

CHAPTER 13: SUBDIVISION REGULATIONS

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CHAPTER 13: SUBDIVISION REGULATIONS

Section 13.1.01 General Requirements.

Subd. 1 Intent: Land subdivision is the first step in the process of community development. Once land has been divided into streets, blocks, lots and open spaces a pattern has been established which determines how well community needs for residence, business and industry will be met. It also determines, to a great extent, how well the community will be able to handle its traffic circulation problems, how well it will be able to meet the demand for home sites and how efficiently and economically it will be able to provide the many services that are required.

These subdivision regulations are designed to provide for harmonious development of a subdivided area; for a coordinated layout; for the proper arrangement of streets; for adequate and convenient spaces for traffic, utilities, recreation, light, air and access for fire fighting equipment; and for adequate provision of water, drainage, sewer and other sanitary facilities. These regulations shall not apply to land used only for agricultural purposes.

Subd. 2 Legal Authority. This Ordinance is enacted pursuant to *Minnesota Statutes 1965, Section 462.358*.

Subd. 3 Title. This Ordinance shall be known and may be cited and referred to as the Rules and Regulations for the Platting and Subdividing of Land in the City of Cloquet, Minnesota.

Subd. 4 Short Title. Subdivision Regulations for the City of Cloquet.

Subd. 5 Jurisdiction. The regulations herein governing plats and the subdivision of land shall apply within the corporate limits of the City as determined by plat at the time of application and the unincorporated area within two miles of its limits; provided that where a municipality lies less than four miles from the limits of the City of Cloquet, these regulations shall apply only to a line equidistant from the City of Cloquet and said municipality; and provided further, that the governing body or bodies of unincorporated towns adjacent to the City have not adopted ordinances for the regulation of subdivision of land or platting. Copies of resolutions approving subdivision plats of land outside the City but not subject to Township subdivision regulations shall be filed with the clerk of the town in which the land is situated.

Subd. 6 Application of Ordinance. Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this Ordinance, shall be prepared, presented for approval and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract or parcel of land into two or more lots,

tracts or other division of land for the purpose of sale or building development, or public dedication, whether immediate or future, including the resubdivision or replatting of land or lots. Division of land in tracts larger than five (5) acres in area and 300 feet in width shall be exempt from the requirements of this Ordinance.

Subd. 7 Conveyance of Land. No conveyance of land in which the land conveyed is described by metes and bounds, or by reference to a plat made after adoption of these platting regulations without approval by Council resolution, shall be made or recorded if the parcel described in the conveyance is less than five (5) acres in area and 300 feet in width unless such parcel is a separate parcel or record at the time of adoption of this Ordinance or unless an agreement to convey such smaller parcel was entered into prior to such time and the instrument showing the agreement to convey is recorded in the office of the Register of Deeds within one year hereafter.

Subd. 8 Right of Building Permit Refusal. The City Engineer and/or Building Inspector shall refuse building permits and utility services to any parcel or property conveyed by metes and bounds description in violation of this Ordinance.

Subd. 9 Public Street Grants. No grant of a public street to the City by deed shall be filed without the approval of the Council by a resolution to that effect.

13.1.02 Definitions.

Subd. 1 Alley. A public or private thoroughfare which affords only a secondary means of access to abutting property.

Subd. 2 Arterial Streets and Highways. are those designed or utilized primarily for high vehicular speeds and/or for heavy volumes of traffic.

Subd. 3 Attorney. Attorney shall mean the City Attorney of the City of Cloquet, Minnesota.

Subd. 4 Block. A block is the distance as measured along a street between intersecting streets from center line to center line; and where the context required, it also means the enclosed area within the perimeter of the streets or property lines enclosing it.

Subd. 5 Boulevard. Boulevard shall mean the portion of the street right-of-way between the curb lines, or boundaries of the subdivision.

Subd. 6 City. City of Cloquet, Minnesota.

Subd. 7 City Council. City Council of the City of Cloquet, Minnesota.

Subd. 8 Collector Streets and Highways. Collector streets and highways are those designed or utilized to carry intermediate volumes of traffic from minor streets to arterial streets.

Subd. 9 Commission. The Planning Commission of the City of Cloquet, Minnesota.

Subd. 10 Cul-de-sac. Cul-de-sac shall mean a minor street with only one outlet and having a turnaround.

Subd. 11 Development. Development shall mean the act of building structures and installing site improvements.

Subd. 12 Drainage Course. A drainage course is a water course or indenture for the drainage of surface water.

Subd. 13 Easement. An easement is 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.

Subd. 14 Engineer. Engineer is the City Engineer of the City of Cloquet, Minnesota.

Subd. 15 Lake Level. Lake level is defined as the mean level of the lake or water course into which a property does or will drain as established by the City Engineer.

Subd. 16 Local Streets. are those which are used or will be used primarily for access to abutting properties and which carry limited volumes of traffic.

Subd. 17 Lot. Land occupied or to be occupied by a principal use and its accessory buildings, together with such open spaces as are required under Chapter 17 of the City Code and having its required frontage upon a street or right-of-way or easement shown on a plat of survey which has been submitted, approved and officially recorded in the manner required by this Chapter.

Subd. 18 Lot Width. The maximum horizontal distance between the side lot lines or a lot measured at the minimum required front setback line.

Subd. 19 Map. A drawing showing one or more parcels of land.

Subd. 20 Minor Street. Minor street shall mean a street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

Subd. 21 Official Map. A map which designates certain existing and proposed alignment and right-of-way streets, alleys, other public ways, streams, storm water drainage channels and sewers and sanitary sewers, and site of parks, schools and other public grounds. Such map shall have been adopted by Ordinance following public hearing procedures and is intended to guide future development in the City as it is related to thoroughfares and community facilities.

Subd. 22 Owner. Owner is an individual, firm, association, syndicate, co-partnership, corporation, trust or any 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.

Subd. 23 Parks. Parks are 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.

Subd. 24 Person. Person is any individual, firm, association, syndicate or partnership, corporation, trust, or any legal entity as recognized by laws of the State of Minnesota.

Subd. 25 Plat. A map showing a plan for the subdivision of land which is submitted for approval and is intended in final form for recording.

Subd. 26 Private Street. Private street is a purported street, way or strip of land reserved for the use of a limited number of persons or purposes as distinguished from a publicly dedicated street.

Subd. 27 Public Walkway. Public walkway is a public way designated for the use of pedestrian traffic.

Subd. 28 Sanitary Sewer. Sanitary sewer is a constructed conduit connected with a sewer system for the carrying of liquids and solids other than storm sewer waters to a sanitary treatment facility.

Subd. 29 Service Drive. are 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.

Subd. 30 Setback. Setback is the building setback distance of a line as measured from the nearest street, road, or water shoreline or property boundary line.

Subd. 31 Street. A public thoroughfare which affords principal means of access to abutting property.

Subd. 32 Storm Sewer. Storm sewer is a constructed conduit for carrying surface waters to a drainage course.

Subd. 33 Subdivider. Is any person, individual, firm, associations, syndicate, co-partnership, corporation, trust or other legal entity commencing proceedings under this Ordinance to effect a subdivision of land.

Subd. 34 Subdivision. The “division” of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, by platting, conveyance, registered land survey or other means, into two or more parcels, sites or lots, any one of which is less than five 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; also,

The division of land, regardless of area, if such division or plat provides for the granting or dedication of a public street; also,

The resubdivision of land heretofore divided or platted into lots, sites or parcels, where the total area of land being resubdivided is one acre or more. 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 drainage or other public facilities.

Subd. 35 Surveyor. Surveyor is a duly Registered Land Surveyor employed by the subdivider for the preparation of subdivision surveys or plats as required by this Ordinance and State Statute, and in accordance with City Ordinance and State Law.

Subd. 36 Traditional Neighborhood Design. A compact, mixed use neighborhood where residential, commercial and civic buildings are within close proximity to each other. The variety of uses permits educational facilities, civic buildings and commercial establishments to be located within walking distance of private homes. A traditional

neighborhood development is served by a network of paths, streets and lanes designed for pedestrian as well as vehicles.

Subd. 36 Transportation Plan. The part of the Comprehensive Plan, now or here-after adopted which includes a major street and highway plan and sets forth the location, alignment, dimension, identification and classification of existing and proposed streets, highways and other thoroughfares.

Subd. 37 Zoning Ordinance. City Code of Ordinances, Chapter 17, including the official Zoning Map which divides the local political jurisdiction into districts with regulations, requirements and procedures for the establishment of land use controls.

13.1.03 Preliminary Plat.

Subd. 1 Advisory Meeting Required with City Planning Staff. Before preparing a Preliminary Plat and submitting it to the Planning Commission for approval, the subdivider shall meet and consult informally with the City Planning Staff 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 shall review with the City Planning Staff the minimum standards of subdivision design set forth in *Section 13.1.06* of these Regulations. 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 City of Cloquet is not required for this informal advisory meeting.

Subd. 2 Preliminary Plat Required. Before submission of a Final Plat the subdivider shall prepare and submit to the City Clerk Preliminary Plats of the land he proposes to develop as described in *Subd. 4, B below*. The Preliminary Plats shall be submitted only after the Advisory Meeting with the City Planning Staff and prior to the making of any street improvements or the installation of any utilities.

Subd. 3 Preliminary Plat Data. The Preliminary Plat shall meet the standards of design as set forth in *Section 13.05* and shall show the following information:

- A. Scale of one hundred (100) feet to one (1) inch or larger.
- B. Name of subdivision, name and address of the Owner(s), the engineer or surveyor, and the owners of the adjacent property
- 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 two (2) feet.
- 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 name, widths, proposed approximate grades and proposed relative ground elevations at the intersections of all streets and every 100 feet along such streets and at the corners or extremities of the plat, and other dimensions as may be required. Elevations shall be to the city datum or if unavailable a bench mark for the plat shall be shown.
- 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. Data to be provided includes type of utility, location of manholes, catch basins, hydrants, etc.; approximate depth of pipe constructions and size of pipe and direction of flow.
- L. Lot lines, lot numbers, and approximate lot dimensions.
- M. Sites and their acreages, if any, to be reserved or dedicated for parks, recreation areas, open spaces, 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, streams, natural and proposed drainage courses, permanent buildings, or other structures.
- P. Other reasonable information, such as percolation and other soil tests, if so requested by the Commission in order to make a proper review of the site.
- Q. Copies of proposed deed restrictions, if any, shall be attached to the Preliminary Plat.
- R. An informal written statement as to the general plan of improvements, drainage and development shall be submitted by the applicant with the preliminary plat.

Subd. 4 Preliminary Plat Procedures.

- A. Prior to submittal of the Preliminary Plat, in the case of any proposed plat which includes lands abutting upon any existing or established trunk highway or proposed highway which has been designated by a center line order found in the office of the Register of Deeds, the plat shall first be presented to the State Commissioner of Highways for his written comments and recommendations.

Where any plat includes land abutting upon an existing or established County or County State Aid Highway the plat shall be submitted to the County Engineer for his written comments and recommendations. The Commissioner of Highways or the County Engineer shall submit written comments to the City in accordance with State Law. In requesting the comments of the Commissioner of Highways and the County Engineer the subdivider shall include a written statement describing the outlet for the means of disposal of surface waters in the proposed platted area.
- B. Four (4) copies of the Preliminary Plat and supplementary material specified shall be submitted to the City Clerk for filing, along with a written application for conditional approval.

- C. The City Clerk shall, upon receipt of a Preliminary Plat, retain one copy, refer one copy to the Zoning Administrator, and refer two copies to the Planner and Engineer for review as to completeness of information. If found to be incomplete, the application will be returned to the developer. If found to be complete, the plat will be referred to other City Department heads for review, as necessary.
- D. Upon review by City Department heads, the copy of the plat together with all comments and suggested revisions shall be referred to the Planning Commission for a public hearing. The Preliminary Plat shall receive the approval of the Planner and Engineer as to their respective technical considerations prior to consideration by the Planning Commission. A statement of approval by the Planner and Engineer shall be attached to the Preliminary Plat.
- E. Within sixty (60) days after the hearing on the Preliminary Plat, the Planning Commission shall recommend approval, disapproval, or approval subject to modifications of the said plat to the City Council. Failure of the Planning Commission to act on this Preliminary Plat within sixty (60) days shall be deemed a recommendation of approval of the plat. If a plat is recommended for disapproval, reasons for such disapproval must be stated in writing. If approval subject to modifications is recommended, the nature of the required modifications shall be indicated in writing. The Planning Commission shall then forward the Preliminary Plat together with its recommendations to the City Council for final action. The final action of the City Council shall be noted on two (2) copies of the Preliminary Plat with any notations made at the time of approval or disapproval of the specific changes required. One (1) copy shall be returned to the subdivider and the other placed on file in the office of the City Clerk.
- F. 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 six (6) months from the date of such approval. An extension of time may be applied for by the subdivider and granted by the City Council.

Subd. 5 Subdivision of a Portion of a 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 showing the proposed general platting arrangement 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.

Subd. 6 Plat Review Charge. A filing fee will be charged at the time of filing the Preliminary Plat, to offset administrative costs in processing the application. This fee will be assessed once for each preliminary plat application submitted; no additional fee will be charged for filing a final plat. Such fee will be established by the City Council by resolution from time to time.

13.1.05 Final Plat.

Subd. 1 Final Plat Data and Supplementary Data. The final plat, following review and approval of the paper prints by the City, shall be prepared at a scale of 1" equals 100' in numbers and styles as specified by the City of Cloquet and by the County Recorder. The Final Plat shall be prepared on sheets 20" wide and 30" in length with a 2" left border line and a ½" top, bottom and right border line. The Final Plat shall include the following information and any other information required by State Law:

- A. Data required by State Law to fully describe the land to be platted including accurate dimensions, angles, bearings to describe boundaries, streets, easements, areas reserved for public purpose and other important features.
- B. Name and right-of-way width of each street, highway, easement, or other rights of way as required by State Law.
- C. Lot numbers, lot lines, and dimensions.
- D. Purpose for which sites, other than residential lots, are dedicated or reserved.
- E. Location of rivers, streams, creeks, lakes, ponds, swamps as required by State Law.
- F. Location and description of monuments as required by State Law.
- G. Names and location of adjoining subdivision, streets and unplatted properties.
- H. 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.
- I. Certification on plat by surveyor as to the accuracy of survey and plat.
- J. Certification on plat by the City Clerk that the plat has been approved for recording in the office of the County Register of Deeds.
- K. Certification that the subdivider has complied with one of the following alternatives shall be submitted with the Final Plat;
 - (1) All the improvements have been installed in accordance with the requirements of these regulations, or
 - (2) A bond has been posted with the City which is in an amount determined by the Council to be sufficient to complete the improvements and installations in compliance with these regulations, is with a surety satisfactory to the Council, and which specifies the time for the completion of the improvements and installations.
- L. Cross-sections, profiles and grades of streets, curbs, gutters and sidewalks showing locations of in-street utilities, and drawn to standard scales and elevations shall be submitted with the Final Plat.
- M. Protective covenants, if any, shall be submitted with the Final Plat.

- N. Letters of approval of highway access points and service roads from the Commissioner of highways and the County Engineer, as applicable, shall be submitted with the Final Plat.

Subd. 2 Final Plat Procedure.

- A. Four (4) paper print copies of the final plat together with any street profiles, other plans and certifications that may be required shall be submitted to the City Clerk by the subdivider.
- B. One (1) paper print copy of the final Plat shall be transmitted to the Engineer who will check said plat as to computations, monuments, etc., and that all the required improvements have been completed to the satisfaction of the City, or, in the case a security bond has been posted, that it is sufficient to cover the cost of the required improvements. If found satisfactory, he will refer the paper print copy of the Final Plat to the Planning Commission with his approval certified thereon within thirty (30) days of receipt thereof.
- C. Within sixty (60) days after the submittal of the Final Plat, the Planning Commission shall recommend approval or disapproval of the said Plat. Failure of the Planning Commission to act upon this Final Plat within sixty (60) days shall be deemed a recommendation of approval of the Plat. If Plat disapproval is recommended, the grounds for disapproval shall be stated in the records of the Planning Commission. A plat shall not be recommended for approval unless it:
- (1) Conforms to the Preliminary Plat.
 - (2) Conforms to the design standards set forth in this ordinance.
 - (3) Conforms to the adopted Comprehensive Plan.
 - (4) Is in accordance with all requirements and laws of the State of Minnesota.

The Planning Commission shall then forward the plat together with its recommendations to the City Council for final action.

- D. It is the intent of this ordinance that a paper copy of the Final Plat go to the Planning Commission and City Engineer for review and to the City Council for action. When the paper print of the Final Plat has been approved by the City Council, the developer shall then cause the required Mylar or cloth and paper prints to be made with the approval of the City certified thereon, and distributed according to State Statute.
- E. When the Final Plat has been approved by the City Council, the required copies shall be returned to the subdivider, with the approval of the City certified thereon, for filing with the County Register of Deeds as an official plat of record.
- F. Upon approval of the Final Plat the subdivider shall record it with the Register of Deeds within ninety (90) days in the manner specified by State Law. Otherwise the approval shall become void unless a request for extension has been made in writing and approved by the City Council.

- G. Upon approval of the Final Plat the subdivider shall submit a digital CAD file of the plat to the City Engineer. All files should be submitted in .DFX or .DWG file format.

13.1.06 Minimum Improvements Required. The developer shall provide the following improvements before approval of a plat; or shall provide the necessary funds in escrow; or shall provide a performance bond in an amount necessary to insure compliance with the installation of improvements as herein required. Provided, however, that the City Council may also accept petitions for said improvements to be installed on a special assessment basis. All of the improvements required in this section shall be constructed only after the plans and specifications thereof have been approved by the City.

No areas platted after the date of this Ordinance outside the City of Cloquet or properties subdivided by metes and bounds description after date of this Ordinance will be accepted for annexation unless it shall substantially conform or can be made to substantially conform to the minimum standards herein.

Subd. 1 General. The plat shall conform to the Official Map and other parts of the adopted Comprehensive Plan of the City of Cloquet.

Subd. 2 Official Map. Whenever a tract to be subdivided embraces any part of an arterial or collector street or highway, so designated on the Official Map, such part shall be platted for dedication to the City by the subdivider in the location and at the width indicated on said plan.

Subd. 3 Land Subject to Poor Drainage. The right is reserved to disapprove any subdivision which is subject to poor drainage. However, if the subdivider agrees to make such improvements as will make the area safe for residential occupancy, the subdivision may be approved, subject, however, to the approval of the Engineer.

Subd. 4 Community Assets. 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 such features within its area of subdivision jurisdiction which it deems worthy of preservation.

Subd. 5 Monuments and Stakes. All subdivision boundary corners, block and lot corners, street intersection corners, and points of tangency and curvature shall be marked with survey monuments consisting of minimum 5/8" steel rods 24" in length. Inscribed on the monument or cap, according to State Statute, shall be the registration number of the land surveyor making the survey. All U.S., State, County and other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

13.1.07 Public Sites and Open Spaces. The following requirements are applicable to all subdivisions within the jurisdiction of these regulations:

Subd. 1 In subdividing land or resubdividing an existing plat, due consideration shall be given by the subdivider, and by the Planning Commission upon review, to dedication or reservation of suitable sites for schools, conservation areas or other public or semi-public recreational areas, or open spaces and parks.

- A. Where a proposed public park, recreation area or open space, as determined by the Comprehensive Plan, Planning Commission and/or City Council, is located in whole or in part within a subdivision, the subdivider shall make available such lands to the City of Cloquet, provided, however, that the total dedication (exclusive of public streets, alleys and pedestrian ways and exclusive of all other purchased sites such as fire and police stations, water towers and treatment plants and sewer lift stations) shall not exceed ten percent of the total gross acreage owned or controlled by the subdivider in the case of proposed subdivision of five lots or more, and five percent of the total acreage in the case of proposed subdivisions of four lots or less.
- B. Where an area that is specifically designated by the Comprehensive Plan or City Council for public park, recreation area or open space exceeds the percentage of the total acreage controlled by the subdivider as stipulated in *Subd. 1, A* above, the entire area shall be reserved for such use on all subdivision plans and plats; and the acquisition of such additional area shall then be secured by the City of Cloquet, or arrangements made for its acquisition, within a period not to exceed one year from the date of approval of the preliminary plan. The value of the subject land at the time of subdivision but before improvements shall be established by three qualified appraisers, one of whom shall be appointed by the City Council, one by the subdivider, and one of whom shall be mutually agreed upon by the other two parties.
- C. Where less than the five or ten percent of the total gross area being subdivided, as stipulated in *Subd. 1, A* above, is proposed for public parks, recreation areas or open spaces as designated by the Comprehensive Plan, the Planning Commission or City Council, the subdivider shall dedicate such area that is less than the required percentage, and in addition, pay to the City of Cloquet a sum of money so that either or both the dedicated and the payment equal the required percentage of the land before it is subdivided.
- D. The entire sum of money equal to the appraised value of land comprising an area equivalent to the required percentage of the total area of the tract, shall be paid by the owner or subdivider to the City of Cloquet in the event that there are no public parks, recreation areas or open spaces required by the Planning Commission and City Council or offered for dedication by the subdivider.

Subd. 2 Sums of money so received by the City of Cloquet shall be placed in a special account to be known as the Public Land Purchase and Improvement Account, and allocated by the City Council solely for acquisition of land for public parks, recreation areas or open spaces, development of existing parks and recreation areas, or debt

retirement in connection with lands previously acquired for parks, recreation areas or open spaces.

Subd. 3 In residential subdivisions, the subdivider may at the City's option, in lieu of the dedication of land for public use, contribute an equivalent amount in cash as determined in "A" above.

13.1.08 Street and Block Layout. The following requirements are applicable to all subdivision within the City of Cloquet.

Subd. 1 The Subdivision shall be so designed as to be in harmony with adjacent subdivisions and provide for the continuation or existing streets. Provisions shall be made for streets through the subdivision for the platting of contiguous property. No strip of unplatted land or portion of street or artifice shall be used or retained by the subdivider to impede the platting of adjacent parcels.

Subd. 2 The street layout shall provide access adequate for emergency and public service vehicles to all lots and parcels of land within the subdivision.

Subd. 3 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. Street jogs with centerline offsets of less than one hundred and fifty (150) feet shall be discouraged.

Subd. 4 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 filing, and to produce streets with reasonable grades as defined in *17.5.11 of the Zoning Ordinance*.

Subd. 5 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 for adjacent but as yet undeveloped or platted land tracts.

Subd. 6 Streets shall intersect other streets as near to a 90 degree angle as topography and other factors permit. Intersections of streets with arterial or collector streets shall be limited to a minimum angle of 70 degrees unless specifically approved by the Commission.

Subd. 7 Whenever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision which conforms to the Official Map, the remainder of the street or alley shall be platted to the prescribed width within the proposed subdivision.

Subd. 8 Half-width streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations. Where an existing, half-width street adjoins a portion of the boundary of a proposed subdivision, street dedication in a width needed to make this a full-width street may be required.

Subd. 9 Street right-of-way widths shall conform to those indicated in the Transportation Plan. Where such widths are not prescribed therein, the widths shall not be less than the minimums stated in *Section 13.1.09*.

Subd. 10 Alleys shall be platted in the rear of all lots to be used for commercial or industrial purposes. Alleys will not be approved in single family residential areas, unless required by unusual topography or other exceptional conditions, or unless designed as part of a Traditional Neighborhood Design.

Subd. 11 Land 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 traffic ways; and with the view also of minimizing interference with traffic on such traffic ways as well as the accident hazard. This may be accomplished in several ways:

- A. By platting the lots abutting such traffic ways at very generous depth, with setbacks or front yards at least ten (10) feet greater or deeper than otherwise required; and providing vehicular access to them by means of frontage access roads next to the traffic way, connected therewith at infrequent intervals;
- B. By not fronting the lots on the highway or thoroughfare but on a parallel local street at a distance of a generous lot depth, in which case private driveways shall connect with such local street;
- C. By a collector street platted more or less parallel with the highway or thoroughfare, six hundred (600) to one thousand (1000) feet distance 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.

Subd. 12 Dead end streets will be approved if limited to five hundred (500) feet in length, provided a permanently designed turn around area having a minimum diameter to the edge of the finished street or curb line of not less than eighty (80) feet and a minimum right of way diameter of one hundred (100) feet, is constructed.

Subd. 13 Closed subdivisions (with only one exit) shall not be permitted.

Subd. 14 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.

Subd. 15 The lengths, widths, and shapes of blocks, and lots within blocks, shall be determined with due regard to:

- A. Provision of adequate building sites suitable to the special needs of the principal and all required accessory uses.
- B. Zoning requirements as to lot sizes and dimensions, and provisions regulating off-street parking and loading spaces.
- C. Needs for convenient access, circulation, control and safety of street traffic.
- D. Limitations and opportunities of topography.
- E. Generally, blocks shall not exceed thirteen hundred twenty (1320) feet nor less than five hundred (500) feet in length measured along the greatest dimension of the block.

Subd. 16 Residential blocks shall normally be of sufficient width for two tiers of lots. Block lengths shall be determined by circulation and other needs. Where residential blocks with lots deeper than two hundred (200) feet are proposed, a reservation for a future street through the middle of the block, longitudinally, may be required.

Subd. 17 Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities.

Subd. 18 The number of intersecting streets along arterial and collector streets shall be held to a minimum, and where practicable, blocks along such traffic ways shall not be less than eight hundred (800) feet in length.

13.1.09 Minimum Widths for Streets and Alley Right-of Way. For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets and thoroughfares shall be shown in the Comprehensive Plan and where not shown therein, the minimum right-of-way width for streets, arterial highways or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

Classification	Desirable	Acceptable
Principal Arterial Highways	104 feet	74-80 feet
Minor Arterial Highway	80 feet	75 feet
Collector Streets	80 feet	66 feet
Local Streets	66 feet	66 feet
Service Drives		30 feet
Alley		20 feet
Pedestrian Way		10 feet

Where existing or anticipated traffic on principal and minor arterial highways warrants greater widths of rights-of-way, these shall be required.

13.1.10 Minimum Pavement Widths and Surface Types. The following requirements are applicable to all subdivisions within the jurisdiction of these regulations:

Subd. 1 Pavements widths for arterial and collector streets will be designated in the Transportation Plan. Where required to be provided as part of the subdivision the subdivider will be responsible for thirty-three (33) 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 Transportation Plan shall be borne by the City of Cloquet, the County of Carlton or by the Minnesota Highway Department where applicable, unless it is determined by the City Council that such greater width will benefit the subdivider in proportion to its cost.

Subd. 2 Local streets and dead end streets shall have minimum paved widths of thirty-three (33) feet. Where curb and gutter is required the total width, face to face of curb,

shall be thirty-three (33) feet. The pavement of a turning circle at the end of a dead end street shall have a minimum finished outside diameter of fifty (50) feet.

Subd. 3 Alleys shall have minimum paved widths of twenty (20) feet.

Subd. 4 Alleys, where permitted, will be constructed with a concrete pavement of a minimum thickness of six (6) inches or of asphaltic concrete of a minimum thickness of two (2) inches mat and eight (8) inches base. This requirement may be varied by the City Council if, in their opinion, the requirement imposes too severe a restriction when related to the projected use of the alley.

Subd. 5 The subdivider shall perform all initial grading of all streets from property line to property line, including temporary approved ditching and the supply and installation of culverts where necessary for over the ground drainage until curb and gutter is installed, to within one (1) foot below the final approved grade prior to installation of water and sewer facilities. Centerline street grades are to be established by the subdivider subject to approval of the City Engineer.

Subd. 6 After the subdivider has performed the initial street grading and after sewer and water mains are in, a minimum of six (6) inch compacted gravel street 24 feet in width shall be constructed in accordance with current City policy established by resolution of the City Council.

Subd. 7 Upon receipt of a valid petition therefore, and/or in accordance with current City policy established by resolution of the City Council, streets shall be graded full width and fully constructed with a concrete pavement of a minimum thickness of six (6) inches or of asphaltic concrete of minimum thickness of two (2) inches mat and eight (8) inches base, or of a construction standard and material approved by the City Engineer, in writing. If the classification of the street justifies the construction of a thicker section, the additional cost thereof may be borne by the City of Cloquet, the County of Carlton, or the Minnesota Highway Department, depending upon the agency having jurisdiction.

Subd. 8 Curb and gutter shall be constructed within the confines of the platted area at such time as final street grades and permanent paving are constructed in accordance with current City policy established by resolution of the City Council.

13.1.11 Street Grades, Curves and Sight Distances. The following requirements are applicable to all subdivisions within the jurisdiction of the City of Cloquet:

Subd. 1 The grades of any street or alley shall not be less than four-tenths (0.4) percent. (Where specifically approved by the City Engineer, alleys may be redesigned with a 0.25 grade when constructed with concrete pavements).

Subd. 2 Street Grades: The grades in all streets, arterial highways, collector streets, minor streets and alleys in any subdivision shall not be greater than the maximum grades for each classification as follows:

Principal Arterial Highway	6 percent
Minor Arterial Highway	6 percent
Collector Street	6 percent

Local Street	8 percent
Alley	8 percent
Pedestrian Way	20 percent (May be increased if steps of an acceptable design are provided)

Subd. 3 All changes in street grade of one (1) 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 (40) mph and local streets is twenty-five (25) mph. In no case shall the length of the required vertical curve be less than fifteen (15) times the algebraic difference in rate of grades for arterial and collector streets or one-half (1/2) of this minimum for all other streets.

Subd. 4 The radius of curvature on the center line of the street shall not be less than that required to produce stopping sight distance as defined in *Subd. 3* above. In no case, however, shall the radius of curvature for arterial and collector streets be less than three hundred (300) feet or for local streets, service drives and alleys be less than one hundred (100) feet.

13.1.12 Intersections. The following requirements are applicable to all subdivisions within the jurisdiction of the City of Cloquet:

Subd. 1 At a street intersection, the street curb intersection shall be rounded by a radius of at least fifteen (15) feet.

Subd. 2 Where, in the opinion of the Engineer, the center line profiles of streets presented as part of the Preliminary Plat do not clearly indicate that adequate intersection design will be accomplished, the Commission may request an intersection detail at a scale not to exceed one (1) inch equals twenty (20) feet, which detail will clearly represent the construction details for said intersection.

Subd. 3 Intersections shall be designed so as to avoid abrupt changes in longitudinal or transverse slope.

13.1.13 Lots. The following requirements are applicable to all subdivisions within the jurisdiction of the City of Cloquet:

Subd. 1 The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated. Lot dimensions shall conform to the requirements of the Zoning Ordinance.

Subd. 2 Excessive depth in relation to widths shall be avoided. A proportion of not more than three (3) to one (1) normally shall be considered appropriate.

Subd. 3 Every lot shall abut on a street. Lots for residential purposes shall meet the size requirements of the Zoning Ordinance and also the requirements relative to building setback and side yard requirements.

Subd. 4 Corner lots for residential use shall be platted at least ten (10) feet wider than interior lots in order to permit conformance with the setback required by the Zoning Ordinance on the side streets.

Subd. 5 Residential lots fronting on arterial and collector streets should have extra depths to permit deep setbacks for the buildings.

Subd. 6 Double frontage lots and reversed frontage lots shall not be platted except as hereinbefore permitted under *Section 13.07*, et. Al.

Subd. 7 Side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot fronts.

Subd. 8 Narrow, triangular lots, unusual shapes and lots not permitting at least a 26 foot width house with side yards and driveway, rear yards and front yards are prohibited. No plat will be accepted that contains lots undesirable for building, property subject to recurrent flooding, property at grades greater than 8 percent or other factors that may cause such properties to be marginal in building operations and cause such property to be returned for property taxes.

Subd. 9 Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.

13.1.14 Utilities and Drainage. The following requirements are applicable to all subdivisions within the jurisdiction of these regulations:

Subd. 1 Water Lines: Where approved public water supply is within reasonable access to the subdivision as determined by the number of lots, distance from and capacity of existing mains, water lines shall be placed within the right-of-way of each street. Water lines shall have a minimum diameter of eight inches (8"). Fire hydrants shall be installed at intervals of not less than four hundred (400) feet. The minimum size water main shall be eight inches (8") in diameter and all water mains shall be looped so that water is available from two directions to any point. Water main, fire hydrants, gate valves and appurtenances shall be installed in accordance with acceptable engineering practice. In general, in new residential areas, water main services with a shutoff shall be installed to appropriate public recreational areas in conjunction with the water main construction.

Subd. 2 Sanitary Sewers: Sanitary sewers shall be constructed in accordance with the standards of the City of Cloquet and each lot shall be provided with a connection to a sanitary sewer. The City may accept an area for platting where such service cannot be provided when the lots are of sufficient size and the soil is suitable for private disposal systems in accordance with City and State Health Department recommendations. No such private disposal systems shall be interconnected or run to a common private or public drain. The minimum size public sanitary sewer shall be eight (8) inches in diameter. In

general in new residential areas sanitary sewer services shall be installed to appropriate public recreational areas in conjunction with the sewer construction.

Sewage lift stations will be constructed if necessary to serve an area, provided a lift station will be constructed on an assessment basis to serve an area only if at least 50 percent of the cost is immediately assessable. The lift station cost beyond the 50 percent and the prorata immediately assessable will be held for future assessment to the future area to be served.

Subd. 3 Storm Drainage: 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.

Open drainage ditches will not be allowed unless specifically directed by the City Engineer.

Platting of property is prohibited unless it is possible to drain the property by gravity drainage to the natural drainage course for the area (*Refer to Chapter 18: Stormwater Management Regulations to verify compliance*). As a minimum, no property plat will be accepted unless street grades are at least five feet above lake level and lots are of such elevation as to drain into the streets. The meeting of this minimum requirement does not obligate the City Council to accept the plat if there are substantial obstructions to the drainage of the property contained therein, and the City Council may require that the subdivider install pumping facilities for storm drainage prior to plat acceptance if such facilities are necessary.

Subd. 4 Extensions Not in Platted Area: In some cases the proposed area to be platted will not be served at its borders by water mains or sanitary sewer. The City Council may require a petition for the creation of an assessment district to extend the facilities to the platted area; or may require the subdivider to pay the cost of such extension; or may accept the plat with a separate water or sewer system; or may pay the cost thereof and hold the amount for future assessment; or may refuse acceptance of the plat.

Subd. 5 Building Permit: No building permit shall be issued in the platted area until sewer and water mains are designed, approved and the contract for installation awarded with a satisfactory completion date. No building shall be occupied in the platted area until provided with sanitary sewer and water service and until the street is graveled and such graveling accepted as adequate by the City Engineer to serve the building. The occupancy of a building in violation of this section shall not relieve the subdivider of any responsibility for street improvement. The transfer of property in the plat from the original subdivider to other parties shall not relieve the subdivider of his responsibility for initial street work as defined herein.

Subd. 6 Design of Improvements: The City Engineer will design only the improvements to be installed by the City. A subdivider desiring to contract and install his own improvements shall do so in accordance with City specifications and practice. The City Engineer will approve or disapprove all plans, specifications and installations in the public street and for improvements installed by the subdivider shall furnish a written

statement to the subdivider of City acceptance of the improvement prior to the City accepting maintenance of the improvement or street as a part of the City system.

13.1.15 Other Requirements. The following requirements are applicable to all subdivisions within the jurisdiction of these regulations:

Subd. 1 Sidewalks: Sidewalks shall be constructed on both sides of all streets being dedicated for public use. The sidewalks shall be a minimum of five (5) feet wide, constructed of concrete pavement with a minimum thickness of four (4) inches.

Subd. 2 Driveways: The subdivider shall install driveways, driveway approaches and curb returns for each connection to the street.

Subd. 3 Screen Planting: 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 any subdivisions which back onto an arterial or collector street.

Subd. 4 Street Names: All streets are to be named. A proposed street which is in alignment with and which joins an existing and named street shall be given the name of the existing street. The name of a proposed street shall not duplicate the name of an existing street to which it does not connect or with which it is not in alignment.

Subd. 5 Street Name Signs: Reflectorized street name signs shall be provided at all street intersections or where a change of direction of a street requires a change of street name. The signs shall be of the size and type approved for use by the City of Cloquet. Normally, one sign will be required at each residential intersection; however, more may be required dependent upon the character and/or width of the streets.

Subd. 6 Easements: The following standards and requirements shall apply for all plats where easements are necessary:

- A. An easement for utilities, at least ten (10) feet wide, shall be provided along each side of a side line of lots and/or the rear line of lots where necessary to form a continuous right-of-way, at least twenty (20) feet in width. Such easements are to be dedicated and provide for utility service from street to street. The intent of such easements is to furnish overhead wire utility service from the rear of the lots to buildings. If necessary for the extension of main water or sewer lines, electrical transformer pads or similar utilities, easements or greater width may be required along lot lines or across lots.
- 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, upon the recommendation of 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.

- D. Where a subdivision is transversed by a water course, drainage way, channel or stream, a storm water easement, drainage right-of-way or park dedication, whichever the Planning Commission may deem the most adequate, conforming substantially with the lines of such water course shall be provided, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. The width of such easements shall be determined by the Planning Commission.
- E. Where a connection to a trail system is feasible, easements for a connection to the trail system may be allowed in lieu of sidewalk requirements as stated in *Subd. 1* of this Section.

13.1.16 Public Utilities

Subd. 1 All new electric distribution lines (excluding main line feeders and high voltage transmission lines), telephone service lines, Cable TV, and services constructed within the confines of and providing service to customers in a newly platted residential area shall be buried underground; unless the Council specifically shall find, after study and recommendation by the Planning Commission, that:

- A. The placing of utilities underground would not be compatible with the development planned;
- B. The additional cost of burying such utilities would create an undue financial hardship; or
- C. Topographical, soil, or any other conditions make the underground installation unreasonable or impractical.

Subd. 2 All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles. The Planning Commission may recommend, and the City Council require, that the type of overhead pole used be of a quality and durability aesthetically in conformance with the nature of the residential development.

Subd. 3 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.

Subd. 4 All drainage and other underground utility installations which traverse privately owned property shall be protected by easements.

Subd. 5 The subdivider is responsible for complying with the requirements of this Section, and shall submit to the Planning Commission a written record from the utilities showing that the necessary arrangements with the utility involved for the installation of said facilities have been made.

13.1.17 Modifications and Exceptions

Subd. 1 Major Subdivisions: The general principle of design and minimum requirements for the layout of subdivisions, set forth in *Section 13.1.06*, may be varied by the City Council 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 the appropriate restrictions, and which, in the judgment of the City Council, makes adequate provisions for all essential community requirements; provided, however, that no modification shall be granted by the Council which would conflict with the purposes of the official Map or with the other features of the Comprehensive Plan of Cloquet, or with the intent and purposes of said general principle of design and minimum requirements.

Subd. 2 Small Subdivision: In the case of a subdivision of small size and minor importance, situated in a locality where conditions are well defined, and containing not more than four lots fronting on an existing street not involving any new street or road or the extension of municipal facilities and not adversely affecting the adjoining property, the Council may exempt the subdivider from complying with some or all of the requirements stipulated in *Section 13.1.03* pertaining to the preparation of the Preliminary Plat.

Subd. 3 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 this ordinance would cause unusual difficulty or exceptional and undue hardship, the City council 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 or the desirable general development of the neighborhood and the community in accordance with the Comprehensive Plan and the Zoning Ordinance of the City of Cloquet. Any modifications thus granted shall be entered in the minutes of the City Council setting forth the reasons which, in the opinion of the Council, justified the modification.

13.1.18 Enforcement. If a subdivision, construction, reconstruction, or use occurs in violation of this Chapter, the Zoning Administrator may, in addition to other remedies, institute any proper criminal action or proceedings in the name of the City of Cloquet, and hereby shall have the powers of a police officer to prevent such unlawful subdivision, construction, reconstruction, or use, to restrain or correct such violations, to prevent the occupancy of said property, or to prevent any illegal act, conduct, business or use in or about said premises.

13.1.19 Penalty. Any person who violates a provision of this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be fined and / or penalized not more than the maximum levels established by the State of Minnesota for misdemeanor offenses.

13.1.20 Schedule of Fees, Charges and Expenses. The schedule of fees shall be available at the City Offices and may be altered or amended only by the City Council. No plat shall be reviewed until all fees have been paid in full.

13.1.21 Separability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or void, said division shall not affect the validity of the remaining portions of this ordinance.

13.1.22 Repeal of Conflicting Ordinances. All ordinances of the City of Cloquet, all amendments thereof or supplementary thereto, and all other ordinances of the City inconsistent herewith and to the extent of such inconsistency and no further, are hereby repealed.

All ordinances of the City of Cloquet, all amendments thereof or supplementary thereto, and all other ordinances of the City inconsistent herewith and to the extent of such inconsistency and no further, are hereby repealed.

13.1.23 Variances. The City Council may grant a variance from these regulations following a finding that all of the following conditions exist:

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

Subd. 2 The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

Subd. 3 The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

In making this finding the Council shall consider 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. In granting a variance as herein provided the Council shall prescribe only conditions that it deems desirable or necessary to the public interest.

Subd. 4 Special Application Requirements: Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning Commission and City Council, stating fully and clearly all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Planning Commission and City Council in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.