

CHAPTER 12

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CHAPTER 12

SUBDIVISION REGULATIONS (PLATTING)

SECTION 12.01. PURPOSE. All subdivision of land hereafter submitted for approval shall fully comply with the regulations set forth herein. It is the purpose of these regulations to: (1) provide for and guide the orderly, environmentally sound, economic and safe development of land and public services and facilities, in a manner consistent with the City Comprehensive Plan; (2) encourage well-planned, efficient, and attractive subdivisions by establishing adequate minimum standards for design and construction; (3) facilitate adequate provision for streets, transportation, water supply, sewage disposal, storm drainage, schools, parks, playgrounds and other public services and facilities; (4) place the cost of improvements against those benefiting from their construction; (5) secure the rights of the public with respect to public lands and waters; (6) set the minimum requirements necessary to protect the natural environment, public health, safety, and general welfare; and, (7) encourage the wise use and management of natural resources in order to preserve the integrity, stability, and beauty of the City and value of the land through the prevention of pollution and provision of open space.

SECTION 12.02. COMPLIANCE.

Subd. 1. Owner Responsibilities. The owner, or agent of the owner, of any parcel of land located in a proposed major/minor subdivision shall not transfer ownership of such parcel before a plat or certificate of survey of said subdivision has been approved by the Council and has been filed with the County Recorder of Anoka County, Minnesota.

Subd. 2. Filing. No plat or certificate of survey shall be filed with the County Recorder which does not bear the signature of the Mayor and Clerk of the City.

Subd. 3. Documentation. Proof of all such recordings with the County shall be provided to the Clerk within ten working days after such filing with the County Recorder.

Subd. 4. Additional Requirements. All such recordings shall be subject to any other additional requirements mentioned elsewhere in this Chapter.

SECTION 12.03. RULES AND DEFINITIONS. In the event of conflicting provisions in the text of this Chapter, the more restrictive shall apply. Definitions in Chapter 11 are adopted by reference.

SECTIONS 12.04 THROUGH 12.09, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.

SECTION 12.10. PROCEDURES.

Subd. 1. Fees.

- A. The sub divider shall pay at the time of filing and submission of the preliminary plat, a cash fee to the City.
- B. Such fee shall be as determined by resolution of the Council and shall be available in the form of a published fee schedule. The City may refuse to continue review of an application if there is a negative balance in the escrow account. All required data, documentation plans, copies, fees and deposits must be submitted before the application will be considered complete.
- C. Rejection of the plat or subdivision by the Council, or abandonment or withdrawal of the proposed plat or subdivision by the sub divider, shall not entitle the applicant to the return of all or any part thereof. However, excess escrow deposits shall be refunded.
- D. In addition to the aforementioned fee, the sub divider shall pay any expense incurred by the City for the services of the City Planner, City Engineer, and City Attorney in their review of the preliminary plat and final plat.
- E. The sub divider, (owner or developer) on or before submitting a preliminary plat, shall make a cash deposit in an amount as determined by ordinance of the Council which shall be available in the form of a published schedule. This deposit shall be held in a special Escrow Account and shall be credited to the said sub divider, owner or developer. Review and administrative expenses incurred by the City in checking plat improvements, giving notice, holding hearings, checking and setting grade and drainage requirements, general supervision, staking, inspection, drafting as-built drawings and all other engineering services performed in the processing of said improvements and plats, administrative and legal expenses in examining title to the property being developed shall be charged to the aforementioned account.
- F. The City shall itemize all time, services, and materials billed to any 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 sub divider, owner or developer making the deposit(s) in the Escrow Account shall be furnished a copy of said itemized charges and any balance remaining in the account shall be returned to the depositor by the City Clerk after all claims and charges thereto have been paid.

Subd. 2. Major Subdivision. Preliminary and final plats for major subdivisions shall be reviewed by the City in accordance with the following procedures:

- A. Pre-Application Consultation. Prior to the preparation of a preliminary plat, the applicant shall consult with the City Clerk in order to be made fully aware of all City Code Provisions, regulations and plans applicable to the area to be subdivided. At this time or at subsequent meetings, the sub divider may be required to submit a general development plan of the proposed subdivision and preliminary proposals for water supply and sewage disposal.
- B. General Development Plan. This general development plan shall illustrate the proposed subdivision and its relationship to existing and proposed development surrounding the site. General land uses, collector and arterial streets, open space systems, and major utility easements shall be shown.
- C. Preliminary Plat.
 - 1) After the pre-application consultation, the applicant may file with the City Clerk an application for approval of the preliminary plat at least thirty (30) days prior to the meeting of the Planning Commission at which action is desired. The application shall be accompanied by ten copies of the plat, proof of ownership or ownership interest (abstract, option, title insurance policy, registered property abstract and any unrecorded documents) satisfactory to the City, and a list of property owners located within 350 feet of the property certified by an abstract company or the County.
 - 2) When appropriate the City Clerk may refer one copy of the preliminary plat to each of the following agencies for their review, comments and recommendations.
 - (a) City Engineer.
 - (b) City Attorney.
 - (c) City Planner.
 - (d) Park Board.
 - (e) Fire Marshal.
 - (f) County Engineer.
 - (g) Watershed District.
 - (h) Public Works Director.
 - (i) Telephone Company.
 - (j) Electric Company.
 - (k) Gas Company.
 - 3) The City Clerk shall review the preliminary plat and the comments and recommendations of the referral agencies, and shall prepare a written report containing its findings and recommendations. The staff report shall be sent to the Planning Commission and applicant and shall be made available for review by all interested citizens in advance of the Planning Commission meeting.

- 4) The Planning Commission shall hold a public hearing on the preliminary plat after notice of the date, time, place and purpose of the hearing has been published once in the official newspaper, and a site sign has been erected by the applicant, both at least ten (10) days before the date of the hearing. Written notice shall also be mailed by the City to the applicant and all owners of record listed in the County Recorder's Office, within 350 feet of the outer boundaries of the preliminary plat. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the City Clerk and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.
- 5) After considering the City Clerk's report and the comments and suggestions received at the public hearing, the Planning Commission shall make its recommendation on the preliminary plat to the Council within forty-five (45) days from the date of the opening of the public hearing, unless the applicant consents on the record to a continuance. The Planning Commission may recommend approval, approval subject to certain conditions or that the preliminary plat be denied. If denial is recommended, the reasons for that recommendation shall be stated in the record.
- 6) When feasible, the Council shall consider the preliminary plat at its next regular meeting following action by the Planning Commission. The Council shall make its decision within 120 days following receipt by the City of the properly completed application, unless the sub divider shall consent on the record to a continuance. The Council may:
 - (a) Grant approval of the preliminary plat, with or without modification or conditions; or,
 - (b) Refer the preliminary plat to the Planning Commission or appropriate City staff, officers or departments for further investigation and report to the Council at a specified future meeting; or,
 - (c) Disapprove the preliminary plat. If the plat is not approved, the Council shall state the reasons for denial in the record.
- 7) The City Clerk shall notify the applicant in writing of the Council's action, stating the conditions of approval or reasons for disapproval and shall endorse the date of the approval or disapproval on the preliminary plat. Approval of the preliminary plat is an acceptance of the general layout submitted and indicates to the sub divider that he/she may proceed toward

approval of the final plat in accordance with the resolution granting preliminary approval and the terms of this Chapter.

- 8) Subsequent to approval of the preliminary plat and prior to approval of the final plat, the sub divider shall submit engineering plans, satisfactory to the City Engineer, for all required improvements, as specified in Section 12.53 of this Chapter.
- 9) Notwithstanding the above procedure, an applicant may at his/her own risk, apply to process the preliminary and final plats simultaneously.

D. Final Plat.

- 1) Unless otherwise provided in the development contract, within one (1) year after the date of the Council approval of the preliminary plat, the sub divider or owner shall file an application for approval of the final plat accompanied by ten (10) copies of the final plat with the City Clerk. If the final plat application is not filed within said period, the preliminary plat will be considered void unless for good cause shown an extension is requested in writing by the sub divider and granted by the Council. The application shall be filed at least fourteen (14) days prior to the meeting of the Council at which action is desired.
- 2) The final plat shall conform to the requirements of this Chapter and to all conditions set forth in the approval of the preliminary plat.
- 3) The City Clerk shall review the final plat, the developer's contract as required by this Chapter, improvement plans, and any comments or recommendations of other agencies, and shall submit its findings in writing to the Council. Substantial changes from the preliminary plat or failure to address the concerns of the Planning Commission's review of the preliminary plat will be cause for the final plat to be referred to the Planning Commission.
- 4) The Council shall consider the final plat during a regular business meeting as an agenda item and shall approve or disapprove the final plat within 60 days of receipt of the complete application.

E. Findings Required. The findings necessary for Council approval of the preliminary plat and the final plat shall be as follows:

- 1) The proposed subdivision is consistent with the Zoning Chapter and conforms with all its requirements;

- 2) The proposed subdivision is consistent with all applicable City, County, and regional plans including but not limited to the City's Comprehensive Plan;
 - 3) The physical characteristics of the site, including but not limited to topography, soils, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, and storm water drainage are suitable for the type and density of development and uses contemplated;
 - 4) The proposed subdivision makes adequate provision for water supply, storm drainage, sewage disposal, transportation, erosion control and all other public and private services, facilities and improvements otherwise required herein;
 - 5) The proposed subdivision will not cause adverse environmental damage or degradation;
 - 6) The proposed subdivision will not conflict with easements of record or with easements established by judgment of a court; and,
 - 7) The proposed subdivision will not have an undue and adverse impact on the reasonable development of neighboring land.
 - 8) The proposed subdivision incorporates appropriate design and site planning elements for reasonable energy conservation measures.
- F. No final plat shall be approved by the Council until satisfactory evidence is filed with the City that the plat is in a form acceptable for recording with the County, that the proper filing fees have been paid to the City, that a developer's agreement with appropriate improvement sureties has been executed, and that the escrow account is current and no other payments to the City are outstanding.
- G. Upon approval of the final plat by the Council, the City Clerk shall promptly notify the applicant of said approval and within thirty (30) days thereafter, the applicant shall file the final plat with the County Recorder. The applicant shall furnish the City with one mylar and two paper copies of the final plat as recorded, showing evidence of such recording. Failure of the applicant to comply with these requirements of recording shall be cause for revoking the City's approval.

Subd. 3. Minor Subdivision. Minor subdivisions do not require review by the Planning Commission nor do they require platting. The staff shall initially determine and recommend to the Council the extent to which a minor subdivision shall be subject to the requirements of this Chapter. In the case of a subdivision resulting in three (3) or less lots, situated in a neighborhood where conditions are

well defined, the Council may exempt the sub divider from complying with some of the requirements of these regulations. In the case of a request to subdivide a lot which is a part of a recorded plat, or where the subdivision is to permit the adding of a parcel of land to an abutting lot or to create not more than three (3) new lots, and the newly created property lines will not cause any resulting lot to be in violation of these regulations or the Zoning Chapter, the division may be approved by the Council, after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision.

- A. Resubdivision. In the case of a request to divide a lot which is a part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot or to create two lots and the newly created property line will not cause the other remaining portion of the lot to be in violation with these regulations or the Zoning Chapter, the division may be approved by the Council after a submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision. In the case of a request to divide a lot which is part of a previous minor subdivision approved after the effective date of this Chapter, such a request shall be processed as a major subdivision.

- B. Land Division. In any case where the division of land into two or more lots or parcels for the purpose of transfer of ownership or building improvement is not specifically provided for in the provision of these regulations, a description of such land division shall be filed with the City Clerk. No building permit shall be issued for any construction, enlargement, alteration, or repair, demolition or moving of any building or structure on any lot or parcel resulting from such division, until such division has been approved by the Council. Prior to the consideration of such division by the Council, it shall require that a certified survey be submitted.

- C. Unplatted Land. On application of the owner filed with the City Clerk, the Council by resolution may approve a conveyance by metes and bounds if it is determined that the following conditions exist:
 - 1) That the restriction against such conveyance will create an unnecessary hardship.
 - 2) That such conveyance will not interfere with the purposes of these subdivision regulations.
 - 3) That the dedication of public utility or street easements is not involved.
 - 4) That such conveyance involves the division of a parcel into not more than three separate parcels.

- 5) That the new and residual parcels of land which would result from the conveyance meet the frontage and area requirements of the Zoning Chapter. Prior to formal application, general development plans and preliminary and final plat, if required, shall be reviewed by the staff for submission of a written recommendation thereon to the Council.
- D. The staff shall submit its findings and recommendations to the Council concerning the proposed minor subdivision, and if platted, the Council shall hold a public hearing thereon after notice of the date, time, place and purpose thereof has been published once in the official newspaper at least ten (10) days before the date of the hearing.
- E. Minor subdivisions do not require review by the Planning Commission nor do they require platting. The staff shall initially determine and recommend to the Council the extent to which a minor subdivision shall be subject to the requirements of this Chapter.
- F. The Council reserves the right to require the provision of utility, drainage, and street easements on certificate of survey in regards to the approval of a minor or resubdivision proposal.

Subd. 4. Vacation of a Plat or Subdivision.

- A. Any plat or any part of a plat may be vacated by the owner of the property, before the sale of any lot therein, by a written instrument, with a copy of the plat attached, declaring the same to be vacated. Such vacation shall require the approval of the Council in the same manner as for plats of subdivisions. The Council may reject any such instrument which abridges or destroys any public rights in any of its streets or alleys. Such an instrument shall be approved and recorded in the same manner as plats or subdivisions. After being recorded, such instrument shall nullify the recording of the plat so vacated and divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described in such plat.
- B. When lots have been sold, the plat may be vacated as stated in Subparagraph A above, provided that all the owners of lots in such plat join in the execution of such instrument.
- C. Platted areas may be replatted, provided that they follow the provisions of this Chapter.

SECTIONS 12.11 THROUGH 12.19, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.

SECTION 12.20. DATA FOR PRELIMINARY PLAT.

Subd. 1. Identification and Description.

- A. Proposed name of subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in the County.
- B. Location by section, township, range, and by legal description.
- C. Name of municipality.
- D. Names and addresses of the record owner, sub divider, land surveyor, engineer, designer of the plan, and any agent having control of the land.
- E. Graphic scale not less than one (1) inch to fifty (50) feet.
- F. North arrow.
- G. Key map including area within one (1) mile radius of plat.
- H. Date of preparation.
- I. A current Abstract of Title or a Registered Property Certificate along with any unrecorded documents.

Subd. 2. Existing Conditions.

- A. Boundary lines of proposed subdivision, clearly labeled.
- B. Existing zoning classifications for land within and abutting the subdivision.
- C. A general statement of the approximate acreage and dimensions of the lots.
- D. Location, right-of-way width, and names of existing or platted streets, or other public ways, parks, and other public lands, permanent buildings and structures, easements and section and corporate lines within the proposed subdivision and to a distance one hundred fifty (150) feet beyond.
- E. Boundary lines of adjoining platted or subdivided land, within one hundred fifty (150) feet, identified by name and ownership including all contiguous land owned or controlled by the sub divider.
- F. Topographic data, including contours at vertical intervals of at least two (2) feet. Water courses, marshes, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. United States Geographic Survey data shall be used for all topographic mapping where feasible.

- G. An accurate written soil report of the proposed subdivision indicating soil conditions, properties, permeability and slope, recommended street and foundation design, recommended basement (lowest floor) elevation, and long term water table contours acceptable to the City.
- H. Utilities on or adjacent to the property, including location, size and invert elevation of public sanitary and storm sewers; location and size of water mains; location of gas lines, and street lights. The direction and distance to, and size of, such facilities shall be indicated, showing invert elevation of sanitary and storm sewers, including catch basins, manholes and hydrants. Such data may be that available from City plans, and the source thereof so noted, unless such utilities are located on the subject property. In all instances, they shall be field checked as far as practicable.

Subd. 3. Subdivision Design Features.

- A. Layout of proposed streets showing the right-of-way widths, centerline gradients and typical cross sections. Street names shall be assigned or approved by the City.
- B. Location and width of proposed pedestrian ways and utility easements.
- C. Lot sizes, layout, numbers and preliminary dimensions of lots and blocks.
- D. Minimum front and side street building setback lines.
- E. When side lot lines are not parallel, the width of the lot shall be measured at the building setback line. The setback distance may be increased until the minimum width can be attained on this setback line, at the discretion of the City. In no case can this adjusted setback distance be less than the required minimum. Such lots with adjusted setback distances should be noted on the preliminary plat.
- F. Areas other than streets, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
- G. Location, size and approximate gradient of proposed public sewer lines and water mains.
- H. If the preliminary plat is a rearrangement or a re-plat of any recorded plat, the lot and block arrangement of the original plat, its original name, and all revised or vacated rights-of-way and easements shall be shown by dotted or dashed lines.

Subd. 4. Other Information. All or any part of the following information shall be provided at the request of the City:

- A. Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry, or combination thereof, so as to reveal the effect of the proposed development on traffic, fire hazards, and density of population.
- B. Proposed protective covenants, if any.
- C. A drainage plan for the area indicating the direction and rate of natural storm water runoff and those unaltered areas where storm water collects. A proposed drainage plan for the developed site indicating the direction and rate of runoff and those areas where storm water will collect shall also be included.
- D. A proposed finished grading plan shown at contour intervals appropriate to the topography or spot elevations clearly indicating the relationship of proposed changes to existing topography and remaining features.
 - 1) Showing proposed first floor and garage floor elevations. Garage floor elevations to be set 18 inches above street elevation in residential zoning areas.
 - 2) Showing the type of house.
- E. If any zoning changes are contemplated, the proposed zoning plans for the areas.
- F. Where the sub divider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission shall require that the sub divider submit a general development plan of such remaining property so as to depict the possible relationships between the proposed subdivision and the future subdivision. This plan shall address the overall land use, major street patterns, utility easement configurations, and general lot layouts.
- G. A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include a timing schedule and sequence of operation indicating the anticipated starting and completion dates of the particular development sequence and the estimated time of exposure of each area prior to completion of effective erosion and sediment control measures. Gradients of waterways design of velocity and erosion control measures, and landscaping of the erosion and sediment control system shall also be shown.

- H. A vegetation preservation and protection plan to provide stabilization of erosion of sediment-producing areas by covering soils with:
 - 1) Permanent seeding or sodding, producing areas covered with a turf of perennial sod-forming grass;
 - 2) Short-term seeding, producing temporary vegetative cover such as annual grasses, grains or other temporary ground cover;
 - 3) Mulching, by the application of plants or other suitable material on newly seeded surface to conserve moisture, hold soil in place and aid in establishing plant cover.
 - 4) The plan shall indicate existing vegetative cover including marsh lands, grasses, and shrubby trees. Trees to be removed for streets, drives, buildings, drainage or other purposes shall be identified.
- I. Any variances required shall be shown on the preliminary plat.
- J. Source of water supply.
- K. Facilities for sanitary sewage disposal.
- L. Proposals for street lighting curb and gutters, sidewalks, and boulevard improvements.
- M. Such other information as may be requested by the City Clerk.
- N. With the approval of the City Clerk, unnecessary data requirements can be waived.

SECTIONS 12.21 THROUGH 12.29, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.

SECTION 12.30. DATA FOR FINAL PLAT.

Subd. 1. General.

- A. The final plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the requirements of this Chapter and all provisions of the Minnesota Statutes regarding the platting of land.
- B. Execution by all owners of any interest in the land to be subdivided and any holders of a mortgage therein of deeds or easements for any area to be conveyed for public use and any covenants or association documents in such form as shall be approved by the City Attorney.

C. For guidance, the applicant's surveyor may refer to the Plat Manual of Minimum Guidelines, Minnesota Land Surveyors Association.

Subd. 2. Certifications.

A. Form for approval by signature of County officials concerned with the recording of the plat:

Checked and approved as to compliance with Chapter 505, Minnesota Statutes.

Dated this ___ day of _____, 20__.

By _____
(Name)

County Surveyor (or)
Registered Land Surveyor No. _____

Recommended for approval this ___ day of _____, 20__.

By _____
County Highway Engineer

COUNTY AUDITOR, _____

I hereby certify that there are no delinquent taxes for all years prior to _____ for land described on this plat and transfer entered. Dated this ___ day of _____, 20__

By _____
County Auditor

COUNTY RECORDER, _____

I hereby certify that this plat of _____ was filed this ___ day of _____ 20 at ___ o'clock .__M. as Document No. _____

By _____
County Recorder

Form for approval of the City:

Approved and accepted by the City Council of the City of Lexington, Minnesota, at a regular meeting thereof held this ___ day of _____, 20__.

Signed By _____
Mayor

Attest: By _____
City Clerk

SECTIONS 12.31 THROUGH 12.39, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.

SECTION 12.40. SUBDIVISION DESIGN STANDARDS.

Subd. 1. General Requirements.

- A. The proposed subdivision shall conform to the Comprehensive Plan and Zoning Chapter.
- B. 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 storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be served by such streets. The arrangements of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas unless otherwise authorized by the City. Where adjoining unsubdivided in the future, 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; temporary easements for vehicular movement shall be provided until the adjoining areas are developed.

Subd. 2. Streets.

- A. Widths. Street right-of-way widths shall be as determined in the Comprehensive Plan and official map, if adopted, and, where applicable, shall conform to County and State standards for trunk highways. If there are no such plans or standards, right-of-way widths shall not be less than the following:

<u>Street Classifications</u>	<u>Right-of-Way Widths</u>
Local Street	50 Ft.
Cul-de-sac Turnaround Radius	60 Ft.

- B. Street Intersections. In so far as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of two streets be less than sixty (60) degrees. Intersections having more than four corners shall be prohibited.
- C. Deflections. When connecting street lines deflect from each other at one point by more than ten (10) degrees they shall be connected by a curve with a radius adequate to ensure a sight distance within the right-of-way of not less than one hundred (100) feet for all local streets.
- D. Turning Radius. Proper design should consider required turning radius of vehicles for access points or entrances to and from a highway using standards adopted by the Minnesota Department of Transportation.
- E. Grades. All centerline gradients shall be at least five-tenths percent (0.5%) and shall not exceed eight percent (8%) for all local streets.
- F. Horizontal Curves. As recommended by the City Engineer for specific site conditions.
- G. Vertical Curves. Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of said vertical curves shall be 20 times the algebraic difference in the percentage of grade of the two adjacent slopes.
- H. Offset Intersections. Streets shall have a centerline offset of not less than 150 feet.
- I. Local Streets. Streets shall be so aligned that their use by through traffic will be discouraged.
- J. Access to Arterial Streets. Where a proposed subdivision is adjacent to a limited access highway or arterial street, there shall be no direct vehicular or pedestrian access from individual lots to such highways or streets. To accomplish that, control of access shall be dedicated to the City on the final plat. To the extent feasible access to arterial streets shall be at intervals of not less than one-fourth (1/4) mile and through existing and established crossroads. Access along collector streets will be restricted and controlled on the final plat.
- K. 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 or required. The probable length of time elapsing before dedication of the remainder shall be a factor considered in making this determination.

- L. Private Streets or Driveways. Private streets may be allowed when not more than three (3) lots are served. All private streets shall be built to the proper right-of-way width and to City standards but no public improvements shall be approved.

Subd. 3. Alleys. Alleys are prohibited in the City except for fire lanes which are required or permitted in commercial and industrial developments.

Subd. 4. Blocks. The length, width and acreage of blocks shall be sufficient to provide convenient and safe access, circulation, control and street design. Blocks may not be longer than one thousand eight hundred (1,800) feet, or shorter than three hundred (300) feet except where topography of surrounding development limits ability to strictly comply or as specifically recommended by City staff and concurred with by the Council to foster innovative design consistent with sound planning principles. Pedestrian ways may be required on blocks longer than nine hundred (900) feet or in other areas to provide access to schools, parks and other destination points. Pedestrian ways shall be at least ten (10) feet wide and shall be located so as to minimize intersections with streets.

Subd. 5. Lots.

- A. Location. All lots shall abut for their full required minimum frontage on a publicly dedicated street as specified by the Zoning Chapter.
- B. Size. Lot dimensions shall comply with minimum lot area and other dimensional requirements specified in the Zoning Chapter.
- C. Size Lot Lines. Side lines of lots shall be substantially at right angles to straight street lines or substantially radial to curved street lines.
- D. Drainage. Lots shall be graded so as to provide drainage away from building locations.
- E. Natural Amenities. Lots shall be placed to preserve and protect natural amenities, such as vegetation, wetlands, steep slopes, water courses and historic areas.
- F. Lot Remnants. Lot remnants are prohibited. All land within a plat shall be included in a usable building lot, outlot, or dedicated open space.
- G. Hardship to Owners of Adjoining Property. Street arrangements for the proposed subdivision shall not cause undue hardship to owners of adjoining property in subdividing their own land and providing convenient access to it.

- H. Dedication. All proposed streets shown on the plat shall be in conformity with the Comprehensive Plan and County Comprehensive plans and shall be offered for dedication as public streets.
- I. Double Frontage Lots Double frontage lots with frontage on two (2) parallel streets or reverse frontage shall not be permitted except where lots back on an arterial or collector street. Such lots shall have an additional depth of at least ten (10) feet to accommodate vegetative screening along the back lot line.
- J. Solar Orientation. Lot layouts should take into consideration the potential use of passive and/or active solar energy design features.

Subd. 6. Tree Removal and Conservation of Vegetation. All subdivisions shall be planned, designed, constructed and maintained consistent with the following:

- A. Existing healthy trees and native vegetation on the site shall be preserved to the maximum extent feasible and shall be protected by adequate means during construction.
- B. Where inadequate vegetation exists on land not being disturbed for development, permanent vegetation shall be established as soon as possible.
- C. Unless already on the site following construction, vegetation suitable to the site shall be planted. The type or species of trees planted shall be approved by the City. Trees with root structures that are less likely to interfere with utility lines or sidewalks, or cause other nuisance damage are preferable. Trees shall have a trunk diameter (measured twelve (12) inches above ground level) of not less than two (2) inches, and shall be planted in not less than one (1) cubic yard of good growing soil with a suitable amount of fertilizer. Approved multiple varieties shall be used alternately. Trees shall be planted at intervals of at least one per lot.
- D. Consistent with approved grading plans, existing trees shall be preserved within any right-of-way when such trees are suitably located and in good health.
- E. No damaged or dead trees or uprooted stumps shall remain after development.
- F. The detailed requirements for each plat shall be set forth in a development contract.

Subd. 7. Erosion and Sedimentation Control. In addition to the following requirements, all site grading or land disturbance shall be consistent with the

Minnesota Pollution Control Agency's "Protecting Water Quality in Urban Areas," as amended, and the provisions of Chapter 13 of the City Code:

Subd. 8. Storm Water Management. In addition to the following requirements, storm water management facilities will be consistent with the provisions of Chapter 13 of the City Code.

- A. Proposed drainage facilities shall have adequate capacity to accommodate potential runoff from their entire upstream drainage area, whether within or without the subdivision. The effect of the subdivision on existing downstream drainage areas outside the subdivision shall be considered in evaluating the adequacy of the storm water management plan.
- B. Storm water runoff shall be discharged to marsh lands, swamps, detention basins or other treatment facilities in a manner consistent with the Rice Creek Watershed requirements.
- C. No existing ditch, stream, drain or drainage canal shall be deepened, widened, rerouted or filled without review and approval by the City.
- D. Quality of storm water runoff and water infiltrated to the water table shall remain undisturbed, to the maximum extent feasible by development of the subdivision.
- E. The drainage system shall be constructed and operational as part of the first stage of development and construction.

Subd. 9. Minimum Design Features. The design features set forth in this Chapter are minimum requirements. The City may impose additional or more stringent requirements concerning lot size, streets and overall design as deemed appropriate considering the property being subdivided.

SECTIONS 12.41 THROUGH 12.49, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.

SECTION 12.50. EASEMENTS. All easements shall be dedicated by appropriate language on the final plat in accordance with the following:

Subd. 1. Utilities. Easements at least ten (10) feet wide (generally 5' along both sides of property line) shall be provided for utilities where necessary; if appropriate, easements of lesser width may be allowed by the City. All utility easements shall have continuity of alignment from block to block.

Subd. 2. Drainage. Easements shall be provided along each side of the centerline of any water course or drainage channel, whether or not shown in the Comprehensive Plan, to a width sufficient to provide proper maintenance and

protection and to provide for storm water runoff from a five (5) year storm. Where necessary, drainage easements corresponding to lot lines shall be provided. Such easements for drainage purposes shall not be less than twenty (20) feet in width.

SECTION 12.51. DEDICATION OF LAND OR CONTRIBUTION IN CASH FOR PUBLIC PURPOSES. In every plat, replat, or subdivision of land to be developed for residential, commercial, industrial or other uses, or as a planned unit development which includes residential, commercial and industrial uses, or any combination thereof, as a general rule, it is reasonable to require that an amount of land be set aside and dedicated or preserved by the owner(s) for public use as streets, roads, or easements for sewers, electric, gas, water facilities, storm water drainage and holding areas or ponds and similar utilities and improvements.

Subd. 1. Land Size. In addition, the City may require that an amount of land, in a location and configuration selected by the City, equal in value to eight percent (8%) of the gross acreage of the undeveloped land proposed to be subdivided shall be set aside and dedicated by the tract owner or owners to the general public for use as trails, pathways, parks, playgrounds, or public open space, or, at the option of the City, the tract owner or owners shall contribute to the City an amount of cash equal to the fair market value of the undeveloped land otherwise required to be so set aside and dedicated, or set aside and dedicate a part of such land and contribute the balance of such undeveloped land value in cash. Any monies so paid to the City shall be placed in a special fund and used only for the acquisition of land for parks, playgrounds, public open space; development of existing parks and playground sites, public open space; and debt retirement in connection with land previously acquired for such public purposes.

Subd. 2. Fair Market Value. For purposes of this Chapter. “fair market value of the undeveloped land” is defined as the fair market value of the land within such plat, replat, or subdivision as of the date of the plat, replat, or subdivision is presented to the Council for approval of the final plat, as determined by the City Assessor in the same manner as he determines the fair market value of land for tax purposes.

Subd. 3. Suitability. Land to be dedicated shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access and location.

Subd. 4. Usage. Land area conveyed or dedicated to the City may be used in calculating density requirements of the Zoning Chapter.

Subd. 5. Private Open Space. Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas may not be

used for credit against the requirement of dedication for park and recreation purposes.

Subd. 6. Protected Uses. Wetlands, ponding areas and drainage ways accepted by the City shall not be considered in the park land and/or cash contribution to the City.

SECTION 12.52. MAINTENANCE OF COMMON OPEN SPACE; OPERATING AND MAINTENANCE. Where certain land areas or structures are provided within the subdivision for private recreational use or as common service facilities, the owner of such land and buildings shall enter into an agreement with the City to assure their continued operation and maintenance to a predetermined reasonable standard. These common areas may be placed under the ownership of one of the following, depending upon which is more appropriate in the discretion of the City:

- A. Public. Dedicated to the public where a community-wide use would be anticipated; or
- B. Ownership. Sub divider's ownership and control; or
- C. Homeowners Association. Landowner's (Homeowners) Association ownership and control provided all of the following conditions are met:
 - 1) The Landowners (Homeowners) Association established prior to the sale of any lot.
 - 2) Membership must be mandatory for each owner and any successor in interest.
 - 3) The open space restriction must be in perpetuity and not for a specified term of years.
 - 4) The Association must be responsible for liability insurance, local taxes, and the maintenance of residential and other facilities.
 - 5) Landowners (Homeowners) must pay their pro rata share of associated costs and the assessment levied by the Association shall become a lien on the property in accordance with the law.
 - 6) The Association must be able to adjust the assessment to meet changed circumstances and needs.

SECTION 12.53. IMPROVEMENTS REQUIRED.

Subd. 1. Improvements Listed and Described. Public improvements shall be made in every plat and the sub divider shall have agreed in the manner set forth below to the following improvements and those additional improvements required by the resolution granting approval of the preliminary plat.

- A. Survey Monuments. All subdivision boundary corners, block and lot corners, road intersection corners and points of tangency and curvature shall be marked with durable iron or steel monuments meeting the minimum requirements of State law. Permanent monuments shall be placed at all quarter-quarter section points within the subdivision plat or on its perimeter. At all sections, quarter sections, meander or witness corners of the government survey within the subdivision on its perimeter or otherwise shown on the face of the plat, an Anoka County cast iron monument shall be placed and a "Certificate of Location of a Government Corner" shall be filed with the office of the County Recorder. The notation "Anoka County Monument" shall be placed on the face of the plat by each monument so shown. In addition, an "Anoka County Monument" shall be placed and a Certificate filed for each government survey corner necessary to survey the boundaries of the plat if such monument has not already been set and a certificate filed. All U.S., State, County, and other official benchmark monuments or triangulation station in or adjacent to the property shall be preserved in position unless a relocation is approved by the controlling agency The Council may, when a subdivision is essentially complete, require a development to have the plat restaked to replace the original monuments destroyed or obliterated during the construction process.
- B. Streets. The full width of the cartway of each street shall have an adequate sub-base and shall be improved with an all-weather permanent surface in accordance with the design standards specified by the City.
- C. Paving. All streets shall be improved with a concrete or bituminous surface. Streets to be paved shall be surfaced in conformance with the design requirements of the City.
- D. Concrete Curb and Gutter. Concrete curb and gutter may be required for all streets.
- E. Sidewalks and Pedestrian Ways and Trails. Sidewalks may be required along one or both sides of all streets.
- F. Water Supply. Service connections shall be stubbed into the property line and all necessary fire hydrants shall also be provided. Extensions of the public water supply systems shall be designed so as to provide public water service to each lot and shall be in accordance with all applicable City design standards and requirements.

- G. Street Lighting. Street lighting of a type approved by the City shall be required at all intersections and other locations within the subdivision.
- H. Sewage Disposal. Sanitary sewer main and service connections shall be approved by the City Engineer and installed to serve all the lots in the subdivision and shall be connected to the public sewage system.
- I. Drainage. A system that will adequately accommodate the surface water runoff within the subdivision, as required by this Chapter, shall be provided.
- J. Street Identification Signs. Street signs of standard design approved by the City Engineer shall be installed at each street intersection.
- K. Public Utility Lines. All utility lines for telephone and electrical service shall be placed underground or where appropriate, shall be placed in rear lot line easements when carried on overhead poles.
- L. Public Gas Lines. Natural gas lines shall be installed to each individual lot.

Subd. 2. Responsibility for Improvements; Financial Arrangements.

Prior to the approval of a final plat by the Council, the sub divider shall have agreed, in the manner set forth herein to install, in conformity with approved construction plans and in conformity with all applicable standards and City Code provisions, the required improvements.

- A. Payment for Installation of Improvements. The improvements as required under Subdivision 1 of this Section are to be furnished and installed at the sole expense of the sub divider. However, if any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same. In such a situation, the sub divider will pay only for such portion of the whole cost of said improvements as will represent the benefit to the property within the subdivision.
- B. Developer's Agreement Providing for Installation of Improvements. Prior to the installation of any improvements and prior to approval of the final plat, the sub divider shall enter into a developer's agreement in writing with the City requiring the sub divider to furnish and construct said improvements at his sold cost and in accordance with plans and specifications and usual contract conditions. This shall include provision for inspection of details of construction by the City Engineer, and shall grant to the City Engineer authority to correlate the work to be done under said contract by any subcontractor authorized to proceed there under and with any other work being done or contracted by the City in the vicinity. The agreement shall require the sub divider to make an escrow deposit, or, in lieu thereof, to furnish a

performance bond, or letter of credit, the amount of the deposit or penal amount of the bond or letter of credit to be equal to 125% of the City Engineer's estimate of the total cost of the improvements to be furnished under the developer's agreement.

- C. Construction Plans and Inspection. Construction plans for the required improvements conforming in all respects with City standards and City Code provisions shall be prepared at the sub divider's expense by a professional engineer who is registered in the State of Minnesota, and said plans shall contain his certificate. Such plans together with the quantities of construction items together with his estimate of total costs shall be submitted to the City Engineer for his approval and for the City Engineer's estimate of the total costs of the required improvement. Upon approval, such plans shall become a part of the required developer's agreement. The tracings of the plans approved by the City Engineer plus two (2) prints shall be furnished to the City to be filed as a public record.
- 1) At the developer's option and with the approval of the Council, the developer may contract with the City for plans and specifications to be prepared by the City Engineer for all public improvements. Prior to the beginning of the City Engineer's work, the developer shall pay to the City an amount to be escrowed, equal to the estimated cost of such engineering services.
 - 2) All required improvements on the site that are to be installed under the provisions of this regulation shall be inspected during the course of construction by the City Engineer at the sub divider's expense, and acceptance by the City shall be subject to the City Engineer's certificate of compliance with the developer's agreement. A cash escrow account to pay for the cost of inspection and engineering services during the construction of improvement is described in Section 12.10 of this Chapter.
- D. Alternate Installation and Incomplete Improvements. The Council may elect to install any or all of the required improvements pursuant to a cash escrow agreement or other financial arrangements with the sub divider. Such improvements shall be as provided for in Minnesota Statutes 429.
- 1) On request of the sub divider, the developer's agreement may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat. In such event the amount of the deposit, bond or letter of credit may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat. The time for completion of the work and the several parts thereof shall be determined by the Council upon recommendation of the City Engineer after consultation with the sub divider. It shall be reasonable with relation

to the work to be done, the seasons of the year, and proper correlation with construction activities in the plat and subdivision.

- 2) No sub divider shall be permitted to start work on any other subdivision without special approval of the Council if he has previously defaulted on work or commitments.
- E. Financial Guarantee. The developer's agreement provided for in Subparagraph B of this Subdivision shall require the sub divider to make an escrow deposit or, in lieu thereof, furnish a performance bond or letter of credit. The escrow deposit, performance bond or letter of credit shall conform to the requirements of this regulation.
- 1) Escrow Deposit. An escrow deposit shall be made with the City Clerk in a sum equal to 125% of the total cost as estimated by the engineer of all the improvements to be furnished and installed by the sub divider pursuant to the developer's agreement, which have not been completed prior to approval of the plat. The City shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the City for completion of the work in case of default of the sub divider under said developer's agreement, and for any damages sustained on account of any breach thereof. Upon completion of the work and termination of any liability, the balance remaining in said deposit shall be refunded to the sub divider.
 - 2) Performance Bond or Letter of Credit. In lieu of making the escrow deposit, the sub divider may furnish a performance bond with corporate surety, or a letter of credit, in a penal sum equal to 125% of the total cost as estimated by the City Engineer of all the improvements to be furnished and installed by the sub divider pursuant to the developer's agreement, which have not been completed prior to the approval of the plat. The bond shall be approved as to form by the City Attorney and filed with the City Clerk.

SECTIONS 12.54 THROUGH 12.59, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.

SECTION 12.60. VARIANCES. All requests for variances from the provisions of this Chapter shall be made and decided in the following manner:

Subd. 1. Filing. The sub divider shall file a request in writing for a variance with the City Clerk, together with the required fee.

Subd. 2. Variance Request. The City Clerk shall refer the variance request to the Planning Commission for public hearing held in the same manner as provided in Section 12.10, Subdivision 2, Subparagraph C, Item 4; said hearings may be held simultaneously. The Planning Commission shall submit its report and

recommendation to the Council. Said report shall specifically consider the findings set forth in this Section.

Subd. 3. Council Decision. The Council at its next regular meeting after receipt of such report and recommendation shall make its decision at the same or a specified future meeting thereof.

Subd. 4. Granting of Variance. The Council may grant a variance only upon finding that an unusual hardship exists, and specifically that:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of the property, from the effective date of this Chapter, have had no control.
- B. The literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Chapter.
- C. That the special conditions or circumstances do not result from the actions of the applicant.
- D. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other owners of lands, structures or buildings within the same district.
- E. That the variance requested is the minimum variance which would alleviate the hardship. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this Chapter.
- F. A variance would not be materially detrimental to the purposes of this Chapter, or to other property in the same zone.
- G. The proposed variance will not impair an adequate supply of light and air to the adjacent property or substantially increase the congestion of public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

SECTIONS 12.61 THROUGH 12.69, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.

SECTION 12.70. RESTRICTIONS ON FILING AND RECORDING CONVEYANCES.

Subd. 1. Registered Land Survey. Except as provided in Section 12.10, Subdivision 3, no conveyances of land shall be filed or recorded if the land is described in the conveyance by metes and bounds or by reference to an unapproved Registered Land Survey made after April 21, 1961, or to an unapproved plat. The foregoing provision does not apply to a conveyance if the land described:

- A. Was a separate parcel of record April 1, 1945, or the date of adoption of subdivision regulations under Laws 1945, Chapter 287, whichever is the latter, or of the adoption of subdivision regulations pursuant to a home rule charter, or,
- B. Was the subject of a written agreement to convey entered into prior to such time; or,
- C. Was a separate parcel not less than two and one half (2-1/2) acres in area and 300 feet in width on July 1, 1980; or
- D. 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 one of which is less than five acres in area or 300 feet in width; or,
- E. Is a single parcel of residential or agricultural land of 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 or 500 feet in width.

Subd. 2. Unnecessary Hardship. In any cases in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of these subdivision regulations the Council may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded.

Subd. 3. Forfeiture. Any owner or agent of the owner of land who conveys a lot or a parcel in violation of the provisions of this Section shall forfeit and pay to the City a penalty of not less than \$100.00 for each parcel so conveyed. The City may enjoin such conveyance or may recover such penalty by civil action in any court of competent jurisdiction.

SECTION 12.71. REGISTERED LAND SURVEYS. All registered land surveys in the City shall be presented to the City Clerk in the form of a preliminary plat in accordance with the standard set forth in this Chapter. Tracts to be used as easements or roads shall be designated thereon. As to the registered land surveys containing four or fewer tracts, and Council approval of the arrangement, size and relationship of the proposed tracts, in accordance with standards and procedures for review of administrative subdivisions as heretofore described shall be required. As to

registered land surveys containing more than four tracts, the Planning Commission and Council approval of the arrangement, size and relationship of the proposed tracts, in accordance with standards and procedures for review and of standard subdivisions as heretofore described, shall be required. Absent such required approvals, as herein required, building permits on the proposed tracts shall be withheld, tracts conveyed to the City for streets or roads shall not be accepted and no public monies shall be expended for the installation of utilities or improvements for any such tracts.

SECTION 12.72. BUILDING PERMITS. No building permits will be issued by the City for the construction of any building, structure or improvement to the land or any lot in the subdivision, as defined herein, which has been approved for platting until there has been full compliance with all the provisions of this Chapter.

SECTION 12.73. VIOLATION. The City may withhold, revoke or deny any permits, approvals or any action required or if there is a violation of this Chapter. Each week during which violation exists shall constitute a separate violation. The City or any person or agency who suffers damage, or is likely to suffer damage, because of a violation of this Chapter may apply to the District Court for injunctive relief.

SECTIONS 12.74 THROUGH 12.98, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.

SECTION 12.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.