. Proposed Design Features.**

1. Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross sections, and proposed names of streets. The name of any street heretofore used in the County or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which even the same name shall be used. Street names conform to the master street name and numbering system as adopted.

2. Locations and widths of proposed alleys and pedestrian ways.

3. Layout, numbers and preliminary dimensions of lots and blocks.

4. Minimum front and side street building setback lines.

5. When lots are located on a curve, the width of the lot at the building setback line.

6. Areas, other than streets, alleys pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including size of such area or areas in acres.

D. **Supplementary Information.** Any or all of the following information requirements shall be complied with when deemed both appropriate and necessary by the City Council Administrator and City Engineer.

1. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.

2. Provision for surface water disposal, drainage, and flood control.

3. If any zoning changes are contemplated, the proposed zoning plan for the areas.

12/11/19 THIS PAGE REPLACES PAGE 11-14

4. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission shall require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions shall be shown to relate well with existing or potential adjacent subdivisions.

5. Where structures are to be placed on large lots (over 30,000 square feet), the preliminary plat shall indicate placement of structures so that lots may be further subdivided.

6. Where potential subdivision and use of excessively deep (over 300 feet) lots exists, the preliminary plat shall indicate placement of structures so that lots may be further subdivided.

7. A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, and landscaping of the erosion and sediment control system.

8. A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted.

9. Such other information as may be requested by the Engineer, Surveyor or Planning Commission.

10. An accurate soil survey of the subdivision prepared by a qualified person.

11. A central water and sewer system feasibility study to be completed by a registered civil engineer. If a central water and sewer system is determined to be feasible, the engineer shall include gradients of sewer and water lines. Where a central sewer system is found to be unfeasible, the engineer shall report on the feasibility of individual home sewer systems and include soil borings and percolation tests as needed to verify conclusions.

12. A survey prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density, and spacing.

12/11/19 THIS PAGE REPLACES PAGE 11-15

13. Itemized and detailed cost estimates for all public improvements, whether installed by the subdivider or requested by the City of Alexandria shall be required.

Subd. 2. **Final Plat.** The owners or subdivider shall submit a final plat together with any necessary supplementary information.

A. **Contents.** The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of Minnesota State Statutes and Douglas County regulations, and such final plat shall contain the following information:

1. Names of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision.

2. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error closure on any portion of a final plat shall be one (1) foot in seventy five hundred (7,500).

3. The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest establishment street lines, including true angles and distances to such reference points or monuments. Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency on street

lines, and at each angle point on the boundary of the subdivision. A permanent marker shall be deemed to be a steel rod or pipe, one-half (1/2) inch or larger in diameter extending at least eighteen (18) inches below the finished grade. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted. The exact location of all markers shall be shown on the final plat, together with accurate interior angles, bearings and distances. Permanent monuments shall be placed at all quarter section points within the subdivision or on its perimeter.

4. Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.

12/11/19 THIS PAGE REPLACES PAGE 11-16

5. Lots shall be numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block.

6. The exact locations, widths, and names of all streets to be dedicated.

7. Location and width of all easements to be dedicated.

8. Name and address of developer and surveyor making the plat.

9. Scale of plat (the scale to be shown graphically and in feet per inch), date and northpoint.

10. Statement dedicating all streets, alleys, easements and other public areas as follows: And do hereby dedicate to the public for public use forever the roads included on the annexed plat, and also the utility easements shown on the annexed plat for use of municipal and other utilities, for installation and maintenance of facilities installed in and over said easements to serve adjacent and/or other premises in the vicinity.

#### **B. Certifications Required.**

1. Notarized, certification by owner of record, of the adoption of the plat and the dedication of streets and other public areas.

2. Notarized certification by a registered



land surveyor to the effect that the plat represents a survey made by him and that monuments and markers shown therein exist as located and that all dimensional and geodetic details are correct.

3. Certification as follows: No delinquent taxes and transfer entered this day of \_\_\_\_\_, 19\_\_.

4. Space for certificates of approval and review to be filled in by the signatures of the Chairman of the City Planning Commission and the Mayor and City Clerk. The form of certificate by the Planning Commission is as follows:

12/11/19 THIS PAGE REPLACES PAGE 11-17

Reviewed by the Planning Commission of the City of Alexandria this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

Signed: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Secretary

The form of approval of the City Council is as follows:

Approved by the City of Alexandria, Minnesota this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

Signed: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

5. A certification by the Alexandria City Attorney indicating that proper evidence of title has been presented to and examined by the City Attorney.

Section 11.05. **Design Standards**

Subd. 1. **Blocks.**

A. **Block Length.** In general, intersecting streets, determining block lengths, shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in

residential subdivisions shall normally not exceed thirteen hundred twenty (1,320) feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required near the center of the block. Blocks for business or industrial use should normally not exceed thirteen hundred twenty (1,320) feet in length.

B. **Block Width.** The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

12/11/19 THIS PAGE REPLACES PAGE 11-3

Subd. 2. **Lots.**

A. The minimum lot area, width and depth shall not be less than that established by the Zoning Ordinance in effect at the time of adoption of the final plat.

B. Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the Zoning Ordinance.

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

D. Every lot must have the minimum frontage as required in the Zoning Ordinance on a City approved street other than an alley.

E. Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the Alexandria Zoning Ordinance. On those lots which are intended for business use, the setback shall be at least that required by the Alexandria Zoning Ordinance.

Subd. 3. **Streets and Alleys.**

A. Except for cul-de-sacs, streets normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic

conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.

B. Minor streets should be so planned as to discourage their use by non-local traffic. Dead end streets are prohibited, but cul-de-sacs will be permitted only where topography or other conditions justify their use. Cul-de-sacs shall normally not be longer than five hundred (500) feet, including a terminal turn-around which shall be provided at the closed end, with an outside curb radius of at least fifty (50) feet and a right-of-way radius of not less than sixty (60) feet.

C. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

12/11/19 THIS PAGE REPLACES PAGE 11-19

D. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.

E. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of streets shall be eighty (80) degrees. Street intersection jogs with an offset of less than one hundred fifty (150) feet measured from center line to center line, shall be avoided.

F. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. or State Highway or thoroughfare, provision may be made for a marginal access street approximately parallel and adjacent to the boundary of such right-of-way, or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, or for lot depths.

G. Alleys shall be provided in commercial and industrial districts, except that this requirement may be waived where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts. Alleys, where provided, shall not be less

than thirty (30) feet wide in commercial or industrial zoning districts nor less than twenty (20) feet wide in residential zoning districts. Deadend alleys shall be avoided wherever possible, but if unavoidable, such deadend alleys may be approved if adequate turn-around facilities are provided at the closed end.

H. Dedication of half streets will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided, or where it becomes necessary to acquire the remaining half by condemnation so that it may be improved in the public interest.

I. For all public ways hereafter dedicated and/or accepted, the minimum right-of-way and paved width for street, thoroughfares, alleys or pedestrian ways included in any 12/11/19 THIS PAGE REPLACES PAGE 11-20

subdivision shall not be less than the minimum dimensions for each classification as recommended by the appropriate utility companies and/or the City Engineer, and as accepted and approved by the Alexandria City Council.

J. Street Grades. Except when, upon the recommendation of the City Engineer that the topography warrants a greater maximum, the grades in all streets, thoroughfares, collector streets, minor streets, and alleys in any subdivision shall not be greater than eight (8) percent. In addition, there shall be a minimum grade on all streets and thoroughfares of not less than .36 percent.

K. Street Alignment. The above ground level horizontal and vertical alignment standards on all streets shall be as follows:

1. Horizontal - radii of center line:

Arterial Street 150 feet minimum

Collector Street or  
Minor Street 50 feet minimum

2. Vertical - minimum sight distance:

Arterial Street 500 feet minimum

Collector Street or  
Minor Street 300 feet minimum

Cul-de-sacs

100 feet minimum

L. Curb Radius. The minimum curb radii for thoroughfares, collector streets, minor streets and alleys shall be as follows:

Arterial Street	25 feet
Collector or Minor Streets	13 feet
Alleys	4 feet

Subd. 4. **Easements.**

A. An easement for utilities at least ten (10) feet wide, shall be provided along a side line of lots or the front or rear line of lots where necessary to form a continuous right-of-way. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

12/11/19 THIS PAGE REPLACES PAGE 11-21

B. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council, by Ordinance, after a recommendation from the Planning Commission.

C. Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along side lot lines.

Subd. 5. **Erosion and Sediment Control.**

A. The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.

B. Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control erosion.

C. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

D. When soil is exposed, the exposure shall be for the shortest feasible period of time.

E. Where the topsoil is removed, sufficient to arable soil shall be set aside for respreading over the developed

area. The soil shall be restored to a depth of four (4) inches and shall be of a quality of at least equal to the soil quality prior to development.

Subd. 6. **Drainage.** For new subdivisions and resubdivisions, drainage plans shall be submitted to the City for review and approval. Storm sewer lines shall be required where connection is possible to existing storm sewers. Wherever possible, vegetated swales, basins or holding retention ponds should be incorporated in the site design to increase infiltration and reduce runoff. Design standards set forth in Section 10.03, Subd. 2E of the City Code shall be met.

Subd. 7. **Steep Slopes.** Subdivision design shall be consistent with limitations presented by steep slopes. Subdivisions shall be designed so that no construction or grading will be conducted on slopes steeper than eighteen (18) percent in grade.

12/11/19 THIS PAGE REPLACES PAGE 11-22

Steep slopes may be deeded to the City or an officially recognized Homeowners Association. Upon City Council approval, deeding of steep slopes may be used to satisfy public land dedication requirements as established in Section 11.06.

Subd. 8. **Subdivision in "W" Wetland, "S" Shoreland and "FP" Flood Plain Management Districts.**

A. No land shall be subdivided which is held unsuitable by the City for the proposed uses because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities, or any other feature likely to be harmful to the health, safety, or welfare of future residents of the community.

B. Copies of all plat within the "S" Shoreland District shall be submitted to the Minnesota Commissioner of Natural Resources within ten (10) days of the final approval by the City.

C. All plats located in the "FP" Flood Plain Management District shall comply with the requirements of Section 10.16, Subd. 5 of the City Code and all plats located in the "S" Shoreland District shall comply with the requirements of Section 10.20, Subd. 7 of the City Code.

Subd. 9. **Planned Unit Developments (PUDS).** All Planned Unit Developments (PUDs) must comply with the procedural requirements of Section 10.23 of the City Code. In addition, if the PUD is located in the "S" Shoreland District it must comply

with the PUD provisions of Section 10.20 of the City Code.

Source: 335-2<sup>nd</sup> Series  
Effective Date: 12/28/92

Subd. 10. **Safe Routes to School.** Any subdivision authorized by the City shall include safe routes to schools infrastructure pursuant to Minnesota Statutes, §174.40, Subdivision 4a, as the same may be amended from time to time.

Source: 805-2<sup>nd</sup> Series  
Effective Date: 05/13/19

Section 11.06. **Parks, Open Space & Public Use.**

Subd. 1. **Authority.** Pursuant to Minn. Stat. §462.358, as amended, the City Council, upon recommendation by the Planning Commission, shall require all subdividers requesting platting or 12/11/19 THIS PAGE REPLACES PAGE 11-23

replatting of land in the City of Alexandria to contribute a percentage of the final gross area of the subdivision to be dedicated to the public for their use as either parks, playgrounds, public open space, trail systems and/or water holding ponds, or to contribute an equivalent amount of cash, or any combination thereof, based upon the conditions outlined in Section 11.06, Subd. 2 of this Ordinance. The form of contribution (cash, land or any combination thereof) shall be decided by the City Council upon recommendation by the Planning Commission.

Source: Ord. 541-2<sup>nd</sup> Series  
Effective Date: 11/8/04

Subd. 2. **Conditions for Contribution of Dedication.** It shall be deemed to be in the public interest to require land dedication, cash contribution, or any combination thereof when the City Council, after review and recommendation, makes one or more of the following findings of fact:

1. All or part of the proposed subdivision has been designated as park, playground, public open space, storm sewer holding areas or ponds.

2. Such contribution is necessary in order to protect adjacent land uses from potential conflicting land uses which could exist on the land to be subdivided.

3. The increased number of residents to reside or be employed within the subdivision will increase the recreational demands upon the City.

4. Such contribution is necessary to provide

surface water run-off generated by the uses proposed within the subdivision.

5. The land proposed to be subdivided contains or borders upon existing unique topographical features including but not limited to ponds, lakes, streams, timber stands, water holding areas, hills, steep slopes, drainage areas or bluffs which should be preserved to prevent foreseeable safety, pollution, or erosion hazards or to provide unique recreational and aesthetic qualities and enjoyment to the City.

6. Such contribution is necessary to comply with or fulfill the goals, policies and plans of the City.

Source: Ord. 335-2<sup>nd</sup> Series  
Effective Date: 12/28/92

Subd. 3. **Type of Contribution or Dedication.** The City  
12/11/19 THIS PAGE REPLACES PAGE 11-24

Council shall require the subdivider to dedicate a percentage of the final plat buildable land or contribute an equivalent amount of cash, or any combination thereof to be used for either park, open space, trail or water ponding purposes. Land dedication will only be accepted if such property is consistent with the City's recreation, drainage or other related plans. In the absence of such plans or if the proposed dedicated land is inconsistent with the appropriate City plans, cash contribution shall be mandatory.

Source: Ord. 586-2<sup>nd</sup> Series  
Effective Date: 8/14/06

1. In residential subdivisions, where a land dedication is required, the following formula will be used to determine the dedication requirement:

Density: Units per Acre	Land Dedication Percentage
0 - 2.5	10
2.5 - 4	11
4 - 6	13
6 - 8	15
8 - 10	17
10 or greater	20



Source: Ord. 541-2<sup>nd</sup> Series  
Effective Date: 11/8/04

Subd. 4. **Procedure for Cash Contribution.** Any cash contribution shall be based upon ten percent (10%) of the estimated fair market value of the undeveloped land of the final plat area. For purposes of this subsection, "fair market value of undeveloped land" is defined as the fair market value of the undeveloped portion of the proposed buildable land at the time of final plat submittal. Such value shall exclude any value to be added to such land as a result of improvements required as part of the final plat approval including utilities, streets, holding ponds, and other public improvements serving such land. The fair market value as determined by the City Council shall be based upon a current appraisal submitted to the City by a qualified real estate appraiser at a fair market value. The cost of the appraisal shall be originally paid by the City and then paid to the City from the cash contribution amount paid by the subdivider. 12/11/19 THIS PAGE REPLACES PAGE 11-25

If the subdivider disputes the accepted appraisal, the subdivider at his/her own expenses may obtain a second appraisal of the property which may, at the option of the City Council, be accepted by the City as being an accurate appraisal of the property. If the City rejects the subdivider's second appraisal, the amount of the cash contribution shall be settled by arbitration between the subdivider and the City Administrator. All moneys collected from cash contributions shall be placed in a special fund from which only those public uses outlined in Section 11.06, Subd. 1 of this Ordinance may be realized.

Source: Ord. 586-2<sup>nd</sup> Series  
Effective Date: 8/14/06

Subd. 5. **Land Dedication.** In such cases where the subdivider is required to dedicate land area, the City Council shall have the right to determine the geographic location and configuration of said dedication.

Subd. 6. **Delayed Dedication or Contribution.** Upon petition by the subdivider on or before the time of final plat approval, the City Council may approve a delay in the actual dedication of the park area or the payment of the cash required in lieu of land until such time as development occurs on the property being platted, provided that a property legal agreement is executed guaranteeing such dedication. Such agreement shall be provided, but shall not be limited to, the minimum area of park land to be dedicated, identification of the location within which the park land shall be located, that the subdivider and owner shall not make any conveyance of any of the property identified for park dedication until said park dedication is completed, shall set a date after which the City shall have the right to make the

dedication of a specific area for park purposes if not done by the subdivider, and such other terms as may be deemed necessary by the City Council. Delayed dedication payments shall include interest at eight percent (8%) per annum from the date of the final plat approval to the date the payment is made to the City of Alexandria.

Subd. 7. **Exception for Outlots.** In subdivisions which include outlots, the subdivider may contribute land, cash, or any combination thereof as provided in Section 11.06 of this Ordinance for the entire subdivision, including the land within the outlots, or for only that land exclusive of the outlots. When such outlots are subdivided, the contribution requirement shall be met in accordance with then existing regulations as applicable, unless such contribution have been previously met.

Source: 335-2<sup>nd</sup> Series

Effective Date: 12/28/92

12/11/19 THIS PAGE REPLACES PAGE 11-26

Subd. 8. **Resubdivision Credit.** In a subdivision of any parcel of land which previously has been subdivided and previously subjected to a cash contribution or land dedication pursuant to Section 11.06 of this Ordinance, the amount of such land dedication or cash contribution previously received or dedicated shall be a credit against any new contributions or dedication required for resubdivision. For resubdivisions where the new subdivision will result in a net increase in the number of residential units, a cash contribution of \$500 per increased residential unit will be required.

Source: 509-2<sup>nd</sup> Series

Effective Date: 5/12/03

Subd. 9. **Commercial/Industrial Subdivisions.** The City Council may waive the requirements of this section for commercial or industrial subdivisions or resubdivisions when it is found such waiver is in the best interest for the City of Alexandria.

#### Section 11.07. **Required Basic Improvements.**

Subd. 1. **Procedures.** The following procedures and required basic improvements shall be complied with and provided for through acceptance of an agreement as indicated in Section 11.03, Subd. 2B of this Ordinance.

Said agreements shall identify those improvements for which the subdivider is responsible, his proportionate share of financial responsibility and overall time scheduling of basic improvements.

Subd. 2. **General.**

A. Before a final plat is approved by the City Council, the owner or subdivider of the land covered by the said plat shall execute and submit to the Council an agreement, which shall be binding on his or their heirs, personal representatives and assigns, that he will cause no private construction to be made on said plat or file or cause to be filed any application for building permits for such construction until all improvements required under this Ordinance have been made or arranged for in the manner following as respects the streets to which the lots sought to be constructed have access.

B. Prior to the making of such required improvements, the Council may require the owner or subdivider to deposit with the City Clerk an amount up to 150% of the City's estimated cost of such improvements, either in cash, indemnity bond, or other sureties or assessments satisfactory to the City, conditioned upon the payment of all construction costs incurred in 12/11/19 THIS PAGE REPLACES PAGE 11-27

making such improvements and all expense incurred by the City for engineering and legal fees and other expense in connection with the making of such improvements.

C. No final plat shall be approved by the City Council without first receiving a report from the City Engineer certifying that the improvements described herein, together with the agreements and documents required herein, meet the minimum requirements of all applicable ordinances. Drawings showing all improvements as built shall be filed with the City Clerk.

D. No final plat shall be approved by the City Council on land subject to flooding or containing poor drainage facilities and on land which would make adequate drainage of the streets and lots impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the City Engineer, make the area completely safe for residential occupancy and provide adequate street and lot drainage, and conform to applicable regulations of other agencies such as the U.S. Corps of Engineers or the Department of Natural Resources the final plat of the subdivision may be approved. In addition, such plats may not be approved if the cost of providing municipal services to protect the flood plain area would impose an unreasonable economic burden upon the City.

E. All of the required improvements to be installed under the provisions of this Ordinance shall be inspected during the course of their construction by the City Engineer. All of the inspection costs pursuant thereto shall be paid by the owner or subdivider in the manner prescribed in Paragraph (2) above.

F. It is the subdivider's responsibility to install all required improvements except that the City reserves the right to elect to install all or any part of the improvements required improvements except that the City reserves the right to elect to install all or any part of the improvements required under the provisions of this Ordinance in lieu of requiring the subdivider to install such improvements, pursuant to MSA 429, as amended.

1. If the City should elect to install all or any part of the required improvements in any given subdivision, under this section, in no instance shall the improvements be installed by the City under this section exceed seventy-five percent (75%) of the cost of the total required improvements. The share so provided by the City shall be directly assessed against each parcel included in the development.

12/11/19 THIS PAGE REPLACES PAGE 11-28

2. When the City elects to install any or part of the required improvements, the contracts for these improvements shall be made by the City, and the subdivider shall pay and deposit within the City the subdivider's required share of construction costs before the City shall proceed.

3. Notwithstanding an election by the City to install all or any part of the required improvements in any given subdivision, in no instance shall the improvements to be installed by the City under this subdivision cause the City to exceed the legally imposed limitation upon the City's bonded indebtedness or \$500,000, whichever limitation provides for the smaller amount of participation.

4. Notwithstanding any election on the part of the City to make the improvements set forth herein, the City of Alexandria shall reserve the right to approve City participation, in all or any portion of a proposed subdivision and thereby approving the final plat of a proposed subdivision.

5. That consistent with the policy set forth herein, the City shall reserve the right to require the subdivider to enter into an agreement setting forth the requirements for such improvements to be installed and the payment to be made by the subdivider.

**Subd. 3. Street Improvements.**

A. The full width of the right-of-way shall be graded, including the subgrade of the areas to be paved, in accordance with standards and specifications for street construction as outlined in Section 11.05 of this Ordinance.

B. All streets shall be improved with pavement in accordance with the standards and specifications for street construction as required by the City Council.

C. All streets to be paved shall be of an overall width in accordance with the standards and specifications for street construction as required by the City Council.

D. Curb and gutter will be constructed as required by the standards and specifications for street construction as required by the City Council.

E. Storm sewers, culverts, storm water inlets, and other drainage facilities will be required where they are necessary to insure adequate storm water drainage for the subdivision. Where required, such drainage facilities shall be constructed in accordance with the standards and specifications  
12/11/19 THIS PAGE REPLACES PAGE 11-29

for street construction as required by City Council.

Source: Ord. 335-2<sup>nd</sup> Series  
Effective Date: 12/28/92

F. Street trees and sodding or other landscaping shall be provided in all boulevards and/or street frontages in accordance with the provisions of Section 10.03 of this Code.

Source: Ord. 500-2<sup>nd</sup> Series  
Effective Date: 2/10/03

G. Street signs of the standard design as may be required by City Council shall be installed at each street intersection.

H. Sidewalks of standard design as may be required by the City Council.

Subd. 4. **Sanitary Sewer and Water Distribution Improvements.**

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

B. 1. Water facilities shall be installed or arranged for by the developer pursuant to plans and specifications approved by the City of Alexandria.

2. The costs of water main or facility installation shall be fully borne by the subdivider or developer

which shall include all of the engineering, direct and indirect project costs incurred by the City of Alexandria, and which shall be paid pursuant to the terms of Subdivision 2 of this Section 11.07 of the Alexandria City Code.

3. In addition to the direct project costs borne by the developer, a benefit charge for the privilege of connecting to existing City of Alexandria water system lines shall be imposed. The benefit charge shall be established by Resolution of the Alexandria City Council and shall be based upon the following principals:

12/11/19 THIS PAGE REPLACES PAGE 11-30

(a) Residential water mains shall be designated as (6") six inch I.D. pipe. In areas zoned commercial, water mains shall be designated as (8") eight inch I.D. pipe. All other water mains (such as those used to serve industry) shall be determined based upon the area to be served at the time of installation.

(b) When the Alexandria City Engineer determines that a larger than (6") six inch I.D. pipe must be installed in a residential area to serve as a supply main and is required instead of the standard (6") six inch I.D. pipe, the City shall be obligated to pay for the oversizing of the (6") six inch water main, which shall be the costs in excess of the (6") six inch pipe.

(c) When the Alexandria City Engineer determines that a larger than (8") eight inch I.D. pipe must be installed in place of the standard (8") eight inch I.D. pipe, the City shall be obligated to pay for the oversizing of the (8") eight inch water main, which shall be the costs in excess of the (8") eight inch I.D. pipe.

C. Where the water facilities are not available for extension into the proposed subdivision, the City Council may, by ordinance, grant a franchise for such water facilities, to serve all properties within a subdivision where a complete and adequate neighborhood water distribution system is designed in conjunction with the subdivision, and complete plans for the systems are submitted for the approval of the City Council.

D. Where City sewer and water facilities are not available for extension into the proposed subdivision, the Council may permit the use of individual water and sewer systems in

accordance with appropriate State regulations.

Subd. 5. **Public Utilities.**

A. Where feasible, in the opinion of the Engineer, all utilities lines for telephone and electric service shall be placed in rear line easements when carried on overhead poles.

B. Where telephone, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such a manner so as not to conflict with other underground services. All drainage and other underground utility installations which traverse privately owned property shall be protected by easements furnished by the subdivider.

6/30/03 THIS PAGE REPLACES PAGE 11-31

Section 11.08. **Registered Land Surveys and Conveyance by Metes and Bounds.**

Subd. 1. **Registered Land Surveys.** It is the intention of this Ordinance that all registered land surveys in the City of Alexandria should be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards set forth in this Ordinance for preliminary plats and that the Planning Commission shall first approve the arrangement, sizes, and relationship of proposed tracts in such registered land surveys, and that tracts to be used as easements or roads should be so dedicated. Unless a recommendation and approval have been obtained from the Planning Commission and City Council respectively, in accordance with the standards set forth in this Ordinance, building permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys and the City may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts unless so approved.

Section 11.09. **Variances**

Subd. 1. **General.**

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

variance shall only be recommended when the Planning Commission finds that at least one (1) of the following conditions exist:

1. That there are special circumstances or conditions affecting said property such that the strict application of the provision of this Ordinance would deprive the applicant of the reasonable use of his land.

2. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which property is situated.

3. That the variance is to correct inequities resulting from an extreme physical hardship such as topography, water conditions, or unusual shape.

6/30/03 THIS PAGE REPLACES PAGE 11-32

4. That there exists inadequate access to direct sunlight for solar energy systems, or

5. That similar conditions exist or have been granted to other property owners in the surrounding area.

B. Any recommendations for variances to the City Council in connection with the acceptance of the final plat of a subdivision shall be made through the Planning Commission.

C. After consideration of the Planning Commission recommendation, the City Council may grant by majority vote variances of this Ordinance subject to the findings and conditions noted in Section 11.09, Subd. 1A of this Ordinance.

Section 11.10. **Fees.** The fees for subdivision, resubdivision, exception to platting (split), and variance applications shall be established by the Alexandria City Council.

Section 11.11. **Violations Of: Penalty.**

Subd. 1. **Sale of Lots from Unrecorded Plats.** It shall be unlawful to sell, trade, or otherwise convey or offer to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or replat of any subdivision or area located within jurisdiction of this Ordinance unless said plan, plat or replat shall have first been recorded in the office of the County Recorder of Douglas County.

Subd. 2. **Receiving or Recording Unapproved Plats.** It shall be unlawful to receive or record in any public office any plans, plats or replats of land laid out in building lots and streets, alleys, or other portions of the same intended to be



dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this Ordinance, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.

Subd. 3. **Misrepresentation as to Construction, Supervision, or Inspection of Improvements.** It shall be unlawful for any person, firm or corporation owning an addition or subdivision of land within the City to represent that any improvement upon any of the streets, alleys or avenues of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the City Council, or has been supervised or inspected by the City, when such improvements have not been so constructed, supervised or inspected.

Subd. 4. **Penalty.** Anyone violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and each month during which compliance is delayed shall constitute a separate offense.

Source: Ord. 338-2nd Series  
Effective Date: 2/8/93