

SUBDIVISION REGULATIONS

Chapter 121

SUBDIVISION REGULATIONS*

*State law reference—subdivision regulations, Minn. Stats. § 462.358.

ARTICLE I. IN GENERAL

Sec. 121-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning or where the term is defined elsewhere in this Code:

Block means a tract of land bounded by streets, or by a combination of streets and public parks, railroad rights-of-way, shoreline of waterways, or boundary lines of municipalities.

Boulevard means that portion of the street right-of-way between the curbline and the property line.

Butt lot means any lot or lots at the end of a block, located between two corner lots.

Dock parcel means a parcel or tract of land located on the shore of a lake which is combined with a nearby but noncontiguous residential parcel which shall be subject to review and approval by the city to ensure compliance with section 121-33(4).

Dock parcel subdivision means the process of:

- (1) Creating the dock parcel, if necessary, by division of a larger parcel; and
- (2) Combining the dock parcel with a noncontiguous residential parcel.

Final plat means the final map, drawing or chart on which the subdivider's plan of a subdivision is presented to the City Council for approval and which, if approved, will be submitted to the county recorder or registrar of titles.

Owner means any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity having proprietary interest in the land subdivided under the provisions of this chapter.

Pedestrian way or walkway means a public right-of-way across or within a block to provide access for pedestrians.

Preliminary plat means a tentative map, drawing or chart of a proposed subdivision meeting requirements herein enumerated.

Residential parcel means, in conjunction with dock parcels, the noncontiguous nearby residential parcel with which the dock parcel is combined.

Reverse frontage lot (double frontage lot) means a lot extending between two streets with vehicular access potentially limited to one street.

Streets and alleys means:

- (1) *Alley* means a minor way providing secondary vehicular access to the side or rear of two or more properties abutting on a street.
- (2) *Collector street* means a street which carries through traffic from subdivision streets to arterial streets. It includes the principal access streets to a residential development and streets for circulation within such a development.
- (3) *Commercial/industrial street* means a street designed for the primary purpose of serving industrial or commercial property.

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- (4) *Cul-de-sac* means a short, minor street having only one outlet and a vehicular turnabout.
- (5) *Frontage road* means a minor street which is somewhat parallel and adjacent to a minor arterial or higher functional classification road and which provides access to abutting properties and protection from through traffic.
- (6) *Minor arterial and collector street* means a street designated on the comprehensive plan and used primarily by fast moving traffic at heavy volumes as traffic arteries for travel between and among neighborhoods and other large areas. These streets are so designated for the purpose of applying the subdivision design standards found in section 121-116.
- (7) *Private street* means a street serving as vehicular access to two or more parcels of land which is not dedicated to the public but is owned by one or more private parties.
- (8) *Street* means a public way for vehicular traffic whether designated as a street, highway, thoroughfare, collector, collector parkway, minor collector and minor collector parkway, throughway, road, arterial, minor arterial, avenue, lane, place, or however otherwise designated. The width of a street is measured between right-of-way lines.
- (9) *Subdivision street* means a street of limited continuity used primarily for access to the abutting properties and the local needs of the neighborhood.

Subdivider means any person commencing proceedings under the provisions of this chapter to effect a subdivision of land for himself or for others.

Subdivision means the separation of an area, parcel or tract of land into two or more parcels, tracts, lots or longterm leasehold interests where the creation of the leasehold interests necessitate the creation of streets, roads or alleys for the residential, commercial, industrial or other use or any combination thereof, except those separations:

- (1) Where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;
- (2) Creating cemetery lots;
- (3) Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.

(Code 1987, § 330.05; Ord 02-2003, 6-8-2003; Ord. 07-2004, 8-8-2004)

State law reference—Subdivision defined, Minn. Stats. § 462.352, subd. 12.

Sec. 121-2. Purpose.

(a) The process of dividing raw land into home sites, or separate parcels for other uses, is one of the most important factors in the orderly growth of any city. Few activities have a more lasting effect upon its appearance and environment. Once the land has been subdivided and the streets, homes and other structures have been constructed, the basic character of this permanent addition to the city has become firmly established. It is then virtually impossible to alter its basic character without substantial expense. In most subdivisions, roads and streets must be maintained and various public services must be provided. The welfare of the entire city is thereby affected in many important respects. It is, therefore, to the interest of the general public, the developer and the future owners that subdivisions be conceived, designed and developed in accordance with sound rules and proper standards.

(b) All subdivisions of land hereafter submitted for approval shall fully comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to:

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- (1) Encourage well planned, efficient and attractive subdivisions by establishing reasonable standards for design and construction;
- (2) Provide for the public health, safety and general welfare of residents by requiring properly designed streets, park land and adequate sanitary sewer, storm sewer and water service;
- (3) Place the cost of improvements against those benefiting financially from their construction; and
- (4) Secure the rights of the public with respect to public lands and waters.

(c) The City Council deems these regulations to be necessary for the preservation of the health, safety and general welfare of this city. These regulations have been developed under the authority contained in Minn. Stats. § 462.358 and are supplemented by appropriate sections of Minn. Stats. ch. 505, as indicated.

(Code 1987, § 330.01)

Sec. 121-3. Variance.

(a) The City Council may grant a variance from the regulations contained in this chapter following a finding that all of the following conditions exist:

- (1) There are special circumstances or conditions affecting said property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
- (2) The special circumstances or conditions affecting said property were not created by the applicant.
- (3) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the vicinity in which said property is situated and will not have an adverse effect upon traffic or traffic safety.
- (4) The granting of the variance would not be contrary to the intent of the applicable ordinance.

In making this finding, the Council shall consider the nature of the proposed use of the land and existing use of the land in the vicinity, the number of persons who reside or work in the area, and the probable effect of the proposed variance upon traffic conditions in the vicinity.

(b) In granting variances, as herein provided, the Council shall prescribe conditions that it deems desirable or necessary to protect the public interest. In making a determination, the Council shall find that:

- (1) The proposed project will constitute a desirable and stable city development.
- (2) The proposed project will be in harmony with adjacent areas.

(c) The application for any variance shall be made in writing and shall be submitted to the planning staff. Said application shall include the specific variances requested, the locations of those variances, and how they vary from the provisions of this chapter. The written application shall be submitted to the Planning Commission for their advice and recommendation and the Planning Commission shall report on the provisions set forth in this section.

(Code 1987, § 330.170)

Sec. 121-4. Conveyance by metes and bounds.

No conveyance of land in which the land conveyed is described by metes and bounds or by reference to a plat made after the effective date of the ordinance from which this chapter is derived which has not been approved as provided herein shall be made or recorded unless the parcel described in the conveyance:

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- (1) Was a separate parcel of record at the time of the effective date of the ordinance from which this chapter is derived;
- (2) Was the subject of a written agreement to convey, entered into prior to such time and was recorded in the office of the county recorder or registrar of titles within one year thereafter;
- (3) Was a separate parcel of not less than 2½ acres in area and 150 feet in width on January 1, 1966;
- (4) Was a separate parcels of not less than five acres in area and 300 feet in width on July 1, 1980;
- (5) Is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any of which is less than five acres in area or 300 feet in width; or
- (6) Is a single parcel of residential or agricultural land or not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area and 500 feet in width.

In any case in which compliance with the restrictions in this section will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the City Council may waive such compliance by adoption of a resolution to the effect pursuant to section 121-5 and other provisions of these subdivision regulations. All requests for waivers shall require a public hearing and shall follow the same procedure as required in public hearings for plats.

(Code 1987, § 330.185)

Sec. 121-5. Registered land survey.

It is the intention of this chapter that all registered land surveys in the city shall be presented to the Planning Commission in the form of a preliminary plat and in accordance with the standards set forth in this chapter for preliminary plats, and that the Planning Commission shall first approve the arrangement, sizes, and relationships or proposed tracts and such registered land surveys and that tracts to be used as easements or roads shall be so dedicated. Unless such approvals in accordance with the standards set forth in this chapter have been obtained, building permits will be withheld for building on tracts which have been so subdivided by registered land surveys, and the City Council may refuse to take over tracts or streets, roads, or to improve, repair, or maintain any such tracts or areas unless so approved.

(Code 1987, § 330.180)

Sec. 121-6. Building permits.

No building permits will be issued by the city for the construction of any building or structure on any lot in the subdivision, as defined herein, which has been approved for platting until all requirements of this chapter have been fully complied with.

(Code 1987, § 330.190)

Sec. 121-7. Fees.

Applications for variances, subdivisions, or waivers from the subdivision regulations shall be accompanied by a fee as established by the City Council.

(Code 1987, § 330.175)

Secs. 121-8—121-32. Reserved.

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ARTICLE II. PLATTING*

*State law reference—Review procedures required, Minn. Stats. § 462.358, subd. 3b.

DIVISION 1. GENERALLY

Sec. 121-33. Procedural requirements.

Before dividing any tract of land into two or more lots or parcels, or adjusting any boundaries not covered by Minn. Stats. § 462.352, subd. 12, the procedures in this chapter shall be followed with the exception of those subdivisions as set forth below:

- (1) *Minor boundary adjustments.* The relocation of a boundary line between two abutting, existing parcels of property; such relocation not causing the creation of a new parcel or parcels and such relocation not violating the zoning ordinance set out in Chapter 129 may be administratively approved by the city and shall be submitted in a form so as to allow for recording at the county. At the discretion of the city, a survey may be required. Should the city determine that the relocation of a property boundary may have an adverse effect on either property or may circumvent applicable zoning requirements, the city may require the boundary adjustment to be processed as a subdivision exemption with Council approval as provided for in subsection (3) or as a minor subdivision in accordance with the process as set forth in Sec. 121-61. Approval of a minor boundary adjustment shall not disqualify the involved parcels from "lot of record" status.
- (2) *Waiver of platting.* Any parcel of land, either platted or unplatted, that has been combined for tax purposes or for other reasons, cannot be reseparated or divided without an approved subdivision or a waiver of the platting requirements of this Code. The city has many old subdivisions with small platted lots which standing alone do not meet current zoning requirements. Many of these lots have been combined for tax purposes and for various other reasons, i.e., to create a building site, to indicate a desire to combine to avoid or reduce special assessments for improvements, etc. A waiver of the platting requirement may be granted by the City Council after receipt of background information provided by city staff. A request for waiver of the platting requirements shall be signed by the property owner on forms prepared for and approved by the City Council, which shall include a provision to reimburse the city for all of its costs. This request or application for a waiver shall be referred to city staff for review. The review by staff shall be conducted to determine if the division or release of the tax combination and the creating of new property identification parcels for tax and building purposes is in compliance with this Code and all planning and zoning standards and objectives. The staff shall prepare written findings and recommendations for the Council's consideration. The waiver of platting and the release of the tax combination may be approved if it is determined to be in compliance with all city codes. The Council may impose conditions to the waiver and shall require the payment of any deferred or forgiven special assessments that have been avoided by a tax combination. The waiver may be granted without public hearings or without referral to the Planning Commission. Nothing herein shall preclude the staff or Council from referring the matter to the Planning Commission if it is determined that their advice will be helpful in determining if the request meets the city's planning and zoning objectives. Where the property does not or will not meet all zoning or platting requirements, this subsection (2) does not prohibit the Council from concurrently approving a variance application

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and a waiver of platting application so long as the Planning Commission has reviewed the variance application prior to Council action on the waiver of platting application. Approval of a waiver of platting shall not disqualify the involved parcels from lot of record status.

- (3) *Subdivision exemption.* If subsections (1) and (2) are inapplicable and the property owner's application seeks an administrative or technical adjustment, the request is not contrary to zoning and platting requirements, and the request does not seek to create a new parcel or a new or replacement structure; then the Council by resolution can approve the subdivision exemption application and waive the requirements of a minor subdivision at Section 121-34 et seq. The resolution may be recorded. The Council may, at its option, refer a subdivision exemption application to the Planning Commission for recommendation before Council action. Where the property does not or will not meet all zoning or platting requirements, this subsection (3) does not prohibit the Council from concurrently approving a variance application and a subdivision exemption application so long as the Planning Commission has reviewed the variance application prior to Council action on the subdivision exemption application. Approval of a subdivision exemption application shall not disqualify the involved parcels from lot of record status.
- (4) *Dock parcel subdivision.* Dock parcel subdivision will be processed as a subdivision exemption under subsection (3) of this section, and shall be subject to the following additional provisions:
 - a. Published and mailed notice regarding the subdivision exemption request shall be mailed to all property owners within 350 feet of the proposed dock parcel, no less than ten days prior to review of the application by the City Council.
 - b. The approval of a dock parcel subdivision will include an approved site plan showing the nature and location of all structures and improvements that are being proposed to be constructed on the dock parcel. No accessory structures with the exception of those allowed in article VIII of chapter 129, pertaining to shoreland protection shall be allowed on the dock parcel. No structure or improvement other than those shown on the approved site plan may be constructed on the dock parcel unless the site plan is amended.
 - c. The dock parcel shall be located within 200 feet of the residential parcel at the closest point.
 - d. The dock parcel must be separated from the residential parcel by a public street. Both the dock parcel and the residential parcel must include frontage on the same public street.
 - e. The approval of the dock parcel subdivision will not be given until the city is assured that the dock parcel cannot be separated from the residential parcel and sold separately without the consent of the city. The form and documentation to ensure satisfaction of this provision, which shall include a development agreement shall be subject to review and approval by the City Attorney and must be submitted in a form so as to allow for recording at the county.
 - f. Unless the time for compliance is extended by the City Council, the approval of the dock lot subdivision will be automatically cancelled and rescinded if the applicant has not furnished the city with evidence that the dock parcel and the residential parcel have been tax combined within 90 days following approval of the dock lot subdivision.

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- g. The dock parcel will not be subject to any of the lot area and dimension restrictions applicable to lots under chapter 129, pertaining to zoning; but must be of sufficient width to qualify for an LMCD dock license, where applicable.
- h. The dock parcel subdivision shall not create any new nonconforming conditions.
- i. Square footage of the dock parcel shall not be included in hardcover, lot area or lot coverage calculations for the residential parcel.
- j. Dock parcel subdivision shall not trigger loss of lot of record status for the residential parcel.
- k. No exterior storage shall be allowed on the dock parcel with the exception of water-oriented structures as outlined in article VIII of chapter 129, pertaining to shoreland protection including, but not limited to, boat lifts and docks. Boats, vehicles and trailers shall not be allowed to be stored on dock lots during the non-boating season.
- l. Hardcover on dock parcel shall be no more than five percent.
- m. No motor vehicles shall be parked on the dock parcel.
- n. Dock parcel shall be used solely by the owners of the residential parcel and their guests and/or invitees and shall not be used for rental purposes.
- o. No alteration of the existing public road or curb line, if applicable, shall be allowed on the dock parcel.
- p. Placement of any dock shall be subject to the provisions of the LMCD, where applicable.
- q. Dock parcel shall have the minimum frontage as required by the LMCD, where applicable, at the public street and along the lake as measured at the OHWL. If the applicant is seeking a variance from required frontage from the LMCD, granting of such variance shall be a precondition to subdivision.
- r. In addition to the penalties provided in section 1-6, the city may pursue any remedy available in law or equity for a violation of this chapter.

(Code 1987, § 330.10; Ord. No. 79-1996, 8-27-1996; Ord. No. 02-2003, 6-8-2003; Ord. No. 07-2004, 8-8-2004; Ord. No. 13-2004, 12-26-2004; Ord. No. 06-2005, 5-19-2005; Ord. No. 10-2005, 6-26-2005; Ord. No. 07-2012, 8/5/12)

Sec. 121-34. General procedure.

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof and before any permit for the erection of a structure on such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval from the city of such proposed subdivision in accordance with the following procedure:

- (1) For minor subdivisions. A final subdivision plat.
- (2) For major subdivisions.
 - a. A sketch plan.
 - b. A preliminary plat.
 - c. A final subdivision plat.

(Code 1987, § 330.15; Ord. No. 02-2003, 6-8-2003)

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Sec. 121-35. Classifications of subdivisions.

Any division or land that is subject to the regulations in section 121-34 shall be considered to be either a major subdivision or a minor subdivision. The classification shall be determined under the following criteria:

- (1) *Minor subdivision.* Residential subdivisions in this subsection shall be considered minor subdivisions. Any subdivision of land creating not more than three residential lots. Such lots must conform to all of the following:
 - a. Have frontage on an existing public road.
 - b. Not require the construction of any new public facilities or public improvements.
 - c. There will be no adverse effect on remaining or adjoining property.
 - d. There is no conflict with the comprehensive plan, zoning ordinance or official map.
- (2) *Major subdivision.* Any division of land regulated by this chapter shall be considered a major subdivision unless specifically defined as a minor subdivision in subsection (1) of this section.

(Code 1987, § 330.20; Ord. No. 02-2003, 6-8-2003)

Sec. 121-36. Preapplication procedural requirements.

Prior to any subdivision, the subdividers or owners shall meet with the city planning staff in order to be made fully aware of all applicable ordinances, regulations and plans in the area to be subdivided. The staff will advise the applicant as to whether the matter may be processed as a minor or major subdivision. If it is determined that a major subdivision is required, the subdivider may submit a general sketch plan of the proposed subdivision and drainage plan. At the discretion of staff or upon request of the applicant, the sketch plan may be presented to the Planning Commission and Council for review. The sketch can be presented in a simple form but shall show any zoning changes that would be required and shall show that consideration has been given to the relationship of the proposed subdivision to existing city facilities that would serve it, to neighboring subdivisions and developments and to the topography of the site. If need be, the subdivider shall provide an area-wide concept platting plan for all neighboring properties. The subdivider is urged to seek the advice and assistance of the city staff in order to facilitate the approval of the preliminary or final plat. However, such advice should not be construed to predict approvals by the Planning Commission or final action by the City Council.

(Code 1987, § 330.25)

Secs. 121-37—121-60. Reserved.

DIVISION 2. PRELIMINARY PLAT

Sec. 121-61. Procedure.

(a) After the preapplication meeting, the subdivider shall file with the planning staff an application and 15 copies of the preliminary plat and one reduced (8½-inch by 11-inch) copy of the preliminary plat which has been prepared in accordance with the regulations set forth in this chapter. At the time of submission of the preliminary plat, all fees and escrows, as established by resolution, shall be paid in cash to the city and are to be placed in the general fund. The escrow shall be held in a special subdivider's escrow account and shall be credited to the said subdivider, owner or developer. Staff time and legal expenses incurred by the city in plat improvement, office and field checking, setting grade and drainage requirements, general supervision, staking, inspection, installation and cost of traffic control and street signs, drafting as-built drawings and all other city staff services performed in the processing of said improvements and plats, and administrative and legal expenses in examining title to the property being developed shall be charged to the aforementioned account and shall be credited to the city. At the time the final plat is released for recording and on or before submitting the required subdivider performance bonds, the subdivider shall make a cash deposit to cover the estimated total cost of the

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aforesaid expenses as determined by the subdivider's rules hereinafter outlined. If, at any time, it appears that a deficit will occur in any subdivider's escrow account, as determined by the city and/or the City Attorney, said officials shall recommend to the Council that an additional deposit should be made and the Council may require that the subdivider, owner or developer shall deposit additional funds in the subdivider's escrow account. Any park dedication land/cash requirement shall also be paid at this time. A special cash escrow account will also be established to cover such items as boulevard sodding, utility adjustment repair and lot repair, streetlights, sidewalks or other items conditioned by the City Council. The city shall promulgate and adopt a set of rules, regulations and fees for services rendered by city personnel and said rules, regulations and fee schedules shall be on file with the City Clerk for inspection, and a copy thereof shall be furnished the subdivider, owner or developer. The city staff shall itemize all time, services and materials billed to any subdivider's escrow account and said time, services and materials shall be in accordance with the rules, regulations and fees as promulgated and adopted by the Council. The subdivider, owner or developer making the deposit in the subdivider's escrow account shall be furnished a copy, upon request, of said itemized charges, and any balance remaining in the account shall be returned to the depositor by the city after all claims and charges thereto have been paid.

(b) The planning staff shall refer copies of the preliminary plat to the city planner. A planning review will be made and a written report attached prior to forwarding to the Planning Commission.

(c) The planning staff shall refer copies of the preliminary plat to the city engineer. An engineering review will be made and a written report attached prior to forwarding to the Planning Commission.

(d) The planning staff shall refer copies of the preliminary plat to the parks department. A parks staff review will be made, as needed, and forwarded to the planning staff prior to forwarding an overall staff report to the Planning Commission.

(e) The planning staff shall refer the preliminary plat to the Planning Commission for their consideration and recommendation to the City Council. The planning staff shall arrange for a public hearing before the Planning Commission. The required legal publication and notification for public hearing shall be made in accordance with state statute.

(f) The subdivider or duly authorized representative shall attend the Planning Commission meetings at which this proposal is scheduled for consideration.

(g) The Planning Commission and City Council shall study the practicability of the preliminary plat taking into consideration the requirements of the city. Particular attention shall be given, but not limited to, the arrangement, location and width of streets, their relation to the topography of land, floodplain, wetlands, water supply, sewage disposal, drainage, lot sizes and arrangement, the present and future development of adjoining lands and the requirements of the zoning ordinance. The Planning Commission and City Council shall study and the Planning Commission shall make recommendations on the following:

- (1) Whether the proposed subdivision is consistent with applicable specific area plans or the comprehensive plan;
- (2) Whether the design is consistent with applicable development plans or policies;
- (3) Whether the physical characteristics of the site including, but not limited to, topography, vegetation, susceptibility to erosion, siltation, flooding (pursuant to section 121-34, floodplain regulations) and water storage or retention are suitable for the type and/or density of development or use contemplated;
- (4) The environmental impact of the subdivision design or proposed improvements;
- (5) Whether the design of the subdivision or the type of improvement is consistent with easements of record or easements established by judgment of a court;
- (6) Traffic considerations; and

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- (7) Any other aspect affecting the public health, safety or welfare.

The Planning Commission may recommend and the City Council may approve reasonable conditions on the plat to negate any problem areas.

(h) All persons interested in the proposed plat shall be heard at a public hearing held before the Planning Commission.

(i) The City Council shall hold a public hearing and act upon the preliminary plat and send written notification of their action to the applicant. The grounds for any refusal to approve a plat shall be set forth by the Council in a resolution and reported to the applicant in writing. Should the subdivider desire to amend the preliminary plat, as approved by the Council, he shall submit the amended plat following the original procedure set forth except for the public hearing and fees, unless the Planning Commission considers the scope of the revisions to constitute a new plat, then the hearing and fees shall be required.

(j) The subdivider may request a one-year time extension at least 45 days prior to the expiration of the preliminary plat as approved by the City Council. This request shall be reviewed by the Planning Commission and a recommendation forwarded to the City Council addressing such items as potential conflicts with the comprehensive plan or specific area plans, potential conflicts with policy changes, changing transportation conditions, sidewalk policies or applicable changes to any city ordinances. The city staff may recompute park dedication fees and other financial guarantees to reflect current cost estimates unless street, utility, grading or other substantial construction has begun. These revised costs shall be included in the time extension resolution.

(Code 1987, § 330.30)

Sec. 121-62. Requirements.

(a) *Survey and design information required.* The preliminary plat shall be clearly and legibly drawn at a scale ranging from 1":10', 1":20', 1":30', 1":40', 1":50' or 1":100' as accepted by the planning staff and the Planning Commission and shall contain the information set forth in this section.

(b) *Identification and description.*

- (1) The proposed name of the subdivision, which name shall not duplicate or be alike in pronunciation to the name of any plat previously recorded in the county.
- (2) The location of the subdivision by section, township, and range or by other legal description.
- (3) The names and addresses and telephone numbers of the owners and/or petitioners, the subdivider, surveyor and/or designer.
- (4) Graphic scale, north point, date of preparation and revision dates.

(c) *Existing conditions.*

- (1) A boundary line drawing of the proposed subdivision, including measured distances and angles, which shall be tied into the nearest section or quarter section corner by traverse.
- (2) Existing zoning classifications for land within the subdivision and on abutting property.
- (3) Total acreage.
- (4) Location, width, and name of every existing or previously platted street or other public way showing present and proposed width, railroad and utility right-of-way, parks and other public open spaces, permanent buildings and structures, easements, section lines, floodplain and wetland limits and corporate lines within the proposed subdivision and to a distance of 100 feet beyond.

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- (5) If the proposed subdivision is a rearrangement or replat of any former plat, the lot and block arrangement of the original plat along with its original name shall be indicated by dotted or dash lines. Also any revised or proposed to be vacated roadways of the original plat shall be so indicated.
- (6) Location and size of existing sewers, water mains, pipelines, high voltage lines, culverts or other underground facilities within the tract and to a distance of 100 feet beyond the tract including such data as grades, invert elevations, and locations of catchbasins, manholes, and hydrants.
- (7) Boundary lines of adjoining unsubdivided or subdivided lands within 100 feet.
- (d) *Subdivision design features.*
 - (1) Layout of proposed streets showing right-of-way widths and proposed street names. If the proposed street is an extension of an existing named street, that name shall be used. In all other cases, the name of any street previously used within the county shall not be used unless such use is consistent with the county or city street naming system.
 - (2) Locations and widths of alleys, pedestrianways, utilities, and drainage plan.
 - (3) Layout, numbers, and preliminary dimensions of lots and blocks including the area (in square feet) of each proposed lot.
 - (4) Areas intended to be dedicated or reserved for public use including their size (in acres or square footage).
 - (5) Areas intended for uses other than residential or public.
 - (6) Minimum front and side street building setback lines as required in the zoning district in which the subdivision is located. In cases where the slope of lot areas exceeds ten percent, the preliminary plat shall note the type of housing unit to be placed on the lot.

(Code 1987, § 330.40; Ord. 02-2012, 4-8-2012)

Sec. 121-63. Supplementary information required.

(a) The information set forth in the subdivisions of this section shall be filed with the preliminary plat.

(b) A complete topographic map at a scale of 1":100', 1":50', 1":40', 1":30', 1":20' or 1":10' and with contour intervals not greater than two feet showing watercourses, floodplain limits, designated wetlands, marshes, rock outcrops, and other significant features at least 100 feet beyond the boundary of the proposed plat, at least one print of the preliminary plat shall be superimposed on a copy of the topographic map. U.S. Geodetic Survey datum shall be used for all topographic mapping.

(c) Soil absorption tests where septic tanks are proposed and any other subsoil information requested by the city engineer's staff including soil borings and water table data.

(d) Plans for water supply, sewage disposal, proposed and finished grades, drainage and flood control, including the proposed locations, size and gradients of the proposed sewer lines and water mains and such other supporting data as may be required by the city staff, the Planning Commission, and all rules and regulations.

(e) Centerline gradients of proposed streets and alleys.

(f) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require that the subdivider submit a sketch plan of the rest of his properties so as to show the relationship of the proposed subdivision to the future development of the adjacent property.

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(g) Indicate if the land is registered or abstract property.

(h) Indicate other information as requested by the planning staff, public works or parks and recreation such as streetlights, sidewalks, walkways, bikeways, berming or landscaping with a schedule of plantings or anticipated ground level building elevations.

(Code 1987, § 330.45)

Sec. 121-64. Qualifications governing approval.

(a) The approval of a preliminary plat by the City Council shall only constitute acceptance of the design as a basis for the preparation of the final plat by the owners or subdividers. Subsequent approval by appropriate officials having jurisdiction will be required of the engineering proposals pertaining to water supplies, storm drainage, sewage disposal, sidewalks, grading gradients, and roadway widths and the surfacing of street prior to the approval of the final plat by the city.

(b) No plan will be approved for a subdivision which includes any area subject to periodic flooding or which contains extremely poor drainage facilities which would make adequate drainage of the streets and lots impossible unless the subdivider agrees to make improvements which will, in the opinion of the city engineer, make the area completely safe for occupancy and provide adequate street and lot drainage and is not in conflict with the floodplain map on file with the city engineer.

(c) No plan for a subdivision will be approved until it is determined by the city engineer that the proposed plat is consistent with all city requirements relating to stormwater and stormwater management.

(Code 1987, § 330.50)

Secs. 121-65—121-86. Reserved.

DIVISION 3. FINAL PLAT

Sec. 121-87. Procedure.

(a) The subdivider, within one year, unless extensions are granted and noted in the preliminary plat resolution, after the approval of the preliminary plat, shall file with the planning staff ten copies of the final plat prepared by a land surveyor duly registered in the state. Failure of the subdivider to submit the final plat within those times designated on the preliminary plat resolution shall cause the preliminary and final plats to become null and void.

(b) The subdivider shall also submit to the City Attorney, at the same time, an up-to-date certified abstract of title or registered property report and such other evidence as the City Attorney may require showing title or control of the land by the subdivider.

(c) The subdivider shall have incorporated all changes or modifications required by the City Council but in all other respects, the final plat shall conform to the preliminary plat.

(d) If the subdivider requests that any special assessments which have been levied against the property described be divided and allocated to the respective lots in the proposed plats, the city engineer shall estimate the clerical cost of preparing a revised assessment roll, filing the same with the county auditor and making such division and allocation and upon approval by the City Manager of such estimated cost, the same shall be paid by the subdivider to the city from the subdivider's escrow account.

(e) The required utility layout shall be submitted by the subdivider to the city engineer for his cost estimate. A copy of the engineer's report shall be submitted to the planning staff for the preparation of the contract required in section 121-146.

(f) The planning staff, upon receipt of the final plat, shall retain one copy of the final plat for review and shall refer:

- (1) Copies of the final plat to the city staff and the City Council who shall review the final plat with respect to its conformance with the approved preliminary plat;

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- (2) The current abstract of title or registered property report to the City Attorney for his examination and report. The City Attorney's written report shall be submitted to city staff within 15 days of its receipt by the attorney.

(g) The City Council shall, by resolution, authorize signature of the final plat.

(h) If a report from the planning staff indicates there is a substantial deviation in the final plat from the approved preliminary plat, the City Council may determine if the submission does represent a new plat. If the submission does represent a new plat, the City Council may deny the final plat and direct the subdivider to resubmit his proposal following preliminary plat requirements.

(i) No changes, erasures, modifications or revisions shall be made in any final plat after approval has been given by the City Council and endorsed in writing on the plat, unless the plat is first resubmitted to the City Council and such body approves said modifications. In the event that any such final plat is recorded without complying with this requirement, the same shall be considered null and void and the City Council shall institute proceedings to have the plat stricken from the records of the city.

(Code 1987, § 330.35)

Sec. 121-88. Requirements.

The final plat shall be prepared in accordance with Minn. Stats. § 505.021. The plat may consist of more than one sheet, numbered progressively.

(Code 1987, § 330.55)

Sec. 121-89. Mylar required.

The developer is required to supply the city with a complete, signed, and recorded Mylar of the final plat.

Secs. 121-90—121-114. Reserved.

ARTICLE III. DESIGN STANDARDS*

*State law reference—Design standards authorized, Minn. Stats. § 462.358, subd. 2a.

Sec. 121-115. General requirements.

(a) The Planning Commission and the City Council in their review of the preliminary plat will take into consideration the requirements of the city and the best use of the land being subdivided.

(b) The subdivision shall conform to chapter 129, pertaining to zoning, and shall be in substantial conformance to the goals and policies set forth in the comprehensive plan.

(c) The arrangement, character, extent, width, and location of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of stormwater, to public convenience and safety, and in their approximate relation to the proposed uses of the land to be served by such streets. Wherever possible and necessary, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. Where adjoining unsubdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.

(Code 1987, § 330.90)

Sec. 121-116. Streets.

(a) *Widths.* Street right-of-way widths shall not be less than the following:

- (1) Minor arterial streets, a minimum of 100 feet.

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- (2) Collector streets, a minimum of 60—80 feet.
- (3) Minor collector streets, a minimum of 60 feet.
- (4) Local streets, a minimum of 50 feet.

(b) *Intersections.* Insofar as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of two streets be less than 75 degrees. Intersections having more than four corners shall be prohibited. Intersections shall not be closer than 150 feet from centerline to centerline.

(c) *Deflections.* When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius of not less than 100 feet, except in those cases specifically approved by the City Council.

(d) *Gradients.* All centerline gradients shall be at least 0.5 percent and shall not exceed the following:

- (1) Minor arterial streets not more than five percent.
- (2) Collector streets not more than five percent.
- (3) Minor collector streets not more than five percent.
- (4) Local streets not more than eight percent.

(e) *Vertical curves.* Different connecting street gradients shall be connected with vertical curves. Minimum length in feet of these curves shall be 20 times the algebraic difference in the percent of grade of the two adjacent slopes.

(f) *Street jogs.* Street jogs with centerline offsets of less than 150 feet shall be prohibited as measured from centerline to centerline.

(g) *Subdivision streets.* Subdivision streets shall be laid out so that their use by through traffic will be discouraged.

(h) *Culs-de-sac.* The maximum length of a street terminating in a cul-de-sac shall be 500 feet, measured from the centerline of the street of origin to the center of the cul-de-sac, and shall have a radius of 50 feet.

(i) *Access to collector or arterial streets.* Where a proposed plat is adjacent to a collector or minor arterial street, the applicant is advised not to direct vehicle or pedestrian access from individual lots to such thoroughfares. Where possible, the subdivider shall attempt to provide access to all lots with subdivision streets.

(j) *Half streets.* Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted. The probable length of time elapsing before dedication of the remainder shall be considered in this determination.

(k) *Private streets.* Private streets shall not be permitted nor shall public improvements be approved for any private street unless approved by the City Council as part of a conditional use permit for an overall development plan.

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

(m) *Dedication of streets.* Except for private streets, as designated in subsection (k) of this section, all proposed streets shown on the plat shall be offered for dedication as public streets.

(Code 1987, § 330.95)

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Sec. 121-117. Alleys.

(a) *Location requirements.* Except in the case of a shopping center planned as a unit with off-street parking and loading space, either a public or private alley shall be provided in a block where commercially zoned property abuts a major thoroughfare or a major street. Alleys in residential areas, other than those zoned for multiple use, will not be permitted except by special permission of the City Council.

(b) *Widths.* Alleys, where permitted by the City Council, shall be at least 20 feet wide in residential areas and at least 30 feet wide in commercial areas with adequate provisions for snow storage. Such snow storage locations shall be approved by the City Council.

(c) *Grades.* All centerline gradients in alleys shall be at least 0.5 percent and shall not exceed eight percent.

(Code 1987, § 330.100)

Sec. 121-118. Easements.

(a) *Utilities.* Easements to a width as determined by the city engineer or at least 15 feet wide centered on rear or other lot lines shall be provided for utilities where necessary. They shall have continuity of alignment from block to block and at the deflection points, easements for a pole line anchor shall be provided where necessary.

(b) *Drainage.* Easements shall be provided along each side of the centerline of any watercourse or drainage channel to a width sufficient to provide proper maintenance and protection and to provide for stormwater runoff and installation and maintenance of storm sewers. Where necessary, drainage easements corresponding with lot lines shall be provided. Such easements for drainage purposes shall not be less than five feet in width each side of the lot line. Except where an overall drainage and utility development plan for subdivisions has been approved by the city engineer, all lots shall be graded in such a manner to avoid additional drainage encroachment onto adjacent properties. This restriction shall apply during and after construction is complete.

(c) *Dedication.* All easements shall be dedicated for the required uses by appropriate language on the plat, as required by Minn. Stats. § 505.03, subd. 1.

(Code 1987, § 330.105)

Sec. 121-119. Blocks.

(a) *Length.* The appropriate length of a block shall be determined by existing natural features such as topography and wetland locations. All blocks shall have a minimum length of 300 feet and blocks over 900 feet long may require pedestrianways at least ten feet wide at their approximate center. The use of additional pedestrianways to schools, parks, commons, and other destinations may be required.

(b) *Arrangements.* A block shall be so designed as to provide two tiers of lots unless it adjoins a railroad, collector, or a minor arterial street system or other types of barriers in the form of schools, parks, major developments, corporate limits, or other major uses where it may have a single tier of lots.

(Code 1987, § 330.110)

Sec. 121-120. Lots.

(a) *Location.* All lots shall contain frontage on a publicly dedicated street.

(b) *Size.* The lot dimensions shall be such as to comply with the minimum lot areas specified in chapter 129, pertaining to zoning. Lot square footages shall be designated on the preliminary plat. A letter shall accompany the final plat, certified by an engineer or surveyor, that all lot sizes meet plat requirements.

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(c) *Transition lots.* When platting is adjacent to incompatible land uses, except parks, depth of lots shall be increased to allow for open space, berming, or other landscaping techniques to buffer each land use.

(d) *Side lot lines.* Sidelines of lots shall be substantially at right angles to straight street lines or radial to curved street lines.

(e) *Watercourses.* Lots abutting a watercourse, drainageways, channel or stream shall have sufficient depth and width to provide a minimum area of land not subject to flooding and equal to the minimum lot dimensions specified in chapter 129, pertaining to zoning for the district in which the lots are located.

(f) *Drainage.* Lots shall be graded so as to provide drainage away from building locations. All landscaping features such as retaining walls and filling or grading within drainage and utility easements shall be reviewed and approved by the city engineer and the city planner.

(g) *Natural features.* In the subdividing of land, due regard shall be shown for all natural features such as tree growth, watercourses, historic spots or similar conditions and plans adjusted to preserve those which will add attractiveness and stability to the proposed development.

(h) *Lot remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

(i) *Minimum rear lot line.* Where practical, all lots shall have a minimum of 30 feet in width at the rear lot line.

(j) *Double frontage lots.* Double frontage (lots with frontage on two parallel streets) or reverse frontage shall not be permitted except where lots back against a collector or arterial street. Such lots shall have additional depth to allow for screening and/or planting along the back lot line. Vehicular access may be restricted as a condition of the plat.

(k) *Cul-de-sac lots.* If the front line of any lot shall be a curve or partial curve, the frontage for purposes of minimum requirements will be measured at the building setback line. The front footage of the front lot line shall be as allowed under the provisions outlines in chapter 129, pertaining to zoning.

(Code 1987, § 330.115)

Sec. 121-121. Public sites and open spaces and park land dedication.

(a) *Public sites and open spaces.* Where a proposed park, playground, or other public site shown on the adopted comprehensive plan or official map is embraced, in part or in whole, by a boundary of a proposed subdivision and such public sites are not dedicated to the city, such public ground shall be shown as reserved land on the preliminary plat to allow the city the opportunity to consider and take action toward acquisition of such public ground or park by purchase or other means prior to approval of the final plat.

(b) *Park land dedication.* In every plat, replat, or subdivision of land allowing development for residential, commercial, industrial, or other uses or combination thereof, or in a planned development area, or where a waiver or variance is granted, a reasonable portion of such land and/or cash shall be set aside and dedicated by the tract owner or owners to the general public as open space for park and playground purposes or public ponds except where adjustments to lot lines do not create additional lots. Ten percent of the property may be used for residential, multiple-family residential, commercial business or industrial purposes shall be deemed a reasonable portion. Said land shall be suitable for public use as parks and playgrounds or for one of the aforementioned described purposes, and the city shall not be required to accept land which will not be usable for parks and playgrounds or which would require extensive expenditures on the part of the public to make them usable.

(c) *Contribution of cash in lieu of land.* At the city's option, except for minor subdivisions as herein defined, the subdivider shall contribute an equivalent amount of cash, in lieu of all or a portion of the land which the city may require such owner to dedicate pursuant to subsection (b) of this section, in accordance with the schedule to be set by resolution of the Council which cash contribution shall be as

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established by the city. A minor subdivision is a case where three residential lots or less are to be subdivided or created by a division and in those minor subdivisions the park land dedication shall be pursuant to a schedule to be set by resolution of the Council. The cash dedication fee for minor subdivisions will be as established by the city for each new lot being created. In cases where one lot is split into two lots, it is determined that only one new lot is being created.

(d) *Public use provisions can be consideration.* Where the owner provides for public use, neighborhood park amenities such as, but not limited to, tennis courts, ball fields, open space or other recreational facilities, the city may reduce the amount of land to be dedicated or the cash contribution in lieu of the facilities provided.

(e) *Contributions prior to final plat filing.* Cash contributions required by subsection (c) of this section shall be made prior to filing the final plat.

(f) *Application of section.* This section shall not apply to the division of platted lots that are being combined with other existing lots to increase the lot sizes to conform to the larger sized lots required by chapter 129, pertaining to zoning. This exception is in recognition of the need to put undersized lots together to bring them into conformance with zoning requirements adopted after the original subdivision of properties, many of which predate any zoning regulations of the city.

(Code 1987, § 330.120; Ord. No. 30-1989, 6-26-1989; Ord. No. 75-1995, 8-22-1995; Ord. No. 04-2002, 2-24-2002)

Sec. 121-122. Road naming and house numbering.

(a) *Road designations.* The use of road, street, avenue, parkway, trail, drive, boulevard, way, court, terrace, and circle suffixes shall be used in identifying location and direction of roads. Roads shall be designated as follows:

- (1) Roads that both originate and terminate on the same street are circles.
- (2) Culs-de-sac (dead ends) are named courts.
- (3) A road shall have only one name for its entire length.
- (4) No two roads shall be named alike, that is, have the same name or have similar sounding names.
- (5) The name of a road will change only if the road changes direction 45 degrees or more at the point of deviation.
- (6) If the proposed street is an extension of an existing named street, that name shall be used. In all other cases, the name of any street previously used within the county shall not be used unless such use is consistent with the county or city street naming system.
- (7) Street names shall not include the term "wood" (e.g., Gumwood, Maywood, etc.).

(b) *House numbering system.* The standard method of assigning house numbers to each side of the street shall be as follows:

- (1) On east and west roadways, even numbers are to be assigned to the north side of the roadway and odd numbers are to be assigned to the south side of the roadway.
- (2) On north and south roadways, even numbers are to be assigned to the east side of the roadway and odd numbers are to be assigned to the west side of the roadway.
- (3) On roadways with a deviation of more than 45 degrees from a north-south base line, even numbers are to be assigned to the north side of the roadway and odd numbers are to be assigned to the south side of the roadway. On roadways with a deviation of 45 degrees or less from the north-south base line, even numbers are

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to be assigned to the east side of the roadway and odd numbers are to be assigned to the west side of the roadway.

- (4) Circle streets are to be assigned numbers in staggered sequence to the number sequence of the drive, avenue, or parkway on which it originates and terminates.
- (5) Dead-end roads are to be assigned numbers as if the road continued through, beginning with the smallest number of sequence at the road origin that follows other or similar streets.
- (6) Courts are to be assigned numbers conforming to the numerical sequence of the drive, avenue, or parkway on which it originates.
- (7) On a street that deviates 45 degrees or more (measured at the point of deviation), the number sequence will change accordingly.
- (8) One-family dwellings and duplexes. One number will be assigned to each residential unit determined by the location of the principal entrance.
- (9) Multiple-family dwellings. A number will be assigned to the entire structure with individual numbers or letters assigned to each dwelling unit starting with number one. In multiple dwelling units consisting of two or more floors, each floor shall be designated in sequential order starting from the bottom up.
- (10) Business structures. A number will be assigned to each entrance but only one number per building establishment for each street frontage.
- (11) Split lots. A structure located on two or more lots will be assigned a number determined by the location of the fronting entrance.
- (12) Blocks. A structure located on the entire length or width of a grid block will be assigned a number determined by the location of the fronting entrance.
- (13) Corner lots. A structure located on a corner lot will be assigned a number determined by the principal entrance. If the structure is so located that it would be considered fronting on either street, then it would be assigned a number determined by the north-south number sequence.

(Code 1987, § 330.125)

Secs. 121-123—121-142. Reserved.

ARTICLE IV. REQUIRED IMPROVEMENTS

Sec. 121-143. City participation—Residential developments.

(a) *Certain improvements.* The owner or subdivider engaged in the development of lands and properties which are zoning as residential districts may request city participation in the payment of the costs of the installation of sanitary sewer, water, street, including curb and gutter, and storm sewer improvements required by this ordinance and, in such event, such owner or subdivider shall comply with the requirements of this section.

(b) *Financial guarantee.* The owner or subdivider shall make a financial guarantee with the city in an amount equal to 125 percent of the estimated cost of installing such improvements as such costs are determined by the city engineer. The financial guarantee shall be applied to the costs of such installations.

(c) *Installation by city.* All such improvements shall be planned and designed by the city engineer and shall be installed by the city. The administrative charges of the city engineer in connection with such improvements shall be included in the costs determined in subsection (b) of this section.

(d) *Assessment.* Upon completion of such improvements, the city shall cause to be specially assessed, in the manner provided by Minn. Stats. ch. 429, the remaining costs of the improvements against the lots in the subdivision over a period of five years together with interest thereon. At the time of

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application for a building permit with respect to any of the lots in the subdivision, the applicant shall have the option of paying to the city the principal balance of such assessment remaining unpaid together with accrued interest thereon.

(Code 1987, § 330.155)

Sec. 121-144. Same—Nonresidential developments.

(a) *Certain improvements.* The owner or subdivider engaged in the development of land and properties which are zoned for nonresidential districts may request city participation in the payment of the costs of the installation of sanitary sewer, water system, storm sewer, streets, and curb and gutter improvements and, in such event the owner or subdivider shall comply with the requirements of this section.

(b) *Assessments.* The procedure for the installation and assessment of the cost of improvements under this section shall be the same as that provided for improvements in land in areas zoned for residence classifications pursuant to section 121-143, except that:

- (1) Special assessments for the cost of sanitary sewer, storm sewer, and water system improvements shall be for a period of 15 years.
- (2) The bond or letter of credit guaranteeing payment of the special assessments for sanitary sewer, storm sewer and water system improvements shall obligate the owner or subdivider for a period of four years.

(Code 1987, § 330.160)

Sec. 121-145. Improvements to be accepted prior to final plat or contract.

Improvements within a subdivision which have been completed prior to application of the final plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of section 121-146 only if the city engineer shall certify that the existing improvements conform to applicable city standards.

(Code 1987, § 330.165)

Sec. 121-146. List of improvements pertaining to utilities.

The intent of this section is to list provisions of approval for required improvements specifically dealing with availability of utilities as follows:

- (1) *Subdivider's agreement to install.* Prior to the approval of a final plat by the City Council, the subdivider shall have agreed, in the manner set forth in this section, to install the improvements on the sites as described in this section. All such improvements shall be made in accordance with plans and specifications prepared by a registered professional engineer and approved by the city engineer and in accordance with all applicable standards and ordinances of the city.
- (2) *Monuments.* Monuments of a permanent character, as required by Minn. Stats. § 505.02, shall be placed at each corner or angle on the outside boundary of the subdivision, and pipes or steel rods shall be placed at each corner and directional change of each lot and each intersection of street centerlines.
- (3) *Streets and alleys.* The full width of the right-of-way of each street and alley dedicated in the plat shall be graded and improved. All streets and alleys shall have an adequate subbase and shall be improved with an all-weather permanent surface.
- (4) *Curb and gutter.* A concrete curb and gutter shall be installed on both sides of each street dedicated in the plat.
- (5) *Water supply.* Water mains shall be provided to serve the subdivision by extension of the existing city system. Service connections shall be stubbed into

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the property line, and all necessary fire hydrants shall also be provided. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the standards of the city.

- (6) *Sewage disposal.* Sanitary sewer mains and service connections shall be installed to serve all the lots in the subdivision and shall be connected to the public system.
- (7) *Drainage.* The grade and drainage requirements for each plat shall be reviewed by the city engineer at the expense of the applicant. Every plat presented for final signature shall be accompanied by a certificate from the city engineer that the grade and drainage requirements have been met. In an area not having municipal storm sewer trunk service, the applicant shall be responsible (before platting) to provide for a stormwater disposal plan, without damage to properties outside the platted area, and said stormwater disposal plan shall be submitted to the city engineer who shall report to the Council on the feasibility of the plan presented. No plat shall be approved before an adequate stormwater disposal plan is presented to the city engineer and approved by the City Council. The use of dry wells for the purpose of stormwater disposal is prohibited.
- (8) *Trees.* Planting of street or boulevard trees is encouraged; however, in no case shall trees be planted within public rights-of-way except by City Council approval.
- (9) *Traffic control and street signs.* Traffic control signs, pursuant to Minn. Stats. § 169.06, and street signs of standard design approved by the city shall be installed at each street intersection or at such other locations within the subdivision as designated by the city engineer.
- (10) *Utility lines and appurtenances.* All utility lines for telephone cable, television, streetlights, and electric service shall be placed underground in the street right-of-way or adjacent easements. Allowances shall be made for appurtenances and associated equipment such as surface mounted transformers, pedestal mounted terminal boxes, and meter cabinets.
- (11) *Streetlights.* Streetlights shall be installed per city specifications at all intersections and at other locations as required by the city engineer.
- (12) *Sidewalks.* All plats with lots or tracts abutting on collector, minor arterial, state trunk highways, municipal state-aid street and county roads shall have concrete sidewalks installed between the lot line and the aforementioned streets in accordance with city specifications.
- (13) *Driveways.* In all subdivisions, the subdivider shall provide concrete or bituminous driveways in accordance with the following standards:
 - a. There shall be installed a concrete or bituminous driveway extending from the back of the curb or from the edge of the service street to the garage floor or garage floor apron for each lane of vehicular access to the street. If a building permit is issued and no garage is to be constructed, the concrete or bituminous driveway must be completed to the depth of the front yard setback as established in chapter 129, pertaining to zoning.
 - b. No residential curb or driveway opening into any public street shall be made unless the aforesaid is constructed of concrete, bituminous, or an acceptable alternative approved by the city engineer and is installed in accordance with subsection (13)a of this section.

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- c. No driveway shall be less than ten feet in width or more than 24 feet in width without special approval from the City Council.
 - d. All concrete or bituminous driveways shall be constructed in accordance with the city specifications.
- (14) *Walkways/pedestrianways.* Walkways shall be placed in strategic locations and should be installed only when necessary. The installation of a walkway should be completed by the developer prior to the sale of the abutting properties and designated on the approved plat as a walkway easement. Locations shall be at the discretion of the City Council in conformance with section 121-119.

(Code 1987, § 330.130; Ord. No. 06-2006, 2-26-2006)

Sec. 121-147. Improvements required payment for installation.

The required improvements to be furnished and installed by the subdivider, which are listed and described in section 121-146, are to be furnished and installed at the sole expense of the subdivider and at no expense to the city provided, however, that in the case of an improvement, the cost of which would be general policy of the city be assessed only in part to the improved property and the remaining cost paid out of general tax levy, the City Council may make provision for payment of a portion of the cost by the city. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the City Council may make provision for causing a portion of the cost of the improvement representing the benefit of such lands to be assessed against the same in such case the subdivider will be required only to pay for such portions of the whole cost of said improvements as will represent the benefit to the property within the subdivision.

(Code 1987, § 330.135)

Sec. 121-148. Improvements required, agreement providing for proper installation of improvements.

(a) Prior to installation of any required improvements and prior to approval of the final plan, the subdivider shall enter into a contract, in writing, with the city requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with the plans and specifications and usual contract conditions. Such contract shall be approved by the City Council which shall include provisions for supervision of details of construction by the city engineer. The subdivider shall secure the city by a cash deposit, certified check, or, in lieu thereof, furnish a performance bond as hereinafter set forth in section 121-145.

(b) Upon request of the subdivider, the contract may provide for completion of part of all of the improvements covered thereby prior to acceptance of the plat and in such event, the amount of deposit or bond shall be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat, and the amount of deposit or bond shall equal only the estimated cost of the improvements to be furnished after the acceptance of the plat. The time for completion of work and the several parts thereof shall be determined by the City Council upon recommendation by the city engineer, after consultation with the subdivider, and shall be reasonable in relation to the work to be done, the season of the year, and the proper correlation with construction activity in the subdivision.

(Code 1987, § 330.140)

Sec. 121-149. Improvements required/financial guarantee.

(a) The contract provided by section 121-148 shall require the subdivider to make cash deposit, certified check, or in lieu thereof, furnish performance bonds as follows:

- (1) *Performance bonds, et al.* The subdivider shall secure the city by a performance bond, letter of credit, savings certificate, certified check, or a cash deposit in a sum equal to 125 percent of the total cost of all improvements including the cost of final inspection by the city as estimated by the developer's engineer and reviewed by the city engineer. These surety guarantees shall be filed with the

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city prior to release of the final plat for recording. All surety guarantees shall also contain a clause which guarantees said improvements for a period of one year after acceptance by the city of said improvements. In lieu of this clause, a separate one-year maintenance bond, approved as to form by the City Attorney, shall be submitted to the planning staff upon acceptance of said improvements by the City Council. Upon receipt of this maintenance bond, the performance bond may be released.

- (2) *Cash escrow.* A special cash escrow shall be submitted to the city in an amount established by the city. This escrow is to be used by the city staff to charge costs of services or materials when working with specific plats. If the escrow account nears the point of depletion, the city shall notify the developer that additional escrow cash must be placed in the escrow account. If all or a part of a development has been completed, inspected, and accepted, all escrow monies for that portion accepted by the city may be reduced by the City Council and full or partial payment be returned to the developer. Upon acceptance of all items covered in the developer's contract, the City Council shall return the unused escrow balance to the developer.

(b) The guarantees in subsection (a) of this section will not be transferred, in whole or in part, to other subdivisions, waivers, or conditional use permit accounts or different legal parcels not a part of the original approval unless permission in writing is received from the developer to make said transfers.

(Code 1987, § 330.145)

State law reference—Authority to require guarantees, Minn. Stats. § 462.358, subd. 2a.

Sec. 121-150. Improvements required, construction plans.

(a) Construction plans for the required improvements conforming in all respects to the standards of the city engineer and the ordinances of the city shall be prepared at the subdivider's expense by a professional engineer who is registered in the state, and said plans shall contain an appropriate seal.

(b) Such plans together with the quantity of construction items and an estimate of total cost of the required improvements shall be submitted to the city engineer for approval. Upon approval, they shall become a part of the contract required in section 121-148. Reproducible as-built plans approved by the city engineer, plus two prints and electronic/digital copies, in a format acceptable to the city, shall be furnished to the city to be filed by the city engineer as a record.

(c) All required improvements on the site that are to be installed under the provisions of this chapter may be periodically inspected during the course of construction by the city engineer at the subdivider's expense, and acceptance shall be subject to the city engineer's final inspection and certificate of compliance with the contract.

(Code 1987, § 330.150)