

CHAPTER 152: SUBDIVISIONS

Section

General Provisions

- 152.001 Short title
- 152.002 Purpose
- 152.003 Scope
- 152.004 Conditions for recording
- 152.005 Effect of provisions on other permits and agreements
- 152.006 Severability
- 152.007 Exceptions
- 152.008 Interpretation
- 152.009 Rules
- 152.010 Definitions
- 152.011 Amendment
- 152.012 Variances

Procedure

- 152.025 Pre-application
- 152.026 Procedure for preliminary plat
- 152.027 Procedure for final plat

Data Required for Preliminary and Final Plats

- 152.040 Preliminary plat
- 152.041 Final plat

Subdivision Design Standards

- 152.055 Conformity with other standards
- 152.056 Interpretation of requirements
- 152.057 Land requirements
- 152.058 Blocks
- 152.059 Lots
- 152.060 Streets and alleys
- 152.061 Easements
- 152.062 Erosion and sediment control drainage
- 152.063 Drainage
- 152.064 Steep slopes

- 152.065 Wetland systems
- 152.066 Open space and landscaping
- 152.067 Protected areas
- 152.068 Mail and paper box locations

Parks, Open Space, and Public Use

- 152.080 Dedication requirements
- 152.081 Cash contribution
- 152.082 Combination of land dedication and cash contribution
- 152.083 Delayed dedication payment
- 152.084 Purchase or condemnation of lands
- 152.085 Location and configuration of dedication

Basic Required Improvements

- 152.100 General
- 152.101 Construction improvements
- 152.102 Street improvements
- 152.103 Sanitary sewer and water distribution improvements
- 152.104 Grading, drainage and stormwater management
- 152.105 Utilities
- 152.106 Monument and survey requirements
- 152.107 Pathways
- 152.108 Other improvements

Registered Land Surveys and Conveyance by Metes and Bounds

- 152.120 Registered land surveys
- 152.121 Conveyance by metes and bounds

Fees

- 152.135 Base fee per application
- 152.136 Staff and consultant fee
- 152.137 Payment

Violations

- 152.150 Sale of lots from unrecorded plats
- 152.151 Receiving or recording unapproved plats
- 152.152 Misrepresentation as to construction, supervision, or inspection of improvements

- 152.999 Penalty

§ 152.001 SHORT TITLE.

This chapter shall be known as the "Subdivision Ordinance of the City of Monticello", and will be referred to herein as "this chapter".

§ 152.002 PURPOSE.

(A) In order to safeguard the best interests of the city and to assist the subdivider in harmonizing his or her interests with those of the city at large, the following chapter is adopted in order that adherence to same will bring results beneficial to both parties.

(B) It is the purpose of this chapter to:

(1) Encourage well planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction;

(2) Provide for the health and safety and general welfare of residents by requiring the necessary services such as properly designed streets and adequate sewage and water service;

(3) Place the cost of improvements against those benefitting from their construction;

(4) Secure the rights of the public with respect to public lands and waters; and

(5) Make certain regulations and requirements for the platting of land within the city pursuant to the authority contained in Minnesota Statutes Annotated, including M.S. § 462.358 and M.S. Ch. 505, as they may be amended from time to time, which regulations the City Council deems necessary for the health, safety, and general welfare of this community.

§ 152.003 SCOPE.

The provisions of this chapter relate to any division of a tract of land into two or more parcels by platting, replatting, conveyance, registered land survey, or other means, and the combination or recombination of parcels that for which compliance with the zoning ordinance would be affected.

§ 152.004 CONDITIONS FOR RECORDING.

No plat or any subdivision shall be entitled to record in the County Register of Deeds office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this chapter.

§ 152.005 EFFECT OF PROVISIONS ON OTHER PERMITS AND AGREEMENTS.

(A) *Generally.* No building permits will be considered for issuance by the city for the construction of any building, structure, or improvement to the land or to any lot in a subdivision as defined herein until all requirements of this chapter have been fully complied with.

(B) *Private agreements.* This chapter is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this chapter are more restrictive or impose higher standards or requirements on an easement, covenant, or other private agreement, the requirements of this chapter shall govern.

§ 152.006 SEVERABILITY.

(A) If any court of competent jurisdiction invalidates any provision of this chapter, then such judgment shall not affect the validity and continued enforcement of any other provision of this chapter.

(B) If any court of competent jurisdiction invalidates the application of any provision of this chapter to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.

(C) If any court of competent jurisdiction rules invalid any condition attached to an approval under this chapter, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

(D) No judgment of any court of competent jurisdiction shall be considered final until all appeals therefore have been exhausted.

§ 152.007 EXCEPTIONS.

(A) When requesting a subdivision, combination, or recombination, if any of the following conditions exist, the subdivider is required to present accurately drawn site and certified survey plan information for the proposed subdivision, combination, or recombination, have the subdivision, combination, or recombination reviewed by the Planning Commission, reviewed and approved by the City Council, and adhere to the park dedication requirements of §§ 152.080 through 152.085.

(1) A division which results in commercial or industrial parcels having an area of five acres or more with frontage on a public right-of-way measuring 300 feet or more and which does not result in the division of the parcel into two or more lots, any one of which is less than five acres in area or 300 feet in width and which does not necessitate the dedication of a public right-of-way. Such division shall not cause any structure on the lot to be in violation of the zoning ordinance or said new portions of lots to be in violation of city ordinance.

(2) Division of one previously platted parcel into no more than two buildable parcels, both of which will be in full conformance with all applicable zoning regulations, and for which no public right-of-way, easements, or other drainage concerns are evident to the Zoning Administrator.

(3) The adjustment of a lot line by the relocation of a common boundary and for which no public right-of-way, easements, or other drainage concerns are evident to the Zoning Administrator.

(4) Division of an existing lot of record where the division is to permit the adding of a parcel of land to an abutting lot or lots and the newly created property line will not cause the other remaining portion of the lot to be in violation with this chapter or the zoning ordinance, and for which no public right-of-way, easements, or other drainage concerns are evident to the Zoning Administrator.

(5) Combination of two or more parcels of record to create a parcel conforming to the requirements of the applicable zoning district and for which no public right-of-way, easements, or other drainage concerns are evident to the Zoning Administrator.

(B) Any easements which become unnecessary as a result of the division or combination must be vacated. In addition, new easements must be established as determined by the City Engineer.

(C) In the event that the County Recorder shall refuse to record an administrative subdivision due to the legal description of the proposed parcels or for any other reason, the applicant shall be required to comply with all of the requirements of §§ 152.026 and 152.040 for preliminary plats.

§ 152.008 INTERPRETATION.

(A) In interpreting and applying the provisions of this chapter, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where the provisions of this chapter impose greater restrictions than those of any other ordinance, code provision, or regulation, the provisions of this chapter shall be controlling.

(B) Where the provisions of any statute, other ordinance or code provision, or regulation impose greater restrictions than this chapter, the provisions of the statute, other ordinance or code provision, or regulation shall be controlling.

§ 152.009 RULES.

For the purpose of this chapter, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; and the word **SHALL** is mandatory and not discretionary.

§ 152.010 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

APPLICANT. The owner, the owner's agent, or any other person having legal control, ownership, and/or interest in the land proposed to be subdivided.

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

BOULEVARD. The portion of a street right-of-way between the limit of the public right-of-way and the curblines, which may include pathways.

CERTIFICATE OF SURVEY. A document prepared by a registered land surveyor which precisely describes the area, dimensions, and location of a parcel or parcels of land.

CITY. The City of Monticello.

CITY COUNCIL. The governing body of the City of Monticello.

CITY ENGINEER. The engineer employed or retained by the city, unless otherwise stated.

COMPREHENSIVE PLAN. Refers to the group of maps, charts, and texts that make up the comprehensive long-range plan of the city.

COUNTY. Wright County, Minnesota.

CROSSWALK. A right-of-way owned by the city or other governmental entity which provides access for pedestrians across a street to adjacent streets or properties.

DESIGN STANDARDS. The specifications to landowners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum, or maximum dimensions of such items as rights-of-way, blocks, easements, and lots.

DEVELOPMENT AGREEMENT. A written agreement between city and applicant in conjunction with the approval by the city of a subdivision.

EASEMENT. A grant by a property owner for the use of land for the purpose of constructing and maintaining drives, and utilities, including, but not limited to, sanitary sewers, water mains, electric lines, communication lines, storm sewer, or storm drainage ways and gas lines, wetlands, conservation easements, and pathways, including sidewalks and trails.

FINAL PLAT. A drawing or map of a subdivision meeting all of the requirements of the city and in such form as required by the county for the purposes of recording.

IMPROVEMENT. Any drainage or stormwater facility, roadway, parkway, sidewalk, trail, pathway or crossing, landscaping, lighting, off-street parking area, grading, utility, lot improvement, or other similar facility.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A septic tank, seepage tile sewage disposal system, or any other sewage treatment device.

INSPECTOR. An authorized representative of the City Council assigned to make any or all necessary inspection of the work performed and materials furnished by a developer.

LOT. A portion of a subdivision or other parcel of land intended for building development or for transfer of ownership.

LOT OF RECORD. Any lot which is a part of a subdivision the plat of which has been recorded in the County Recorder's office, or a lot described by metes and bounds the deed to which has been recorded in the County Recorder's office, at the time this chapter becomes effective.

METES AND BOUNDS DESCRIPTION. A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of the section, lot, or real property by described lines or portions thereof.

OUTLOT. A lot remnant or parcel of land after platting which is intended as open space or other use and for which no building permit shall be issued.

OWNER. Includes the plural as well as the singular and where appropriate shall include a natural person, partnership, firm, association, syndicate, co-partnership, public or quasi-public corporation, private corporation, trust, or a combination of them having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

PARCEL. An individual lot or tract of land.

PARKS AND PLAYGROUNDS. Public land and open spaces in the city dedicated or reserved for recreation purposes.

PATHWAY. A public or private facility or area providing access for a variety of non-motorized uses, including, but not limited to, pedestrians and bicycles, which may be a paved or unpaved trail or sidewalk facility and its related appurtenant facilities.

PERCENTAGE OF GRADE. On street centerline, means the distance vertically (up or down) from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.

PLANNING COMMISSION. The Planning Commission of the city.

PRELIMINARY PLAT. A detailed drawing or map of a proposed subdivision meeting requirements herein enumerated.

PRIVATE IMPROVEMENT. Any improvement for which the city does not assume ownership or the responsibility for maintenance operation, but which instead is owned, maintained, and operated by a private property owner or group of private property owners.

PROTECTIVE COVENANTS. Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

PUBLIC IMPROVEMENT. Any improvement for which the city may ultimately assume the ownership and responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

RIGHT-OF-WAY. Land acquired by reservation or dedication intended for public use and intended to be occupied or which is occupied by a street, pathway, railroad, utility lines, pipelines, water lines, sanitary sewer lines, storm sewer lines, or other similar uses.

SETBACK. The minimum horizontal distance between a building and a street, lot line, ordinary highwater mark, or bluff line. Distances are measured from the most outwardly extended portion of the structure at ground level.

SIDEWALK. A paved public or private pedestrian way located between the curblin and the adjacent property line, intended for the use of pedestrians.

STREET. The public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue, lane, place, or boulevard, or otherwise designated.

(1) **ARTERIAL STREET.** A street carrying larger volumes of traffic and serving as a link between various sub-areas of the community. These streets are intended to provide a collection and distribution of traffic between highways and collector streets; hence regulation of direct access to property is critical.

(2) **COLLECTOR STREET.** A street which carries traffic from local streets to the major system of arterial streets and highways. **COLLECTOR STREETS** primarily provide principal access to residential neighborhoods, including a lesser degree, direct land access.

(3) **CUL-DE-SAC STREET.** A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

(4) **LOCAL STREET.** A street which is used primarily for access to abutting properties and for local traffic movement.

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

SUBDIVISION. A described tract of land which is to be or has been divided into two or more lots or parcels, the purpose of transfer of ownership or building development of, if a new street is involved, any division of a parcel of land. The term

includes resubdivision and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided.

TRAIL. A public or private right-of-way providing access for a variety of non-motorized uses including pedestrians and bicycles which may be a paved or unpaved trail and its related appurtenant facilities.

VARIANCE. A modification or variation of the provisions of this chapter as applicable to a specific piece of property. Modification of the allowable use within a district shall not qualify as a **VARIANCE**.

WATERCOURSE. A channel or depression through which water flows, such as rivers, streams, ditches, or creeks and may flow year-round or intermittently.

ZONING ADMINISTRATOR. The individual(s) assigned by the City Administrator or City Council charged with the responsibility of administering and enforcing this chapter.

ZONING ORDINANCE. The zoning ordinance or resolution controlling the use of land as adopted by the city.

§ 152.011 AMENDMENT.

(A) Before any amendment is adopted, the Planning Commission shall hold at least one public hearing after proper notice has been issued. Following the hearing, the Planning Commission shall adopt findings and recommendations on the proposed amendment as soon as practical. The City Clerk may forward the application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.

(B) The City Council may hold a public hearing on the amendment if deemed necessary by the City Clerk. After consideration of the Planning Commission recommendation and hearing, the Council may adopt the amendment or any part thereof in such form as it deems advisable.

(C) Approval of an amendment shall require a majority vote of all members of the City Council.

§ 152.012 VARIANCES.

Variances to this chapter shall be processed and reviewed per the city's zoning ordinance, Chapter 2, § 4(C).

PROCEDURE

§ 152.025 PRE-APPLICATION.

Prior to the preparation of a preliminary plat, the applicant or owners may meet with the Zoning Administrator, and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations, and plans in the area to be subdivided. At this time, or at subsequent informal meetings, the applicant may submit for informal, non-binding comment a general concept plan of the proposed subdivision. The concept plan can be presented in simple form but should show that consideration has been given to the relationship of the proposed subdivision to existing city facilities, to neighboring subdivisions and developments, to the topography of the site, and to the suitability of proposed transportation, drainage, and utility systems.

§ 152.026 PROCEDURE FOR PRELIMINARY PLAT.

(A) *Filing.*

(1) Per the published application calendar, the applicant shall file a request for preliminary plat approval and the accompanying fee and escrow as adopted by ordinance. After the city has received the request for a plat approval, it shall inform the applicant within ten days whether the submittal was complete. If deemed not complete, the applicant will be informed of needed material or information to be made complete. If no notification of completion is made by the city within 15 days, the request will be placed on a regular Planning Commission agenda for consideration.

(2) The application shall be accompanied by a fee and escrow as provided for by City Council ordinance.

(3) The application shall also be accompanied by electronic and print copies of a preliminary plat and supportive information in conformity with requirements of this chapter and application checklists. The preliminary plat shall be considered as being officially submitted only when all of the information requirements of this chapter are complied with, the appropriate fees paid, and escrows deposited.

(4) Where appropriate, the city staff will meet with the applicant to discuss the request and related information. Upon receipt of all the required information, the Zoning Administrator may forward the application and required information to the appropriate city staff consultants and city commissions for review and technical reports.

(5) The applicant shall supply proof of title in a form approved by the City Attorney and the legal description of the property for which the subdivision is requested and, as applicable, supply documented authorization from the owner(s) of the property in question to proceed with the requested subdivision.

(B) *Hearing.*

(1) When an application is determined to be complete, the Zoning Administrator shall schedule a public hearing for public review of the preliminary plat. The hearing shall be held after adequate time has been allowed for staff and advisory body review of the plat.

(2) The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council. Notice of the hearing shall consist of a legal property description and a description of the request and shall be published in the official newspaper at least ten days prior to the hearing. Written notification of the hearing shall be mailed at least ten days prior to all owners of land within 350 feet of the boundary of the property in question. Failure of a property owner to receive the notice shall not invalidate any such proceedings set forth within this chapter, provided a bona fide attempt has been made to comply with the notice requirements of this chapter.

(3) Timeline for review of the preliminary plat shall be in accordance with M.S. § 462.356, as it may be amended from time to time.

(C) *Technical assistance reports.* The Zoning Administrator shall instruct the appropriate staff to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the City Council.

(D) *Review by other commissions or jurisdictions.*

(1) The Zoning Administrator shall refer copies of the preliminary plat to the Parks and Recreation Commission and/or county, state, or other public jurisdictions for its review and comments, where appropriate and when required as determined by the Zoning Administrator.

(2) In cases where a proposed subdivision is adjacent to a county or state highway, the subdivision shall be subject to county and/or state approval.

(E) *Planning Commission action.* The applicant or a designated representative thereof shall appear before the Planning Commission at the public hearing in order to answer questions concerning the proposed request. The Planning Commission shall make a recommendation to the City Council following the close of the public hearing. If the Planning Commission has not acted upon the preliminary plat, and the statutory review period will expire before the next regularly scheduled Planning Commission meeting, the Council may act on the preliminary plat without the Planning Commission's recommendation.

(F) *City Council action.*

(1) Upon completion of the report and recommendation of the Planning Commission, the request shall be placed on the agenda of the City Council. The report and recommendations shall be entered in and made part of the permanent written record of the Council meeting.

(2) Upon receiving the report and recommendation of the Planning Commission and city staff, the City Council shall have the option to set and hold a public hearing if deemed necessary or take action based on Planning Commission recommendation. The Council shall make recorded findings of fact and may impose any condition it considers necessary to protect the public health, safety, and welfare. The Council shall adopt a resolution approving or denying the request.

(3) The City Council shall approve or disapprove the preliminary plat within 120 days following delivery of an application completed in compliance with this chapter, unless the time for Council decision has been extended pursuant to a written agreement with the applicant.

(4) The City Council may deny or require modifications to a proposed preliminary plat when said plat fails to comply with any of the requirements of this chapter, or other applicable regulations, including the zoning ordinance. In addition, the Council may deny or require modifications to a proposed preliminary plat when the Council finds that despite technical compliance with applicable ordinances, the plat design results in a likelihood of extraordinary public costs for future maintenance or the potential for public safety hazards that are not typical for subdivisions in the city.

(5) The City Council reserves the right to deny or require modifications to a preliminary plat if due regard is not shown for the preservation of all natural features, such as topography, trees, watercourses, scenic points, prehistoric and historical spots, and similar community assets, which, if preserved, will add attractiveness and stability to the proposed development of the property.

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

(7) Approval of a preliminary plat shall be null and void unless within 360 days after receiving the last required approval of the preliminary plat there shall be submitted to the Zoning Administrator a final plat or plats for all or a portion of the approved preliminary plat in accordance with the conditions upon which approval was granted by the City Council. An extension from this requirement may be granted by the Council upon the reception of a request for extension. An extension shall be requested in writing and filed with the city at least 14 days before the voidance of the approved preliminary plat. There shall be no charge for the filing of such request. The request for extension shall state facts showing a good faith attempt was made to meet the final plat submission requirement. Such request shall be presented to the Council for a decision.

(8) In the event of changes to city, county, state, and federal development regulations, the city may require a preliminary plat to be amended to incorporate applicable changes, except as may be prohibited by Minnesota Statutes.

(9) Should the applicant desire to amend a preliminary plat as approved, an amended preliminary plat may be submitted. The city may require the applicant to follow the same procedure as a new preliminary plat. No public hearing will be required for the amendment if the opinion of the city is that the scope of the changes does not constitute a new preliminary plat. A filing fee, as established by the city, shall be charged for amendment processing.

(10) Approval of the preliminary plat shall not be considered binding in regard to subsequent final plat contemplation.

§ 152.027 PROCEDURE FOR FINAL PLAT.

(A) *Filing.*

(1) After the preliminary plat has been approved, the final plat shall be submitted for review as set forth in the divisions which follow. The city may agree to review the preliminary and final plat simultaneously. The final plat shall incorporate all changes, modifications, and revisions required by the city. Otherwise, it shall strictly conform to the approved preliminary plat.

(2) The application for final plat shall be accompanied by electronic and print copies of a preliminary plat and supportive information in conformity with requirements of this chapter and application checklists.

(B) *Approval of the City Council.*

(1) The final plat shall be submitted to the Zoning Administrator for distribution to the City Council and appropriate city staff. The city staff shall examine the final plat and prepare a recommendation to the Council. The Council shall certify final approval within 60 days if the applicant has complied with all conditions and requirements of applicable regulations and conditions and requirements of the preliminary plat approval.

(2) If approved, the final plat and development agreement shall be approved by resolution, which resolution shall provide for the acceptance of all agreements for basic improvements, public dedication, and other requirements as indicated by the City Council. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the person or persons applying for such approval.

(C) *Development agreement.* Before a final plat is approved by the City Council and prior to recording or registering a final plat, the owner or subdivider of the land covered by the plat shall execute and submit to the Council an agreement, which shall be binding on his, her, or their heirs, personal representatives, and assigns, which embodies the terms and

conditions of the approval given by the Council, including, but not limited to, requirements set forth in this chapter and which controls the installation of all required improvements. The agreement will require all improvements in compliance with approved engineering standards and applicable regulations. Said development agreement shall provide for the supervision and inspection of the construction by the City Engineer and shall provide for the fees and securities in connection to the improvements.

(D) *Existing special assessments.* When any existing special assessments which have been levied against the property described are to be divided and allocated to the respective lots in the proposed plat, city staff shall:

- (1) Estimate the clerical cost of preparing a revised assessment role;
- (2) File the same with the County Auditor; and
- (3) Make such division and allocation.

(E) *Recording final plat.*

(1) If the final plat and development agreement are approved by the City Council, the applicant shall record them with the County Recorder within 100 days after the approval or approval of the final plat shall be considered void, unless a request for a time extension is submitted in writing and approved by the Council. The applicant shall, immediately upon recording, furnish the Zoning Administrator with a print and reproducible tracing of the final plat showing evidence of the recording.

(2) A final plat will not be released by the city for recording purposes until the applicant has satisfied applicable ministerial requirements of this chapter, including payment of fees, execution of a developer's agreement, deposit of surety, letters of credit, Mylar copies of the final plat, easement and deed documents, and all other requirements of approval by resolution.

(3) No building permits shall be let for construction of any structure on any lot in the plat until the construction plans have been approved by the city, the city has received evidence of the plat and development agreement being recorded by the county and the provisions of the subdivision's development agreement have been satisfactorily met.

(F) *Recording of multiple-phased plats.* If a preliminary plat is final platted in stages, unless otherwise provided for in the development contract, all stages must be final platted into lots and blocks (not outlots) within three years after the preliminary plat has been approved by the City Council. If the final plats are not approved and recorded in accordance with this time frame, the preliminary plat approval shall be considered void, unless a request for time extension is submitted in writing and approved by the Council prior to the expiration of the three-year period.

(G) *Extension.* Within 30 days of the deadline of recording of the final plat, the applicant may file with the Zoning Administrator a written request that said deadline be extended six months beyond the date the extension is granted. The Zoning Administrator shall place the request on the agenda of a regularly scheduled City Council meeting to be held within 30 days of the extension filing if in their opinion no change has occurred in any land use restriction or the Comprehensive Plan, or any other official control affecting the use, development density, lot size, lot layout, or dedication or platting required or permitted by the preliminary plat.

DATA REQUIRED FOR PRELIMINARY AND FINAL PLATS

§ 152.040 PRELIMINARY PLAT.

The owner or subdivider shall prepare and submit a preliminary plat together with any necessary supplementary information.

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

- (1) Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions;
- (2) Location of boundary lines in relation to a known section, quarter section, or quarter- quarter section lines comprising a legal description of the property;
- (3) Names and addresses of the record fee owner;
- (4) Scale of plat not less than one inch to 100 feet;

(5) Date and north point;

(6) Project narrative; and

(7) Certificate of survey signed by a registered land surveyor and current within six months of plat application to include legal description, all public utilities including pipe size, material type, depths, location, and detail of private utilities or easements, any other easements of record.

(B) *Existing conditions plan.*

(1) Boundary line of proposed subdivision clearly indicated and to a close degree of accuracy;

(2) Existing zoning classifications for land within and abutting the subdivision;

(3) Location right-of-way width, and names of existing or planned streets, or other public ways, parks, and other public lands, permanent buildings and structures, easements, school districts, section and corporate lines within the plan and to a distance 350 feet beyond shall also be indicated;

(4) Boundary lines of adjoining unsubdivided or subdivided land, within 350 feet, identified by name and ownership, including all contiguous land owned or controlled by subdivider;

(5) Topographic data, including contours at vertical intervals of not more than two feet and all surface features and structures. Watercourses, marshes, rock outcrops, delineated wetlands, power transmission poles and lines, size, location, and elevation of all appurtenances of existing public utilities and all quasi-public utilities, including the name and operating authority of each utility, and other significant features shall be shown. U.S.G.S. data shall be used for all topographic mapping where feasible. (1929 sea level data shall be used for all topographic mapping.) The flood elevation of all lakes, river, and wetlands shall also be shown;

(6) An accurate soil survey of the subdivision prepared by a qualified person;

(7) Location and size of existing sewers, water mains, culverts, storm sewer, or other underground facilities within the tract and to a distance of 100 feet beyond the tract. Such data as grades, invert elevations and locations of catch basins, manholes, and hydrants shall be shown only on request;

(8) A survey prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density, and spacing. Deciduous trees that are less than six inches in diameter at a point five feet above natural grade, or trees that are diseased or invasive as defined by the Department of Natural Resources may be exempted from this survey; and

(9) Wetland data report shall be required and must consist of a wetland delineation report which identifies all wetlands, ponds, lakes, waterways, floodplains, and shorelines, and a wetland functional assessment summary. The wetland data report must be submitted with the preliminary plat.

(C) *Proposed design features.*

(1) A proposed grading plan showing the present and existing contours at two-foot contour interval, together with off-site existing contours depicting drainage patterns entering the proposed site, within 200 feet or more of the proposed subdivision is required unless waived by the City Engineer. If determined to be necessary by the City Engineer, one-foot contours may be required for proposed grading plans in order to ensure property drainage. High and low point elevations and emergency overflow elevations and routes shall be provided. The proposed grading plan shall demonstrate a design for the subdivision that respects the natural topography, and preserves existing trees, wetlands, and other natural features;

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

(3) Locations and widths of proposed streets and pathways;

(4) Layout, numbers, and preliminary dimensions of lots and blocks and dimensions of street frontage;

(5) Tabulation of the acreage of the full subdivision;

(6) Tabulation statement of the approximate square footage and dimensions of the individual lots;

(7) Minimum front and side street building setback lines. When lots are located on a curve, the width of the lot is measured at the building setback line;

(8) For each lot, specify building type, finished floor elevations, and lowest opening elevations.

(9) Areas, other than streets, alleys, pathways, and utility easements intended to be dedicated or reserved for public use, including the size of the area or areas in acres;

(10) Proposed location and routing of proposed sewer lines and identification of gravity mains or forcemains;

(11) Proposed location and routing of proposed water mains;

(12) A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees, and other vegetation that are to be planted;

(13) A stormwater management plan and erosion and sediment control plan in accordance with the requirements of the city's Design Manual and per zoning ordinance Chapter 4.10; and

(14) Open space and landscaping plan.

(D) *Other information.*

(1) The applicant shall supply proof of title in a form approved by the City Attorney and the legal description of the property for which the subdivision is requested and, as applicable, supply documented authorization from the owner(s) of the property in question to proceed with the requested subdivision;

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

(3) If any zoning changes are contemplated, the proposed zoning plan for the areas;

(4) (a) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission shall require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision; and

(b) In any event, all subdivisions shall be shown to relate well with existing or potential adjacent subdivision.

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

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

(7) A copy of all proposed private restrictions and covenants; and

(8) Other information as may be requested by the engineer, surveyor, or Planning Commission.

§ 152.041 FINAL PLAT.

The owner or subdivider shall submit a final plat together with any necessary supplementary information.

(A) *Contents.* The final plat prepared for recording purposes shall be prepared in accordance with provisions of state statutes and county regulations, and the final plat shall contain the following information:

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

(2) Location by section, township, range, county, and state, and including descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically close;

(3) The location of monuments shall be shown and described on the final plat. Locations of the monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles, and distances to the reference points or monuments. Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency of street lines, and at each angle point on the boundary of the subdivision. A permanent marker shall be deemed to be a steel rod or pipe, one-half inch or larger in diameter extending at least two feet below the finished grade due to the difficulty faced with frozen ground in the winter. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted. The exact

locations of all markers shall be shown on the final plat together with accurate interior angles, bearings, and distances. Permanent monuments shall be placed at all quarter section points within the subdivision or on its perimeter;

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

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

(6) The exact locations, widths, and names of all streets to be dedicated;

(7) Location and width and intended use of all easements to be dedicated;

(8) Name of fee owner and surveyor preparing the plat;

(9) Scale of plat (the scale to be shown graphically and in feet per inch), date, and north point;

(10) Statement dedicating all streets, alleys, and other public areas, utility and drainage easements not previously dedicated as follows: streets alleys, and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated; and

(11) An accompanying letter from the County Surveyor's office stating that the plat or land survey has been examined and approved.

(B) *Certifications required.*

(1) Notarized certification by owner and by any mortgage bolder of record of the adoption of the plat and the dedication of streets and other public areas;

(2) Notarized certification by a registered land surveyor to the effect that the plat represents a survey made by him or her and that monuments and markers shown therein exist as located and that all dimensional and geodetic details are correct;

(3) Certification showing that all taxes and special assessments due on the property have been paid in full if requested by the City Council or County Commissioners; and

(4) Space for certificates of approval and review to be filled in by the signatures of the Chairperson of the City Planning Commission and the Mayor and City Clerk.

(a) The form of certificate by the Planning Commission is as follows:

Reviewed by the Planning Commission of the City of Monticello this ____ day of _____, 20__.
Signed: _____
Chairperson
Attest: _____
Secretary

(b) The form of approval of the City Council is as follows:

Approved by the City of Monticello, Minnesota this ____ day of _____, 20__.
Signed: _____
Mayor
Attest: _____

(C) *Recording required.* A letter from the County Recorder's office stating the final plat has been recorded as approved by the City Council shall be received by the Building Official's office before any building permits may be issued.

SUBDIVISION DESIGN STANDARDS

§ 152.055 CONFORMITY WITH OTHER STANDARDS.

A proposed subdivision shall conform to the Comprehensive Plan, to related policies adopted by the city, and to all other chapters of the official code and zoning ordinance of the city. All subdivisions shall be designed to the city's current Design Manual and current city specifications.

§ 152.056 INTERPRETATION OF REQUIREMENTS.

The design features set forth in this section 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.

§ 152.057 LAND REQUIREMENTS.

(A) Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for the purposes proposed by reason of potential flooding, topography, or adverse soil, rock formation, or wetlands.

(B) Land subject to hazards to life, health, or property shall not be subdivided until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.

(C) Proposed subdivisions shall be coordinated with surrounding jurisdictions and/or neighborhoods so that the city as a whole may develop efficiently and harmoniously.

§ 152.058 BLOCKS.

(A) *Block length.* In general, intersecting streets determining block lengths shall be provided at such intervals so as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions should not exceed 1,320 feet, nor be less than 500 feet in length, except where topography or other conditions justify a departure from this standard. In blocks longer than 800 feet, pathways and/or easements through the block may be required near the center of the block.

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

§ 152.059 LOTS.

(A) *Area/width.* The minimum lot area and width shall not be less than that established by the city zoning ordinance in effect at the time of adoption of the subdivision.

(B) *Corner lots.* Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the zoning ordinance.

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

(D) *Building sites.* Unless approved by the City Engineer upon the basis of plans submitted showing alternative acceptable surface drainage measures, each lot shall provide an adequate building finished floor elevation at least 12 inches above the top of the adjacent curb.

(E) *Frontage.* Every lot must have the minimum frontage on a city-approved right-of-way other than an alley, as required in the city zoning ordinance.

(F) *Access.* Each individual lot shall directly access a public street.

(G) *Setback lines.* Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the city zoning ordinance, as may be amended.

(H) *Watercourses.* Watercourses shall be contained within abutting lots. Watercourses shall be protected by easement to the anticipated high water level (as determined by the city). Lots with easements protecting watercourses shall have sufficient dimensions and area above the normal water mark.

(I) *Drainage.* Lots shall be graded so as to provide drainage away from building locations, subject to the approval of the City Engineer. A grading plan shall be submitted showing all lot grading and drainage provisions.

(J) *Features.* In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, watercourses, topography, historic spots, or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

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

(L) *Political boundaries.* No subdivision shall extend over a political boundary or school district line without document notification to affected units of government.

(M) *Frontage on two streets.* Double frontage, or lots with frontage on two parallel streets, shall not be permitted except where lots back on major collector streets or county or state highways, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least 20 feet in order to allow space for screen plantings and/or buffering along the back lot line. As part of the subdivision review process, the submission of a buffering and screening plan may be required.

(N) *Access to major collector streets.*

(1) In the case where a proposed subdivision is adjacent to a major collector street, said streets to be defined by the city's Comprehensive Plan, there shall be no direct vehicular access from individual lots to such streets and roads. In the subdividing of small tracts of land fronting on limited access highways or major collector streets where there is no other alternative, a temporary access may be granted, subject to terms and conditions defined by the City Council and applicable county or state agencies.

(2) As neighboring land becomes subdivided and more preferable access arrangements become possible, temporary access permits shall become void.

(3) In cases where direct lot access to collector or arterial streets is allowed, special traffic safety measures including, but not limited to, provisions for on-site vehicle turnaround shall be required.

(4) In cases where a proposed subdivision is adjacent to a county or state highway, the subdivision shall be subject to county and/or state approval.

(O) *Outlots.* Lot remnants and future subdivision development phases shall be platted as outlots. Typically, stormwater ponds shall be contained within outlots. In cases where outlots are created or exist, their area shall not be utilized in calculating minimums for buildable lot area requirements. Outlots are also prohibited from qualifying for building permits.

§ 152.060 STREETS AND ALLEYS.

All streets shall be dedicated for public use except by approval through planned unit development.

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

public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served and in compliance with the Comprehensive Plan.

(B) *Local streets and dead-end streets.* Local streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but cul-de-sacs shall be permitted where topography or other physical conditions justify their use. Cul-de-sacs shall not be longer than 600 feet, including a terminal turnaround which shall be provided at the closed end, with a right-of-way radius of not less than 60 feet. A 45-foot street surface radius will be required on all cul-de-sacs.

(C) *Street plans for future subdivisions.* Where the subdivision to be submitted includes only part of the tract owned or intended for development by the applicant, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the applicant. When determined necessary by the city, the plan shall extend streets and utilities to the property line of the adjacent tract and/or tracts.

(D) *Temporary cul-de-sacs.* In those instances where a street is terminated pending future extension in conjunction with future subdivision, a temporary turnaround facility shall be provided at the closed end, in conformance with cul-de-sac requirements.

(E) *Subdivisions abutting major rights-of-way.* Wherever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. or state highway or county thoroughfare, provision may be made for a marginal access street approximately parallel and adjacent to the boundary of the right-of-way; provided, that due consideration is given to proper circulation design, or for a street at a distance suitable for the appropriate use of land between the street and right-of-way. The distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, or for lot depths.

(F) *Pathways.*

(1) Pathways shall be established in accordance with the city's Comprehensive Plan for Parks, Pathways, and Open Space, the city's Proposed Pathway Connections Guide, and in other areas where trails will serve an important transportation or recreational purpose as recommended and approved by the City Council.

(2) Trail corridors shall meet the following minimum requirements unless otherwise permitted by the City Council:

- (a) Dedicated to the city as an easement for public trail purposes;
- (b) Minimum 30-foot wide corridor;
- (c) Minimum ten-foot wide surface;
- (d) Compliant with the Americans with Disabilities Act (ADA);
- (e) No above-ground utilities (i.e., lift stations, utility boxes) may be within the trail corridor;

(f) A landscape plan, including shrubs and trees, shall be required on trail corridors located in the side yard of residential lots. These landscape plantings shall be in addition to those required by other sections of this code;

(g) Due regard shall be shown for trees, wetlands, and other environmental features when locating and constructing trails; and

(h) Compliance with city, county, and state transportation plans.

(G) *Compliance with city, county, and state transportation plans.*

(1) All subdivisions adjacent to or incorporating planned streets which are identified in the city, county, and state transportation plans, as amended, or existing streets shall comply with the minimum right-of-way, surfaced width and design standards as outlined in the plans or as recommended by the City Engineer.

(2) Infrastructure planning for safe routes to school shall be incorporated into subdivision and pathway design in accordance with the city's Comprehensive Plan for Parks, Pathways, and Open Space, and the city's Proposed Pathway Connections Guide.

(H) *Street design.*

(1) The classification of street and determined right-of-way width shall be determined by the city's Comprehensive Plan.

(2) Minimum right-of-way widths, paving widths, angles of intersection, curb radii, distances along sides of sight

Pathway	Required on both sides	Required on both sides	Required on both sides	Sidewalk required on single side		See above design notations
NOTE: Alternate right-of-way width requirements may be allowed for specific thoroughfares based on anticipated traffic volume, planned function of street, jurisdiction of street, topography, and character of abutting land use. Increased width will be set by the City Council upon recommendation of the Planning Commission and City Engineer.						
Street design requirements may be altered based on existing topographic conditions as approved by the City Council upon recommendation of the Planning Commission and City Engineer.						
Based on future roadway functional classification						
*As measured from face of curb to face of curb.						
**The City Council may choose to approve private common access for PUD, townhouse development, and the like, where appropriate. Standards for said access, however, shall comply with minimums as outlined for minor streets (except ROW) and all other provisions as required by the Council.						

(I) *Streets in flood hazard area.* No street shall be approved if its final surface is at a lower elevation than two feet below the regulatory flood protection elevation. The City Council may require profiles and elevations of finished streets for areas subject to flooding. Fill may be used for streets, provided such fill does not unduly increase flood heights and provided any such fill would not result in a stage increase violating the requirements of applicable Minnesota Statutes, and any applicable requirements imposed by the Federal Emergency Management Agency pursuant to its rules and regulations. Drainage openings shall not restrict the flow of water so as to unduly increase flood heights, and provided any such drainage opening would not violate the requirements of applicable Minnesota Statutes, as such chapters may be amended, supplemented, or replaced from time to time, and any applicable requirements imposed by the Federal Emergency Management Agency pursuant to its rules and regulations.

(J) *Reverse curves.* Minimum design standards for minor arterial and major collector streets shall comply with Minnesota Department of Transportation State Aid Standards.

(K) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except under conditions accepted by the City Council.

(L) *Private streets.* Private streets and reserve strips, except in the case of planned unit developments, shall be prohibited and no public improvements shall be approved for any private street. If any person applies to subdivide or replat any land or parcels adjoining an existing private street, they shall be required to dedicate the private street for public use and schedule for improvement to public street standards at the time of final plat.

(M) *Street intersections.* Intersections having more than four corners shall be prohibited. Adequate land for future intersections and interchange construction needs shall be dedicated. Angles formed by the intersection of two streets shall comply with the provisions of division (H) above.

(N) *Street intersection offsets.* Street jogs in local streets shall have a centerline offset of not less than 150 feet. Street jogs in arterial and collector streets shall have a centerline offset of not less than 300 feet.

(O) *Centerline curvature.* The minimum horizontal curvature of streets shall be in accordance with the MNDOT Highway Design Manual for the type of street and design speed.

(P) *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 decision. No permanent street improvement shall be permitted within a half street right-of-way. All lots having frontage or access solely from a half street are prohibited from being eligible for building permits.

(Q) *Dedication.* All proposed streets shown on the subdivision shall be in conformity to city, county, and state plans and standards and be offered for dedication as public streets unless otherwise determined by the City Council.

(R) *Curbs and gutters.* Concrete curbs and gutters shall be required on all streets, unless otherwise directed by the City Council at the time the subdivision is approved.

(S) *Pavement.* Pavement shall be installed in accordance with the City Design Manual.

(T) *Sidewalk.* Sidewalks shall be provided on one side of all roadways and shall be installed in accordance with standards and specifications approved by the City Council.

(U) *Private utilities.* In all subdivisions, all telephone, electric, and gas lines shall be placed underground within dedicated public ways or recorded easements in such a manner as to not conflict with other underground services. All underground installation of service lines within street rights-of-way shall be completed in a manner that will not disturb street surfacing.

§ 152.061 EASEMENTS.

(A) *Municipal utility improvements lying within public easements.* Municipal utility improvements lying within public easements shall become city property without further notice or action, with exception of approved private streets and private storm sewer systems.

(B) *Disturbance of surface of easement area.* If the surface of the easement area of any portion thereof shall be disturbed by the operation, maintenance, replacement, or removal activities in connection with the use of the easement, said surface and improvements shall be promptly restored by the fee owner of the easement area to their condition prior to the disturbance.

(C) *Width and location.* An easement for drainage and utilities at least six feet wide shall be provided along each side line of each lot and an easement of 12 feet wide shall be provided along the front and rear line of each lot.

(D) *Continuous utility easement locations.* Drainage and utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council after a public hearing.

(E) *Guy wires.* Additional easements for pole guys should be provided, where appropriate, at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys fall alongside lot lines.

(F) *Stormwater management ponds.* New stormwater management ponds that are constructed as part of subdivisions shall be covered by drainage and utility easements or outlots that are dedicated to the city. At least one side of a pond should be located adjacent to public right-of-way or an approved maintenance access route and adequate easement dedicated to provide access for future maintenance.

§ 152.062 EROSION AND SEDIMENT CONTROL DRAINAGE.

(A) Erosion and sediment control standards shall comply with the city's engineering design guidelines ("Design Manual") as well as Chapter 4 of the city's zoning ordinance.

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

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

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

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

(F) In the event that permanent stabilization cannot be feasibly obtained within 14 days after construction activity in that portion of the site has temporarily or permanently ceased, and seven days if discharge points are located within one mile of an impaired or special water body, temporary soil stabilization BMPs must be implemented within the time frame.

(G) Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. The

soil shall be restored to a depth of four inches and shall be of a quality at least equal to the soil quality prior to development.

§ 152.063 DRAINAGE.

Drainage facilities shall be in accordance with the City Design Manual and approved by the City Engineer.

§ 152.064 STEEP SLOPES.

Subdivision design shall be consistent with limitations presented by steep slopes. Subdivisions shall be designed so that no construction or grading will be conducted on slopes steeper than 3:1 in grade, unless otherwise approved by the City Engineer based on existing topographic conditions.

§ 152.065 WETLAND SYSTEMS.

(A) Where the subdivision of a lot or tract of land contains drainageways, watercourses floodable areas, or wetlands, and thus may be unsuitable for development, the areas shall be handled as follows.

(1) If the land is designated in whole or in part for public use on an adopted plan of the city, the developer shall dedicate the land to the city in accordance with § 152.080 through 152.085.

(2) If the land is not designated for public use on an official plan, then the developer shall cause the land to be carried in a private easement in the individual deeds affected thereby, and no permit shall be issued for a building permit.

(B) The developer may submit a proposal for development indicating how, through site and engineering design, the intent of this chapter will not be violated if approved. In addition, the developer shall provide a surety bond to the approving city to ensure that such will be done at a specific time if approved.

(C) Any development or platting shall comply with the city's zoning ordinance and/or county shoreland regulations.

§ 152.066 OPEN SPACE AND LANDSCAPING.

(A) (1) Every subdivision shall include a landscape plan that identifies areas of public value, including significant views, natural vegetation, or watercourses, even where the features may be located upon private lots.

(2) The landscape plan shall provide for the addition of trees, shrubs, and ground covers or grasses that achieve the following objectives:

(a) Establish naturalized woodland areas in large spaces;

(b) Establish naturalized areas around stormwater ponds; and/or

(c) Establish naturalized woodland areas at the edges of subdivisions, particularly in areas of land use changes or where the subdivision abuts a major roadway, utility line, or railroad.

(B) The landscaping plan shall be accompanied by a reliable estimate of installation costs. The subdivider shall provide a financial security that guarantees live growth of the plant materials for one complete year or two growing seasons from the date of installation. In the event the plant materials under this plan must be replaced due to death, disease, or other reason, the financial security shall be extended to cover an additional two years from the date of replacement.

§ 152.067 PROTECTED AREAS.

(A) Where land proposed for subdivision is deemed environmentally sensitive by the city due to the existence of wetlands, drainageways, watercourses, floodable areas, or steep slopes, the design of the subdivision shall clearly reflect all necessary measures of protection to ensure against adverse environmental impact.

(B) Based upon the necessity to control and maintain certain sensitive areas, the city shall determine whether

protection will be accomplished through lot enlargement and redesign or dedication of those sensitive areas in the form of easements or outlots.

(C) In general, measures of protection shall include design solutions which allow for construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the applicant shall be required to demonstrate that the proposed design will not require construction on slopes over 18%, or result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary.

§ 152.068 MAIL AND PAPER BOX LOCATIONS.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

BOXES. All mail boxes, paper boxes, and advertising boxes, wherein either mail is distributed, newspapers and magazines are distributed or advertising placed for the use of residents of the city.

(B) *Requirements; location of boxes on city streets.* The placement of all boxes shall comply with the following specifications.

(1) No boxes shall be placed within ten feet of any stone sewer inlet or any fire hydrant.

(2) Where there is more than one house on a city block, boxes shall be located in a cluster. Paper boxes and advertising boxes must be located in the same cluster as the mail boxes. The clusters shall be centrally located in the middle of the homes to be served.

(3) For cul-de-sacs, the cluster shall be placed a minimum of ten feet from the beginning of the radius of the cul-de-sac.

PARKS, OPEN SPACE, AND PUBLIC USE

§ 152.080 DEDICATION REQUIREMENTS.

(A) The City Council recognizes that the preservation of land for park, open space, and public use is essential to the health, safety, and welfare of residents of the city. Therefore, pursuant to M.S. § 462.358, subd. 2b, as it may be amended from time to time, the Council shall require all developers requesting platting or replatting of land to be used for residential purposes in the city to contribute an amount of land for public park and pathway purposes. The location of the land shall be at the discretion of the Council.

(B) The amount of the land shall be reasonably commensurate with demand that the platting or replatting places on the city park system, as described in the Comprehensive Plan. For purposes of this section, an amount of land equal to 11% of the total gross land area of the plat shall be presumptively defined as **REASONABLY COMMENSURATE**.

(C) In the event that the subdivider objects to the 11% standard, the city shall, at the developer's request and expense, conduct a specific dedication study of the park system and the demand placed on the system by the proposed plat. Prior to conducting the study, the city shall obtain a waiver of statutory time lines for plat approval during the conduct of the study. No approval of final plats, nor construction of any improvements, shall occur until the park dedication study is completed. In lieu of land dedication, the City Council may require a cash contribution in accordance with state statutes or a combination of both. The Council's decision on land and/or cash shall be made following recommendations from the city's Park and Recreation Commission and staff, in accordance with the Comprehensive Plan.

(D) In accordance with state statutes, where the City Council determines that the park dedication requirements shall be paid in a cash contribution, the amount of the contribution shall be based on the market value of the raw land not later than at the time of final plat.

(E) The city may require that the subdivider provide an appraisal or other comparable documentation to determine the market value. In the alternative the city may, by ordinance, establish a fee per residential unit that will meet the cash dedication requirement. The determination of the appropriate fee calculation shall be made by the City Council.

(F) (1) To be eligible for park dedication credit, the land to be dedicated as a requirement of this section shall be

useable, developable land.

(2) The City Council shall not accept for credit against a subdivider's park dedication requirement any of the following:

(a) Delineated wetlands;

(b) Land within a designated floodplain;

(c) Land encumbered by a utility easement such as a petroleum or electric power transmission line (except where such easement is a standard platting requirement of the city pursuant to § 152.061, and where the city determines that the land within the easement will be usable for park, trail,

or open space purposes); or

(d) Land within a drainage easement or other land required for stormwater treatment.

(G) The city may, at its discretion, accept lands in the above categories for park dedication purposes if it deems the dedication to be of public benefit. No credit shall be given against the subdivider's park dedication requirement, however, unless the city determines that the land will be used for a specific public park, pathway, or open space purpose.

(H) Land dedicated for park purposes shall be transferred to the city by warranty deed. The transfer of the land shall occur at the time of recording of the final plat. For multiple-phased developments, all of the park dedication land shown on the approved preliminary plat shall be transferred to the city upon recording of the first final plat, in the form of outlot(s) at the discretion of the city, and shall not be shown as "park" on the plat. The development agreement may permit the phasing of the land transfer.

(I) In addition, the development agreement shall grant the subdivider a license to enter the park dedication land for the purposes of required grading, seeding, or other work approved by the City Council.

(J) Parkland dedication requirements for residential planned unit developments (PUDs) shall provide the minimum of 11% for park, open space, or public use or cash in lieu of land per this chapter.

(K) The removal of trees, topsoil, storage of construction equipment, burying of debris, or stockpiling of surplus soils is strictly prohibited on land to be dedicated per this section.

(L) The subdivider shall provide the city with a certificate of survey that shows all features of the land to be dedicated.

(M) Agreements in this section shall be made as part of the development agreement presented for approval with the final plat. Failure of the City Council and subdivider to reach agreement regarding the matters in this section shall constitute the basis for consideration to deny the plat.

§ 152.081 CASH CONTRIBUTION.

All monies collected from cash contributions shall be placed in a special fund from which only those public uses as listed in above may be constructed or improved or land for those same uses may be acquired.

§ 152.082 COMBINATION OF LAND DEDICATION AND CASH CONTRIBUTION.

A combination of land and cash may be required and approved by the City Council in satisfaction of the requirements of this chapter. In the event a combination of land and cash is required, the amount of land to be dedicated shall be credited against the total park dedication requirements and the remaining cash contribution shall be based on the percent of the remaining unfulfilled park dedication obligation.

§ 152.083 DELAYED DEDICATION PAYMENT.

(A) Upon petition by the developer, the City Council may approve a delay in the actual dedication of the cash required in lieu of land until such time as development occurs on the property being platted, provided that a proper legal agreement is executed guaranteeing such dedication.

(B) Delayed dedication payment may be subject to interest payment per year as set by the Council.

§ 152.084 PURCHASE OR CONDEMNATION OF LANDS.

(A) Where a proposed park, playground, or other recreational area, proposed school site, or other public ground that has been indicated in the official map and/or master plan is located in whole or in part within a proposed subdivision, the proposed public site shall be designated as such and should be dedicated to the city, school district, or other proper governmental unit.

(B) If the subdivider chooses not to dedicate an area in excess of the land required hereunder for such proposed public site, the City Council may consider acquiring the site through purchase or condemnation.

§ 152.085 LOCATION AND CONFIGURATION OF DEDICATION.

In such cases where the developer is required to dedicate land area, the City Council shall have the right to determine the geographic location and configuration of the dedication.

BASIC REQUIRED IMPROVEMENTS

§ 152.100 GENERAL.

(A) *Development agreement.*

(1) Before a final plat is approved by the City Council and prior to recording or registering a final plat, the owner or subdivider of the land covered by the plat shall execute and submit to the Council an agreement, which shall be binding on his, her, or their heirs, personal representatives, and assigns, which embodies the terms and conditions of the approval given by the Council, including, but not limited to, requirements set forth in this chapter and which controls the installation of all required improvements. The agreement will require all improvements in compliance with approved engineering standards and applicable regulations. Said development agreement shall provide for the supervision and inspection of the construction by the City Engineer and shall provide for the fees and securities in connection to the improvements.

(2) The owner or subdivider shall cause no private construction to be made on the plat or file or cause to be filed any application for building permits for the construction until all improvements required under this chapter have been made or arranged for in the following manner, as respects the streets to which the lots sought to be constructed have access.

(B) *Trunk utility area fees.* As a condition to subdivision plat approval, subdivider shall pay both a trunk storm sewer, trunk sanitary sewer fee, and a trunk water main fee to the city to fund the trunk storm sewer, trunk sanitary sewer, and trunk water main improvements required by the proposed development. The city shall establish the trunk fees by ordinance. The city shall incorporate these trunk fees into the development agreement with the subdivider, which shall be collected with any new subdivisions in accordance with the public improvement financing policy of the city, as may be amended, and which may be assessed.

(C) *Securities.* In order to cover the legal, engineering, and administrative costs and expenses incurred by the city in connection with the review and approval of the subdivision and the inspection of the actual installation and construction of the improvements, the owner or subdivider, shall, before recording the final plat, deposit with the city an escrow amount, which shall be based on a percentage of the engineer's estimate of the cost of the construction of the improvements. The percentages shall be set in the city fee schedule.

(D) *Construction plans.* Construction plans and specification for the required improvements conforming in all respects with all ordinances of the city shall be prepared at the expense of the owner or subdivider by a professional engineer registered by the state. Such plans and specifications shall be approved by the City Engineer and shall become a part of the development agreements. Prints of said plans shall be filed with the city, as required by the City Engineer.

§ 152.101 CONSTRUCTION IMPROVEMENTS.

(A) (1) No final plat shall be approved by the City Council without first receiving a report from the City Engineer certifying that the improvements described herein, together with the agreements and documents required herein, meet the minimum requirements of all applicable ordinances.

(2) Drawings showing all improvements as built shall be filed with the City Clerk.

(B) No final plat shall be approved by the City Council on land subject to flooding or containing poor drainage facilities and on land which would make adequate drainage of the streets and lots impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the City Engineer, make the area completely safe for residential occupancy and provide adequate street and lot drainage and conform to applicable regulations of other agencies such as the U.S. Corps of Engineers or the Department of Natural Resources, the final plat of the subdivision may be approved.

(C) In addition, the plats may not be approved if the cost of providing municipal services to protect the floodplain area would impose an unreasonable economic burden upon the city.

(D) As a condition of final plat approval, the development agreement shall make provision in the manner hereinafter set forth for the installation, at the sole expense of the subdivider, of such improvements as shall be required by the city, which improvements may include, but are not limited to items included in division (G) below. The installation of said improvements shall be in conformity with city approved construction plans and specifications and all applicable city standards and sections of this code. The subdivider shall not commence with construction of improvements until financial assurances are provided as contained in the development agreement.

(E) Developer installed improvements.

(1) No owner or subdivider shall be permitted to start work on any improvements without providing the city a financial security, in a form acceptable to the city and consistent with city ordinance or policy as adopted by the City Council, guaranteeing the improvement will be installed in accordance with all laws, rules, regulations, and policies as approved by the city. The amount of the financial security shall be 125% of the engineer's estimate of the total cost of the improvements to be installed, as verified by the City Engineer and set forth in the development agreement. In the event the required improvements are not completed within the specified timeline, all amounts held in the development agreement as security may be drawn upon by the city and applied by the city to the cost of completing the required improvements. If the available securities are not sufficient to complete the required improvements, the necessary additional cost to the city shall be assessed against the subdivision.

(2) Securities may be reduced from time to time prior to improvement acceptance upon submission of formal request by the owner or subdivider. No reduction of security shall be authorized unless the improvements associated with the reduction request have been inspected by the city and found to be in compliance with this chapter and satisfactory evidence of contractor payment has been provided.

(3) Prior to any public improvement being accepted by the city, the owner or subdivider shall post a maintenance bond or other security in a form acceptable to the city naming the city as obligee in an amount deemed appropriate by the City Council to insure the maintenance of the improvements for a period of 24 months from the date of acceptance or approval by the city.

(4) The owner or subdivider shall continue to be responsible for defects, deficiencies, and damage to improvements during development of the subdivision. No inspection approval of release or reduction of funds from the security as to any component or category shall be deemed to be city final approval of the improvements or otherwise release the owner or subdivider of its obligation relating to the completion of the improvement within the final subdivision until a release on all improvements and maintenance is issued by the City Council declaring that all improvements have in fact been constructed as required.

(5) The applicant shall provide to the city grading and utility as-built drawings of all improvements.

(6) The owner or subdivider engaged in the development of lands and properties may request city participation in the payment of the costs of certain improvements. City participation shall be negotiated with the subdivider and established by the City Council pursuant to entering into a development agreement. The Council shall on a case-by-case basis determine infrastructure impact on areas outside the subdivision. City required oversizing of infrastructure beyond the appropriate standard residential or commercial equivalent shall be eligible for funding by the city. Source of city funding shall not be a determinate of financial participation.

(7) Nothing in this section shall prohibit or prevent the city from establishing a fee, charge, or assessment against the subsequent subdivider/developers which benefit from the prior improvements for the purpose of maintaining or upgrading the public improvements.

(8) All of the required improvements to be installed under the provisions of this subchapter shall be inspected during the course of their construction by the City Engineer. All of the inspection costs pursuant thereto shall be paid by the owner or subdivider in the manner prescribed in § 152.100(C).

(9) The city shall have the right to install any or all of the required improvements as it may elect and upon such terms and conditions as it may deem appropriate under the circumstances.

(F) City installed improvements.

(1) Any person desiring to have improvements installed may request the city to install the improvements, if the request is accompanied by a written petition signed by 100% of the landowners pursuant to M.S. Ch. 429, as it may be amended from time to time, and a waiver of assessment appeal. Acceptance of the request shall be discretionary on the part of the City Council, based on the benefit to the property owners, and subject to the following conditions and as authorized by state law.

(2) (a) Prior to the making of such required improvements, the City Council shall require the owner or subdivider to pay to the city an amount equal to a minimum of 25% and up to 100% of the estimated total cost of the improvements, including not only construction but all indirect costs.

(b) The actual percentage to be determined by the city in each case based on its review of the following:

1. The financial background of the developer;
2. The normalcy of the unit charge for putting in the improvement;
3. An evaluation of the cost recovery potential through the sale of the land;
4. The likelihood of success of the development; and
5. Developer default on any outstanding assessment payment in the past 12 months.

(3) This payment must be made to the city prior to the City Council adopting the resolution ordering the project.

(4) If approved by the City Council, the city may cause the improvements to be made and special assessments for all costs of the improvements to be levied on the benefitted land, except any land which is or shall be dedicated to the public. The total project cost, less the deposit, will be assessed 100% against the benefitted property payable in not more than ten annual installments with interest at a rate of at least 1.5% (rounded up to the nearest 0.25%) over the rate paid on bonds issued to finance the improvements or, if financed internally, over the then equivalent rate the city determined it would have to pay on bonds issued at that time; provided, however, at the entire assessment balance outstanding against a given parcel is to be paid in full prior to the issuance of a certificate of occupancy permit for principal use of new construction on that parcel or within 180 days after a building permit for new construction is issued, whichever comes first.

(5) Water, sanitary sewer, and storm sewer lateral lines shall be assessed 100% against the benefitted property within the proposed subdivision. These assessments shall be made on a residential housing unit basis.

(6) Water, sanitary, and storm sewer trunk fees will be due at the time of platting or in cases where properties have already been platted, applicable trunk fees will be collected at such time a new building permit is issued.

(7) (a) The cost of constructing permanent streets, including curb and gutter, will be 100% assessed against benefitted property based on front footage. Corner lots shall be assessed for frontage only with no charge made for the long side lot footage. Costs resulting from intersections and side lot footage shall be included in the total amount to be assessed and apportioned over the net assessable footage.

(b) In the case of odd-shaped lots, the footage shall be measured at the building setback line; however, in no event shall the assessable footage be less than the minimum lot width as required by the city.

(8) In the event a building permit is applied for prior to completion of installation of the improvements, an escrow payment to the city shall be deposited in an amount equal to 125% of the estimated total assessment.

(9) Upon completion of the project and determination of the actual cost to be assessed, any overcharge will be refunded and any additional cost will be due the city within 30 days of notification of the additional cost. If, for any reason, subsequent to having made the advance payment to the city the developer should withdraw from the project, the city is entitled to retain an amount equal to the city's cost related to the project to that time, and the balance shall be refunded to the developer.

(10) At the request of the owner or subdivider, the city may agree to spread all of the assessments against the subdivision on a per lot or residential housing unit basis rather than on the various methods set forth in divisions (F)(5), (F)(6), or (F)(7) above.

(11) In all cases, the procedure for local improvements prescribed in M.S. Ch. 429, as it may be amended from time to time, shall be followed.

(12) The requirements of this subchapter are intended to be compatible with the assessment policy in this division (F).

(G) Minimum improvements.

(1) It is hereby the policy of the city to, as soon as practicable after the approval of the proposed plat, require the installation of all of the following improvements within the subdivision.

(2) In addition to those below, additional improvements may be required by development agreement:

- (a) Trunk and lateral sanitary sewer;
- (b) Trunk and lateral water main;
- (c) Storm drainage facilities;
- (d) Stormwater maintenance;
- (e) Streets;
- (f) Concrete curb and gutter;
- (g) Street traffic control devices;
- (h) Lot grading;
- (i) Trail development;
- (j) Sidewalk development;
- (k) Electricity (within one-fourth mile);
- (l) Natural gas (within one-fourth mile);
- (m) Communications (within one-fourth mile);
- (n) Water shut-off boxes;
- (o) Street striping and signing;
- (p) Streetlights;
- (q) Landscaping;
- (r) Monuments;
- (s) As-built plans; and
- (t) Easement and deeds

§ 152.102 STREET IMPROVEMENTS.

(A) The full width of the right-of-way shall be graded, including the subgrade of the areas to be paved, in accordance with standards and specifications as approved by the City Engineer.

(B) All streets to be paved shall be of an overall width in accordance with the standards and specifications as approved by the City Engineer.

(C) Curb and gutter will be constructed as required by the standards and specifications as approved by the City Engineer.

(D) If deemed necessary by the City Engineer and City Council, the owner or subdivider shall install street traffic control signals. The signalization shall be constructed in conjunction with the street unless the Council grants a waiver to delay signalization. In the event such waiver is granted, the owner or subdivider shall deposit with the city a sum of money equivalent to the engineer's estimated cost of the signalization.

(E) Street trees and boulevard sodding shall be planted in conformance with the standards and specifications as approved by the City Engineer.

(F) Street signs shall be installed in conformance with the standards and specifications as approved by the City Engineer.

(G) Street lights shall be installed in conformance with the standards and specifications as approved by the City Engineer.

(H) Mailbox clusters shall be installed in conformance with the standards and specifications as approved by the City Engineer.

§ 152.103 SANITARY SEWER AND WATER DISTRIBUTION IMPROVEMENTS.

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

(B) Sanitary sewer mains and service connections stubbed in to the property line shall be installed to serve all lots in the subdivision and other such properties served by the subdivision sewer main, when the location of such plat is within an area of the city which is either being assessed for sanitary sewer service or for which such service has been authorized by the City Council.

(C) Water mains and service connections stubbed in to the property line shall be installed to serve all lots in the subdivision and other such properties served by the subdivision water main when the location of such plat is within an area of the city which is either being assessed for water service or for which such service has been authorized by the City Council.

(D) City water facilities, including pipe fittings, hydrants, and the like, shall be installed as may be required by standards and specifications approved by the City Council. Where city water facilities are not available for extension into the proposed subdivision, the Council may by ordinance grant approval for such water facilities to serve all properties within a subdivision where a complete and adequate neighborhood water distribution system is designed in conjunction with the subdivision and complete plans for the system are submitted for approval of the Council.

(E) Where city sewer and water facilities are not available for extension into proposed subdivision, the City Council may permit the use of individual water and sewer systems in accordance with appropriate state regulations.

§ 152.104 GRADING, DRAINAGE AND STORMWATER MANAGEMENT.

(A) *Storm drainage.*

(1) A system of drainage shall be provided that will conform and implement the city's comprehensive stormwater plan.

(2) Storm sewers, culverts, stormwater inlets, and other drainage facilities will be required where they are necessary to ensure adequate stormwater drainage for the subdivision. Where required, the drainage facilities shall be constructed in accordance with the standards and specifications as adopted by the City Council.

(B) *Stormwater maintenance.* Upon successful establishment of permanent erosion control facilities the subdivider shall safeguard the storm sewer system from excess siltation caused by construction until full buildout within a subdivision, including the sodding. The subdivider shall clean all storm sewers and shall also remove silt from all ponding areas which received runoff from the development as well as all temporary erosion control devices (i.e., silt fence).

(C) *Lot grading.* All lots shall be graded in accordance with the final grading plan. In addition, erosion control measures shall be followed to eliminate erosion. Upon completion of the grading, at least four inches of topsoil shall be applied to all exposed ground areas. And said areas shall be landscaped in accordance with the final landscape plan.

§ 152.105 UTILITIES.

All necessary utility easements must be recorded prior to utility installation.

(A) *Electricity.* The subdivider shall be responsible for providing electric service to the plat. Whenever possible, a joint trench shall be utilized for small utilities (cable, fiber, gas, electric, telephone).

(B) *Communications.* The subdivider shall be responsible for providing phone service to the plat. Whenever possible, a joint trench shall be utilized for small utilities (cable, fiber, gas, electric, telephone).

(C) *Natural gas.* The subdivider shall be responsible for providing natural gas service to the plat. Whenever possible, a joint trench shall be utilized for small utilities (cable, fiber, gas, electric, telephone).

§ 152.106 MONUMENT AND SURVEY REQUIREMENTS.

(A) Official monuments, as designated and adopted by the County Surveyor's office and approved by the County District Court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the City Engineer. The boundary line of the property to be included with the plat to be fully dimensioned; all angles of the boundary excepting the closing angle to be indicated; all monuments and surveyor's irons to be indicated, each angle of the point of the boundary perimeter to be so monumented.

(B) Proper survey monumentation shall be placed at each lot corner and points of curvature and tangency along street rights-of-way. All United States, state, county, or other official bench marks, monuments, or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and block, as an aid to future surveys, shall be shown on the plat.

(C) To ensure that all irons and monuments are correctly in place following the final grading of a plat, a security shall be required until a certificate from the surveyor has been provided to the city verifying the placement of all monuments in accordance with this section.

§ 152.107 PATHWAYS.

(A) Trail development.

(1) Trail improvements shall be installed as shown on the final plat and/or master trail plan.

(2) All accessible bikeway/walkway trailways shall be constructed per the standard detail plats approved by the City Engineer.

(3) Grades and specifications shall be as approved by the City Engineer and shall meet all city, state, and federal requirements.

(B) Sidewalks.

(1) All single-family subdivisions shall have not less than a six-foot-wide concrete sidewalk on at least one side of each through street or anticipated through street to provide for safe pedestrian traffic.

(2) All multi-family subdivisions shall have concrete sidewalks not less than six feet wide on both sides of the main public street spine, unless otherwise approved by City Council. Sidewalks may be required on culs-de-sac.

(3) All sidewalks shall be located within the road right-of-way. Wherever possible, placement of the sidewalk within the right-of-way should allow for a minimum of a one-foot separation between the edge of the sidewalk and the residential property line.

(4) Cost of sidewalk construction within the subdivision shall be borne by the subdivider and not eligible for credit against park and trail dedication fees.

(5) The design must meet current standards of the city, comply with the Americans for Disabilities Act (ADA), and be shown on the preliminary plat for approval. All sidewalks required by the city shall be constructed as shown on the cities standard detail plates.

§ 152.108 OTHER IMPROVEMENTS.

(A) *Water shutoff boxes.* The water shut-off boxes shall be adjusted at the time the final boulevard grade is established. Water shut-off boxes shall remain visible after the boulevard sod is installed.

(B) *Easement acquisition and deed.* Prior to the time of construction, the owner or subdivider shall obtain and supply all easements and deeds required for the project. At the time the project is complete and turned over to the city, all easements not dedicated on the final plat shall be deeded to the city in a separate recordable document.

(C) *As-built plans*. Upon completion of installation of all required improvements, the subdivider shall file with the city copies of plans and specifications showing all improvements as finally constructed and installed in both digital and paper form as required by the City Engineer. Such as-built drawings shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvements.

REGISTERED LAND SURVEYS AND CONVEYANCE BY METES AND BOUNDS

§ 152.120 REGISTERED LAND SURVEYS.

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

§ 152.121 CONVEYANCE BY METES AND BOUNDS.

(A) No conveyance in which the land conveyed is described by metes and bounds shall be made or recorded if the parcels described in the conveyance are five acres or less in area and 300 feet or less in width unless the parcel was a separate parcel of record at the effective date of this chapter.

(B) Building permits will be withheld for buildings or tracts which have been subdivided and conveyed by this method, and the city may refuse to take over tracts as streets or roads or to improve repair, or maintain any such tracts.

FEES

§ 152.135 BASE FEE PER APPLICATION.

To defray administrative costs for processing of subdivision applications, variances, or appeals, a base fee as adopted by resolution shall be paid by all applicants.

§ 152.136 STAFF AND CONSULTANT FEE.

(A) In order to defray the additional cost of processing the applications, all applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant's request plus all material cost for the request.

(B) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MATERIALS. Includes, but not be limited to, maps, graphs, charts, drawings, and the like, and all printing or reproduction of same.

STAFF AND/OR CONSULTING TIME. Includes any time spent in either researching for or actual production of materials.

(C) The hourly rate for staff and/or consulting time shall be established and made available to the applicant by the City Clerk prior to production of any materials, and the applicant shall be given a reasonable estimate of projected time and/or material costs.

§ 152.137 PAYMENT.

(A) Fees for application shall be payable at the time applications are filed with the City Clerk and are not refundable unless application is withdrawn prior to start of review for referral to the Planning Commission. A deposit to cover staff or consulting time and materials will be established as adopted by resolution and required by the City Clerk at the time the base fee is paid. Any portion of the deposit not spent to defray the above-mentioned costs will be refunded to the applicant within 90 days after the application process is completed.

(B) Fees as established by the development agreement are payable per the terms and conditions as assigned by the development agreement.

VIOLATIONS

§ 152.150 SALE OF LOTS FROM UNRECORDED PLATS.

It shall be unlawful to sell, trade, or otherwise convey or offer to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with, any plan, plat, or replat of any subdivision or area located within the jurisdiction of this chapter unless the plan, plat, or replat shall have first been recorded in the office of the County Register of Deeds.

Penalty, see § 152.999

§ 152.151 RECEIVING OR RECORDING UNAPPROVED PLATS.

It shall be unlawful to receive or record in any public office any plans, plats, or replats of land laid out in building lots and streets, alleys, or other portions of the same intended to be dedicated to public or private use or for the use of purchasers or owners of lots fronting on or adjacent thereto and located within the jurisdiction of this chapter unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.

Penalty, see § 152.999

§ 152.152 MISREPRESENTATION AS TO CONSTRUCTION, SUPERVISION, OR INSPECTION OF IMPROVEMENTS.

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

Penalty, see § 152.999

§ 152.999 PENALTY.

Anyone violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction shall be punished not more than the maximum penalty for a misdemeanor as prescribed by state law. Each month during which compliance is delayed shall constitute a separate offense.