

SECTION 3 GENERAL REQUIREMENTS AND DEFINITIONS

Subdivision 1: GENERAL REQUIREMENTS

1. **Established Monuments.** All federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise location; and it shall be the responsibility of the subdivider to insure that these markers are maintained in good condition during construction and development. All section, quarter section, and sixteenth section corners shall be duly described and tied.
2. **Preservation of Natural Features.** The Planning Commission may establish any existing natural features in order to preserve any trees, groves, water courses and falls, beaches, historic sites, vistas and similar irreplaceable assets which add value to all developments and to the community as a whole.
3. **Land Subject to Flooding.** No plat shall be approved for any subdivision which covers an area subject to periodic flooding or which is otherwise poorly drained unless the subdivider agrees to make improvements which will, in the opinion of the City Council, make the area completely safe for occupancy, and provide adequate street and lot drainage and conform to applicable regulations of other agencies such as the U.S. Corps of Engineers and the Department of Natural Resources. 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.
4. **Costs of Enforcement.** The applicant shall pay all costs incurred by the City, including, but not limited to, administrative staff time, engineering, legal, planning, and inspection expenses, in connection with the application, including approval and acceptance of the application and

review of site plans and documents, as well as any other required agreements for the application.

Subdivision 2: DEFINITIONS

For the purpose of this Ordinance, the following terms are defined:

1. **Administrative Official.** The officer appointed by the City Council to administer these regulations. If no such officer is appointed, the City Clerk shall serve as Administrative Official.
2. **Alley.** Any dedicated public way providing a secondary means of ingress and/or egress to land.
3. **Block.** 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.
4. **City.** The City of Foley, Minnesota.
5. **City Council.** The Foley City Council.
6. **City Engineer or Consulting Engineer.** A professional engineer as designated by the City Council.
7. **Comprehensive Plan.** A compilation of the City's policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality and its environs, including air space and subsurface areas necessary for mined underground space development pursuant to Minnesota Statutes Sections 469.135 to 469.141, and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, including proposed densities for development, a community facilities plan, a transportation plan, and recommendations for plan execution. The comprehensive plan represents

recommendations for the future development of the community.

8. **Easement.** A grant by a property owner for the use of a strip of land for public purposes of constructing and maintaining utilities and transportation ways, including, but not limited to, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.
9. **Flood Fringe Area.** The portion of the flood plain outside of the floodway.
10. **Flood Plain.** The areas adjoining a watercourse or water basin that have been or may be covered by a regional flood.
11. **Floodway.** The channel of the watercourse, the bed of water basins, and those portions of the adjoining floodplains that are reasonably required to carry and discharge floodwater and provide water storage during a regional flood.
12. **Half Street.** A street having only one-half of its intended right-of-way width developed to accommodate traffic.
13. **Improvements.** Pavement, curbs, gutters, sidewalks, sewer and water facilities, grading, street signs, street lighting, plantings and other items for the welfare of property owners and/or the general public.
14. **Lot.** A portion of a subdivision of land intended for building development or transfer of ownership.
15. **Official Controls.** Ordinances and regulations which control the physical development of the City.
16. **Owner.** Includes any individual, company, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes any executor, administrator, trustee, receiver or other representative appointed by law.

17. **Parcel.** A tract, plot, lot, and/or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, possession, or for building development.
18. **Pedestrian Way.** A public or private right-of-way across a block or within a block to provide access to be used by pedestrians and which may also be used for the installation of utility lines.
19. **Planned Unit Development.** A tract of land developed as a unit rather than as individual development as provided for in the City's Zoning Code.
20. **Planning Commission.** The Planning Commission of the City of Foley.
21. **Plat.** The drawing or map of a subdivision prepared for filing of record pursuant to Minn. Statutes Chapter 505 and containing all elements and requirements set forth in regulations adopted pursuant to Minn. Statute Section 462.358 and Chapter 505.
22. **Plat, Final.** A drawing or map of a subdivision meeting all the requirements of the City and in such form as required by the County for purposes of recording.
23. **Plat, Preliminary.** The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.
24. **Plat, Sketch.** A sketch preparatory to the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations. The sketch plat must be drawn to scale and must show all existing buildings and site improvements.

25. **Protective Covenants.** Contracts made between private parties as to the manner in which land may be used, with the view to protect and preserve the physical, social and economic integrity of any given area.
26. **Regional Flood.** A flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year recurrence interval.
27. **Right-of-Way.** Land dedicated and publicly owned, in fee or by easement, for use as a street, alley, trail, or walkway.
28. **Site Map.** A map showing existing conditions including all platted parcels, streets, right-of-ways, easements and any predominant topography or natural features such as lakes and wooded areas.
29. **Street.** A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated.
 - A. **Arterial.** A street that provides traffic movement to and from the City and surrounding rural areas and cities, to and from regional highways and collector streets, and between major parts of the City.
 - B. **Collector.** Carries traffic from the arterial systems to local street destinations. Provides traffic circulation within neighborhoods and within commercial and industrial areas.
 - C. **Local.** This street serves to provide direct access to abutting properties. Through traffic is discouraged.
 - D. **Frontage Road.** A road intended primarily to provide access to abutting property and located adjacent and

generally parallel to a thoroughfare to which access is restricted.

- E. **Cul-de-sac.** A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
30. **Street, Grade.** On street centerline means the distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance.
31. **Subdivision.** The separation of an area, parcel, or tract of land under single ownership into two (2) or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:
- A. Where all the resulting parcels, tracts, lots, or interests will be twenty (20) acres or larger in size and five hundred (500) feet in width for residential uses and five (5) acres or larger in size for commercial and industrial uses;
 - B. Creating cemetery lots;
 - C. Resulting from court orders; or
 - D. The adjustment of a lot line by the relocation of a common boundary determined by the Administrative Official to be of inconsequential effect on either property involved.
32. **Subdivision, Minor.** Any subdivision containing not more than two lots and which does not involve any new street or road, and that is not likely to precipitate the extension of municipal facilities or public improvements.

Section 3, Subdivision 1 (4) of the Subdivision Ordinance Number 320 was amended by Ordinance Number 413, adopted November 5, 2013 and published November 12, 2013.