

CHAPTER 12

SUBDIVISION REGULATIONS (PLATTING)

SECTION 12.01. PURPOSE, SCOPE AND COMPLIANCE.

Subd. 1. Purpose. All subdivisions of land hereafter submitted for approval shall comply in all respects with the regulations set forth herein. It is the purpose of these regulations to: (1) Encourage well-planned, efficient, and attractive developments by establishing adequate standards for design and construction; (2) Provide for the health, safety, and general welfare of the City's residents and property owners, by requiring properly designed and coordinated streets and adequate sewage, water, and drainage facilities; (3) Secure the rights of the public with respect to public lands and waters; (4) Serve as a tool to carry out the objectives and policies of the City's Comprehensive Land Use Plan; (5) Provide for a means to provide adequate recreational areas, school sites, and other public facilities; (6) To assure equitable handling of all subdivision plats by providing uniform procedures.

Subd. 2. Scope. This Chapter shall apply to the subdivision or re-subdivision of any parcel of land as well as conveyance, registered land survey, or other means within the City as well as any property located within a two mile radius in the Township of Becker as established with extra-territorial rights. The authority to enforce these regulations to the two mile radius surrounding the City comes from Minnesota Statute 462.358.

Subd. 3. Compliance. After the adoption of this Chapter, no lot in a subdivision shall be sold and no permit shall be issued to alter or erect any building upon land in a subdivision unless a subdivision plat has been approved and recorded and until the improvements required by the Council relative to the subdivision have been constructed or arranged for as provided herein.

SEC. 12.02. REQUIRED APPROVALS OF SUBDIVISION PLATS. Before any plat shall have validity, it shall have been approved by the Planning Commission and Council and recorded in the Sherburne County Recorder's Office.

SEC. 12.03. SUBDIVISIONS WITHOUT PUBLIC SEWER AND WATER. In subdivisions where central water and/or sewer service are not presently available, lot size requirements are that of 2-1/2 acres as stated in the Zoning Chapter. In areas where hookup is not immediately available but anticipated to be provided in the future building structures must be located on one side of the property rather than in the middle, the placement to be approved by the Planning Commission. A plan showing lot and road layout for subdivision of the parcels to urban standards in the future must be approved by the Planning Commission prior to approval of the preliminary plat. The purpose of this is to promote the orderly growth of the City. This allows for further subdivision of these larger lots at the time public sewer and water is available.

SEC. 12.04. CONDITIONS FOR METES AND BOUNDS CONVEYANCES.

Subd. 1. No conveyance of land in which the land conveyed is described by metes and bounds, or by reference to an unapproved registered land survey made after the effective date of Laws 1961, Chapter 462, shall be made or recorded unless the parcel described in the conveyance:

- A.** As a separate parcel of record at the effective date of this Chapter, or
- B.** Was the subject of a written agreement to convey that which was entered into prior to such date, or
- C.** Was a separate parcel of not less than two and one-half (2 1/2) acres in area and one hundred fifty (150) feet in width on January 1, 1966, or
- D.** Was a separate parcel of not less than five (5) acres in area and three hundred (300) feet in width on July 1, 1980, or
- E.** Is a single parcel of commercial or industrial land of not less than five (5) acres and having a width of not less than (300) feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five (5) acres in area and three hundred (300) feet in width, or
- F.** Is a single parcel of residential or agricultural land of not less than twenty (20) acres and having a width of five hundred (500) feet. Conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than twenty (20) acres in area and five hundred (500) feet in width. Except one parcel may be less than twenty (20) acres in area or five hundred (500) feet in width if the parcel is platted concurrently.

Subd. 2. Any of the above transfers of land shall require a certificate of compliance duly executed by the City Clerk after approval by the Council prior to recording of the land transfer in the County Recorder's Office.

Subd. 3. The Council may refuse to take over tracts as streets or roads or to improve, repair, or maintain any tracts which have been subdivided in this manner.

(Sections 12.05 through 12.09, inclusive, reserved for future expansion.)

SEC. 12.10. ADMINISTRATION, ENFORCEMENT, AMENDMENTS AND FINDINGS.

Subd. 1. Authority. The City Clerk, Zoning Administrator, Building Inspector or other designated City Official, shall administer and enforce the provisions of this Chapter and for the purpose of this Chapter.

Subd 2. Amendments. The Council may amend, supplement, or repeal the provision of this Chapter after a public hearing has been held thereon. Such amendment may be initiated by the Council, Planning Commission, or by petition. A notice of time, place, and purpose of hearing shall be published in the official newspaper of the City at least ten (10) days prior to the day of the hearing.

Subd. 3. Standards for Findings. In reviewing all proposed subdivisions, plats and planned unit developments the Planning Commission and the Council shall consider, and use as a basis for their decisions the following factors:

- A.** Consistency with the design standards and other requirements of this Chapter.
- B.** Consistency with the City's Growth Management System of other development plans.
- C.** Consistency with the Zoning Chapter.
- D.** The physical characteristics of the site, including but not limited to topography, erosion, and flooding potential, and soil limitations, are suitable for the type of development or use contemplated.
- E.** The proposed development will not create a negative fiscal or environmental impact upon the City.
- F.** The proposed development is in accordance with the Comprehensive Land Use Plan.
- G.** The City will not face undue financial hardship due to the development in question.
- H.** The City will not face unnecessary interrupted use of public roadways, facilities, or property for an unspecified amount of time due to development the City is not ready for yet.
- I.** The subdivision will not prohibit the orderly growth of the surrounding areas or the City as a whole.

- J.** The subdivision, plat or planned unit development will be developed and constructed in such a manner that there is a uniqueness about each building structure within the development and each structure must be at the construction standards that have been set within the City.

Subd. 4. Building Permits. No building permit shall be issued by any governmental official for the construction of any building, structure, or improvement on any land required to be subdivided by this Chapter until final plat approval has been granted.

SEC. 12.11. BOARD OF ADJUSTMENT. The Planning and Zoning Commission shall act as the Board of Adjustment for the subdivision regulations and will hear all appeals and requests and will recommend approval or denial of these appeals or requests to the Council for final approval.

SEC. 12.12. VARIANCES, EXCEPTIONS, PLANNED UNIT DEVELOPMENT.

Subd. 1. Variances. The Board of Appeals and Adjustment shall have the authority to grant variances from the requirements of this Chapter subject to the same procedures, conditions and findings required by the Zoning Chapter as well as the findings included herein.

Subd. 2. Exceptions.

A. Simple Lot Divisions. A simple, easily described division of a platted lot of record (i.e., East One-Half of Lot 31, West One-Half of Lot 31) may be exempt from the platting requirements of this Chapter provided the resultant parcels meet all zoning requirements as to the lot area and width and it complies with the standards for findings herein. Such division requires approval by the Council.

B. Minor Subdivisions. The supplementary information required herein entitled "Specifications for Plats" may be waived at the discretion of the Planning Commission.

Subd. 3. Planned Unit Development. The requirements of this Chapter may be waived by fulfillment of the Planned Unit Development requirements established in the Zoning Chapter.

SEC. 12.13. DEFINITIONS. The following terms, as used in this Chapter, shall have the meanings stated:

- 1. "Alley"** - A public or private right of way providing secondary vehicular access to the side or rear of two (2) or more properties abutting on a street.

2. **“Applicant”** – The owner, their agent or person having legal control, ownership and/or interest in land for which the provisions of this Ordinance are being considered for or reviewed.
3. **“Attorney or City Attorney”** The person designated by the City Council to be the City Attorney for the City of Becker.
4. **"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, lake, or rail line.
5. **"Boulevard"** - The portion of the street right-of-way between the curb line and the property line.
6. **“Boundary Line”** Line indicating the bounds or limits of any tract or parcel of land.
7. **“Buffer Yard”** A strip of land utilized to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights, or other impacts.
8. **“Build Out Plan (Ghost Plat)”** A subdivision or resubdivision concept plan illustrating possible future lot layouts, street networks, and utility systems for oversized lots, outlots, or undeveloped land.
9. **“Buildable Land”** – Contiguous land area occurring within the property lines of a parcel or lot excluding wetlands, water course, ponds, public waters below the ordinary high water mark, and easements for stormwater ponds, pipelines and utility transmission lines.
10. **“Building”**- Any structure used or intended for supporting or sheltering any use or occupancy.
11. **"Building Setback Line"** - A line parallel to a street or other parcel between which line and the nearest property line in which no building may be erected or placed.
12. **"Butt Lots"** - Any lot, or lots, at the end of a block, located between two corner lots.
13. **"Certificate of Survey"** - A land survey prepared by a land surveyor registered in the State of Minnesota with a certification that the information on the land survey is accurate.
14. **"City"** – The City of Becker, Sherburne County, Minnesota.
15. **"Collector Street"** - A street so designed on the Comprehensive Land Use Plan.

16. **“Common Open Space”** Any open space including but not limited to parks, nature areas, playgrounds, trails and recreational buildings and structures owned in common by a group of property owners.
17. **“Comprehensive Plan”** –Compilation of policy statements, objectives, standards, and maps for guiding the physical, social and economic development, both public and private, of the City and its environs, as defined in the Minnesota Municipal Planning Act, sometimes referred to as “Comprehensive Guide Plan.”
18. **“Condominium”** – A form of individual ownership within a building with joint responsibility for maintenance and repairs. In a condominium, each unit is under separate ownership, along with an undivided share of common buildings and land.
19. **“Concept Plan”** – Written and graphic documents that indicate in a conceptual form the proposed land uses, design and overall impact on the subject tract and surrounding lands.
20. **“Contour Map”** – A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.
21. **“Critical Root Zone (CRZ)”** – An imaginary circle surrounding the tree trunk with a radius distance of one (1) foot per one (1) inch of tree diameter, e.g., a twenty (20) inch diameter tree has a CRZ with a radius of twenty (20) feet.
22. **“Crosswalk or Pedestrian Way”**- A publicly owned right-of-way which crosses a block and furnishes pedestrian access to adjacent streets or properties.
23. **“Cul-De-Sac”** –Short, local streets having only one outlet and a vehicular turn-around area.
24. **“Design Standards”** - Specifications to land owners 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 right-of-way, blocks, easements, and lots.
25. **“Developer”** A person who submits an application for the purpose of land subdivision as defined herein. The developer may be the owner or authorized agent of the owner of the land to be subdivided.
26. **“Development”** – The act of building structures and installing site improvements.
27. **“Double Frontage Lots”** - A lot extending between and having frontage on a major street and a local street with vehicular access solely from the latter.

28. **“Diameter at Breast Height”** – The diameter of a tree measured at diameter breast height, four and one-half (4.5) feet from the uphill side of the existing ground level. If a tree splits into multiple trunks below four and one-half (4.5) feet, the trunk is measured at its narrowest point beneath the split.
29. **“Drainage Course”** A water course or indenture for the transmission of surface water.
30. **"Drip Line"** The farthest distance away from the trunk that rain or dew will fall directly to the ground from the leaves or branches of the tree or one (1) foot per one (1) inch of diameter, whichever is greater.
31. **"Easement"** - A grant by an owner of land for the specific use of said land for a public or quasi-public purpose.
32. **“Environmental Development”** – The development pattern and technique whereby lots are arranged in closely related groups to preserve the natural amenities of the land through the creation of commons open space
33. **"Final Plat"** - Final map, drawing, or chart on which the subdivider's plan of a subdivision is presented to the Council for approval and which, if approved, will be submitted to the County Recorder.
34. **“Frontage”**- The width of a lot or building site measured on the line separating it from a public street right-of-way.
35. **“Gang Mail Receptacle”** -A structure approved by the City of Becker that holds multiple U.S. Post Office approved individual mailboxes and newspaper boxes.
36. **"Grade, Percentage Of"** - The rise or fall of a street in feet and tenths of a foot for each one hundred (100) feet of horizontal distance measured at the center line of the street.
37. **"Growth Management System"** - The goals, policies, programs, ordinances, and regulations used to guide the City's growth and development.
38. **“High Water Level”** –The water level in a watercourse which could be predicted to occur as a result of a one-hundred (100) year, twenty-four (24) hour rainfall event using U.S. Department of Agriculture Soil Conservation Service methodology, as approved by the City. In addition developers shall model the five-hundred (500) year, twenty-four (24) hour rainfall event, if determined necessary by the Engineer.
39. **“Improvement, Public”** Any drainage facility, street, parkway, park , lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which City responsibility is established.

40. **"Land Disturbance"** – Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural character of the land occurs as a result of the site preparation, grading, building construction or any other construction activity.
41. **"Local Street"** - A street of limited continuity used primarily for access to abutting properties and the local needs of the neighborhood.
42. **"Lot (of record)"** - A parcel of land , whether subdivided or otherwise legally described, as the effective date of this Chapter, November 7, 1993, and recorded as such in the County Recorder's Office, or approved by the City as a lot subsequent to such date, and which is occupied by or intended for occupancy by one (1) principal building or principal use together with any accessory buildings or such open spaces as required by this Chapter and having its principal frontage on a street, or a proposed street approved by the Council.
43. **"Lot, Corner"** A lot or lots within a plat and situated at the corners thereof so that they are bound on two sides by streets. This term applies to any lot within the plat at street intersections and bounded on two sides by streets.
44. **"Lot Depth"** - The mean horizontal distance between the street right-of-way line and the opposite rear line of the lot measured in the general direction of the side lot lines.
45. **"Lot, Flag"** A lot without the required full lot width on a public roadway and with access to the public roadway provided to the bulk of the lot by means of a narrow strip or private easement.
46. **"Lot Line"**-A property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the lot line shall be deemed to be the boundary of said public right-of-way.
47. **"Lot Width"** - The mean horizontal distance between the side property lines of a lot as measured at the building line.
48. **"Major Thoroughfare"** - A street designated on the Comprehensive Land Use Plan as a freeway, arterial or collector street.
49. **"Marginal Access Street"** - A local street which is parallel and adjacent to the thoroughfare and which provides access to abutting properties and protection from through traffic.
50. **"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 delineates a fractional portion of a section, lot, or area by described lines or portions thereof.

51. **“Minimum Subdivision Standards”** – The guidelines, principles and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary and final plat.
52. **“Minor (Local) Street”**-A street which is used primarily for access to abutting property.
53. **“Natural Waterway”**- A natural passageway in the surface of the earth, so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area or stream.
54. **“Normal Water Level”** –A level of water in a watercourse when the watercourse is not in the process of receiving or discharging storm water runoff. The normal water level will typically be the outlet elevation of a pond, lake or other standing water body.
55. **“Outlot”** - A parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example – Outlot A.) Outlots are used to designate one of the following: land that is part of the subdivision but is to be final platted into lots and blocks at a later date; land that is to be used for a specific purpose as designated in a development contract or other agreement between the City and the developer. Private structures are not permitted to be built on outlots.
56. **"Owner"** – An individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the land under this Ordinance.
57. **“Parks and Playgrounds”** - Public land and open spaces dedicated or reserved for recreational purposes.
58. **"Planned Unit Development"** - A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, or a commercial or industrial development which contains two or more principal buildings. The units or buildings may be for sale, rent, or lease, and may also involve clustering of the units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units.
59. **"Planning Commission"** – Is the Planning Commission of the City of Becker.

- 60. "Plat"** - A map or drawing indicating the subdivisions or re-subdivision of land, intended to be filed for record.
- 61. "Preliminary Plat"** - A tentative map, drawing, or chart of a proposed subdivision meeting the requirements enumerated herein.
- 62. "Private Street"** - A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public but is owned by one or more private parties.
- 63. "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.
- 64. "Right-of-Way"** – Unencumbered land occupied or intended to be occupied by a street, watermain, sanitary or storm sewer main, or for another use specifically permitted by the City Council. The usage of the term right-of-way for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, watermain, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the recording of the plat on which such right-of-way is established.
- 65. "Road Right-of-Way Width"**- The horizontal distance between the outside edges of a road right-of-way.
- 66. "Setback"** – The minimum horizontal distance between the foundation wall, footings, and overhangs exceeding 36” of a structure and the property line, ordinary high water mark of a wetland or stormwater pond nearest thereto; Within Shoreland Districts, it shall also mean the minimum horizontal distance between a structure and the ordinary high water level, sewage treatment system, top of bluff, road, highway, property line, or other facility.
- 67. "Street"** - A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue or boulevard.
- 68. "Street Width"** - The street which serves primarily as access to abutting properties, and is not intended to carry through traffic.
- 69. "Subdivider"** - Any person commencing proceedings under this Chapter to effect a subdivision of land for themselves or others.

- 70. "Subdivision"** - The division or re-division of a lot, tract, or parcel of land by plat, registered land survey or by metes and bounds description, regardless of how it is to be used; provided, however, the following classes shall be exempt: (a) The division of land of ten (10) or more acres for agricultural purposes where no new streets, roads, or other right-of-ways are involved; (b) The division of a lot of record for the purpose of attachment to contiguous lots provided no residential plot is left.
- 71. "Subdivision, Major"** - All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the City streets or utilities, or the creation of any public improvements.
- 72. "Subdivision, Minor"** - Any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new public street or road, or the extension of the City streets or utilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of an adopted Land Use Plan, Official Zoning Map, Zoning Chapter, or these subdivision regulations.

(Sections 12.14 through 12.19, inclusive, reserved for future expansion.)

SEC. 12.20. PROCEDURE FOR SUBDIVISION REVIEW.

Subd. 1. Minor Subdivision Procedure.

- A. Must be accompanied by a certificate of survey.
- B. The request shall follow the procedure for subdivision review as outlined in this Section.
- C. One (1) minor subdivision or lot split will be permitted on an original parcel of record on the effective date of this Chapter.
- D. The request shall include any additional requirements deemed necessary by the Zoning Administrator.

Subd. 2. Pre-Application. The subdividers or landowners should meet with the Planning and Zoning Commission, the Zoning Director, and other appropriate city officials (Engineer, Administrator, Coordinator, etc.) in order to be made fully aware of all applicable City Code provisions, regulations and plans in the area to be subdivided. The subdivider is urged to avail himself of the advice and assistance of the Planning Commission and the other officials listed above in order to save time, money, and effort and to facilitate the approval of the preliminary plat.

Subd. 3. Preliminary Plat Procedures.

Application and Fee. The subdivider or owner shall file with the City Clerk twelve (12) copies of the preliminary plat and such supplementary information as may be required and a cash fee as set forth by the Council for the application and for each lot thereon. In addition to the application and fee, the subdivider shall be required to pay funds into escrow for all planning, engineering, and legal expenses incurred by the City for the review of said request. Application for hearing by the Planning Commission must be made to the City Clerk or Zoning Administrator on forms provided by the City and shall include all information and data requested. The application must be reviewed by staff within 10 business days to be assured of completion. If the application is incomplete a letter requesting additional information will be sent out prior to the ten day deadline.

- A. **Distribution of Preliminary Plat.** The City Clerk shall refer a copy of the preliminary plat to each of the following persons or agencies: County Planning Department if along a County Road, City Engineer, and the Planning Commission for review and report. The preliminary plat must contain all information stated herein. If within thirty (30) days, any agency fails to submit a report, the City may proceed on the assumption that the agency has approved the plat.

- B. Planning Commission Review.** Upon submittal of a complete application the Zoning Administrator or City Clerk shall set a date for the official public hearing to be held by the Planning Commission. Notice of such hearing shall be published at least once in the official paper of the City and mailed to individual properties within three hundred fifty (350) feet of the boundaries of the affected parcel included in the request not less than 10 days prior to the date of said hearing. Land separated by a public right-of-way shall be deemed to be adjacent for the purpose of this section. Failure of a property owner to receive said notice shall not invalidate any such proceedings. The public hearing may be continued from time to time to allow for full and fair consideration of the request.

- C. Council Public Hearing.** Upon receiving the report and recommendation from the Planning Commission, the City Council shall have the option of holding a public hearing if necessary and may impose any conditions deemed necessary. Approval of a preliminary plat shall require passage by no less than three (3) members of the City Council. If a public hearing is held, the notice and publication requirements set forth above must be followed. The Council shall act to approve or disapprove the preliminary plat on the basis of the Standards for Findings set forth herein. If disapproved, the reasons for disapproval shall be set forth in the minutes of the Council.

- D. Response.** The City must make a final decision on an application within 120 days from the date the application is deemed complete. Absent a decision within 120 days, or an extension filed by the City or the applicant, the request is deemed approved.

- E. Extensions.** The City can extend the initial 120 day period by giving written notice to the applicant, stating the reasons for the extension, and the anticipated length of the extension. The applicant can extend the initial 120 day period by giving written notice to the City, stating the reasons for the extension, and the anticipated length of the extension. In no case shall the extension exceed 120 days. An applicant must withdraw an application or have the request denied if an extension is needed that exceeds a period of 120 days.

Subd. 4. Additional Information. The Planning Commission and the City Staff shall have the authority to request additional information from the applicant concerning the preliminary plat or to retain expert testimony with the consent and at the expense of the applicant concerning said information to be declared necessary to establish compliance with all pertinent sections of this Chapter.

Subd. 5. Approval or Denial of the Preliminary Plat.

- A.** Within sixty (60) days from the date of the public hearing, the Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the preliminary plat to the Council.

- B.** Upon receiving the report and recommendation of the Planning Commission, or until sixty (60) days after the public hearing at which the preliminary plat was considered, the

Council shall place the report and recommendation on the agenda for the next regular meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the Council meeting.

- C. For all preliminary plats approved on or after May 1st, 2004, upon approval of the preliminary plat by the Council, the subdivider shall submit the final plat for the first phase of the development to the Planning Commission within one year after said approval or approval of the preliminary plat shall be considered void.

For plats with multiple phases a final plat application for a subsequent phase must be submitted within two (2) years after approval of the previous phase final plat or the preliminary plat shall be considered void. Prior to the expiration of the final plat deadline, the Planning Commission may extend the approval for an additional (2) years. The extension request shall be in writing specifically designating the expiration date. Only one (1) extension may be granted per phase of the preliminary plat. If the preliminary plat is denied the subdivider or owner will be notified and informed of the reason(s) for denial.

Subd. 6. Final Plat Procedures.

- A. **Final Submittal.** The owner or subdivider shall file at least three (3) hardshell copies of the final plat for consideration by the Planning Commission incorporating all changes or modifications required as conditions of approval of the preliminary plat as approved. The plat shall be complete as to the information required under this Section. The Planning Commission shall review the final plat to assure consistency with the approved preliminary plat. The Planning Commission shall make a recommendation for approval or disapproval with conditions and reasons thereof to the Council. In case the plat is disapproved, the subdivider shall be notified in writing of the reasons for such disapproval and what requirements, if any, are necessary to meet the approval of the Commission.
- B. The final plat, together with the recommendations of the Planning Commission shall be submitted to the Council at its next regularly scheduled meeting. If accepted, the final plat shall be approved by resolution, including acceptance of all agreements for basic improvements, public dedication and other requirements as indicated in this Chapter, by the Planning Commission, and by the Council. It shall be the responsibility of the subdivider to file the plat with the appropriate county offices after final approval. Within sixty (60) days the subdivider must give a copy of the recorded subdivision to show proof of recording. Failure to do so within one (1) year of final approval shall result in the requiring of a new preliminary plat. This new preliminary plat must be reviewed in accordance with the procedure set out in this Chapter to ensure compliance with any new requirements.

C. Certificate of Abstract. The owner or subdivider shall also submit an up-to-date certified abstract of title or such other evidence as required by the City Attorney.

(Sections 12.21 through 12.29, inclusive, reserved for future expansion.)

SEC. 12.30. SPECIFICATIONS FOR PLATS.

Subd. 1. Information Required For Preliminary Plats.

A. General Requirements. The plat shall be clearly and legibly drawn at a scale of one (1) inch equaling one hundred (100) feet or larger, and shall contain at least the following information:

1. Proposed name of subdivision, not similar to any existing subdivision.
2. Date and North Point.
3. Scale of plat, not less than one (1) inch to one hundred (100) feet.
4. Indication of any proposed covenants.
5. Location map indicating location of proposed subdivision in relationship to general known area.
6. Names and addresses of the subdivider and surveyor making plat and property owners of record within three hundred fifty (350) feet of the proposed subdivision.
7. Legal description of proposed subdivision.

B. Existing Conditions and proposed Design Features.

1. Boundary line of proposed subdivision.
2. Zoning of land within and abutting the subdivision.
3. Layout, dimensions and acreage of proposed lots and blocks.
4. Name, location and right-of-way width of existing or proposed streets, highways, alleys, sidewalks, and pedestrian ways.
5. High water mark of all lakes, rivers, streams and wetlands. Floodplain boundaries and elevations established locally or by the Federal Emergency Management Agency.
6. Location, dimensions, and purpose of existing and proposed utilities and utility easements.
7. Location, dimensions of existing and proposed public sewer and water systems.

8. Existing and proposed storm water drainage systems including drainage ponds, outlots, and easements.
9. An accurate soil survey of the subdivision prepared by a qualified person.
10. A survey prepared by a qualified person identifying all trees on the property, including location, size and species. Deciduous trees that are less than (6) inches in diameter at a point five (5) feet above natural grade, or trees that are of undesirable species, including Poplar Boxelder, or Elm may be exempted from this survey.
11. Boundary lines of adjoining unsubsidized or subdivided land within three hundred and fifty (350) feet, identifying by name and ownership.
12. Proposed zoning changes, if necessary.
13. Statement of proposed use of development including type and number of structures and units.
14. Minimum front, side, and rear yard setbacks as required by the Zoning Chapter.
15. Location, dimensions, and size of areas, other than streets, alleys, pedestrian ways, and utility easements, proposed to be dedicated or reserved for public uses.
16. Inventory of existing trees above 6-inches diameter by type and size and the proposed tree preservation plan for property included within the subdivision.
17. The Type of Structure and Driveway Location proposed based on drainage, grading, and sewer elevations must be shown for each lot in the subdivision.

C. Supplementary Information. The following information may be required if it is deemed necessary and appropriate by the Zoning Administrator, the Planning Commission, or the Council.

1. Soil survey, grading plan, soil erosion and sediment control plan, and landscaping plan.
2. Statement of adequacy of existing or proposed utilities to accommodate or serve the proposed development.
3. 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.

4. 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.
5. Statement relative to the relationship of the proposed subdivision with existing or potential adjacent subdivisions.
6. Statement of estimate costs of proposed required improvements.
7. A copy of all proposed private restrictions and covenants.
8. Other information deemed necessary by the Planning Commission, Zoning Administrator, Council or Subdivider.

Subd. 2. Qualifications Governing Approval of a Preliminary Plat. The approval of a preliminary plat by the City Council shall only constitute acceptance of the design as a basis for the preparation of the final plat by the owners or subdivider. Subsequent approval by appropriate officials having jurisdiction will be required of the proposals pertaining to water supplies, storm drainage, sewage disposal, sidewalks, grading, gradients, roadway widths, and the surfacing of streets prior to the approval of the final plat. The subdivider shall also present evidence that the plat has been reviewed by, and meets the requirements of, those responsible for the provision of gas, electric, and telephone service. No plans will be approved for a subdivision which include any area subject to periodic flooding or which contains extremely poor drainage capabilities which would make adequate drainage of the streets and lots impossible, unless the subdivider agrees to make improvements which will, in the opinion of the City Engineer, make the area completely safe for occupancy and provide adequate street and lot drainage.

Subd. 3. Information Required for Final Plats. The final plat shall be prepared in accordance with provisions of Minnesota State Statutes and Sherburne County regulations. The final plat must include all changes required from the preliminary plat and shall include as a minimum the following information:

- A. The same information is required with the final plat as is with the preliminary plat as stated herein. All required changes must be made as per stated by the Planning Commission before review.
- B. Name of the subdivision which shall not duplicate or too closely resemble the name of any existing subdivision.
- C. 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 mathematically close.

- D.** The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles, and distances to such reference points or monuments. Permanent markers shall be placed on 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 (1/2) inch or larger in diameter extending at least two (2) 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.
- E.** Locations of lots, streets, public highways, alleys, parks outlots, 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.
- F.** Lots shall be numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block.
- G.** The exact locations, right of way widths, and names of all streets to be dedicate.
- H.** Location, width and intended use of all easements to be dedicated.
- I.** Name of fee owner and surveyor preparing the plat.
- J.** Scale of plat (the scale must be shown graphically and in feet per inch), date, and north point.
- K.** Statement dedicating all streets, alleys, public outlots, 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.

(Sections 12.31 through 12.39, inclusive, reserved for future expansion.)

SEC. 12.40. SUBDIVISION DESIGN STANDARDS.

Subd. 1. 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, adverse soil conditions, rock formations, or wetlands.
- B.** Proposed subdivisions shall be coordinated with surrounding properties and/or neighborhoods, so that the City as a whole may develop efficiently and harmoniously.

Subd. 2. Blocks.

- A. Arrangement.** A block shall be so designed as to provide two (2) tiers of lots except where lots back onto a major street, natural feature, railroad, park, outlot or subdivision boundary, in which case, it may have a single tier of lots.
- B. Length.** The length, width and acreage of blocks shall be sufficient to accommodate the size of lots required for the area by the Zoning Ordinance and to provide for convenient access, circulation, control and safety of street design. The maximum length of blocks shall be one thousand five hundred (1500) feet and the minimum length, four (400) feet. Blocks over nine hundred (900) feet long may require pedestrian ways at least thirty (30) feet wide at their approximate center. The use of additional pedestrian ways to schools, parks, and other destinations may be required.

Subd. 3. Lots.

- A. Location.** All lots shall abut for their full frontage (lot width required by the Becker Zoning Ordinance) on a publicly dedicated street or a street that has received legal status.
- B. Area.** The minimum lot area, width and depth shall not be less than that established by the Becker Zoning Ordinance in effect at the time of adoption of the preliminary plat. Minimum lot area shall consist of buildable land exclusive of utility transmission easements and pipeline easements that encumber lot development.
- C. Usable Open Spaces.**
 - a.** There must be a minimum of 40 feet of useable open spaces in the rear yards of all lots abutting delineated wetlands as measured from the ordinary high water level or elevation of the line of permanent aquatic vegetation, whichever is greater.
 - b.** There must be a minimum of 30 feet of useable open space in the rear yards of all lots abutting drainageways or retention / detention ponds as measured from the ordinary high water level to the proposed primary structures in all plats.

- D. Side Lot Lines.** Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines.
- E. Water Courses.** Lots abutting upon a water course, drainageway, channel, or stream shall have sufficient depth and width to provide a minimum area of land not subject to flooding equal to the minimum lot dimensions specified in the Zoning Chapter for the district in which the lots are located.
- F. Drainage.** Lots shall be graded so as to provide drainage away from building locations.
- G. Width Related to Depth.** To prevent narrow, deep lots, the depth of a lot should not exceed two and one-half (2 1/2) times the width as measured at the building line.
- H. Double Frontage Lots.** Double frontage lots (lots with frontage on two parallel streets) shall not be permitted except where lots back to a major thoroughfare street. Such lots have an additional depth of at least ten (10) feet in order to allow for screen planting along the back line.
- I. Corner Lots.** Corner lots will have the same width requirement as the zoning district that they are in as stated in the Zoning Chapter.
- J. Cul-De-Sac Lots and Lots on Curved Streets.** Lots within cul-de-sacs and lots on corner lots are generally pie shaped in their layout so they are required to be ninety (90) feet wide at the required front setback line.
- K. Future Arrangements.** Where parcels of land are subdivided into unusually large lots, such as when large lots are required for septic systems, the plat shall be designed and shall show, in dashed lines, how lots can be re-subdivided at some future date when public sanitary sewer and water are available. Structures on these lots must be placed on a side of the lot that is to be determined by the owner with approval by the City Zoning Administrator.
- L. Individual Lot Site Plans.** It is required that all residential lots shall have a site plan which identifies general location and pad elevation for the principal structure. The site plan must identify drainage ways and finished elevations for the lot, in keeping with the total drainage requirements for the plat. All deciduous trees over 6 inch in diameter and all coniferous trees 6 feet or taller shall be shown. In addition, the site plan must identify the type of structure that is possible for each lot based on depth of utilities or drainage limitations imposed by the plat or topography. Said types shall include full basements, walkouts, lookouts, splits, slab on grade, or single story. Building permits will not be issued until Individual Lot Site Plans are submitted.

Subd 4. Streets and Alleys.

- A. General.** All streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be served by such streets.
- B.** Streets in a subdivision shall either provide for the continuation of existing streets in the surrounding areas, or conform to a plan adopted by the Council.
- C.** Minor streets should be arranged so that their use is discouraged by through traffic.
- D.** Cul-de-sacs can have a length of no longer than seven hundred (700) feet with a minimum radius for the turn around to be sixty (60) feet. Lots within a cul-de-sac are required to be ninety (90) feet wide at the thirty (30) foot setback.
- E.** Temporary Cul-de-Sacs. In those instances where a street is terminated pending future extension in conjunction with future subdivision and more than two hundred (200) feet between the dead-end and the nearest intersection, a temporary turn around facility shall be provided at the closed end, in conformance with the temporary cul-de-sac requirements established in the City's design standards. The temporary cul-de-sac must be placed within a temporary roadway easement if it is located outside the street right of way. At such time as the street is extended, the acreage covered by the turn-around outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turn-around. Financial security will be required for removal or restoration as determined by the City Engineer. Said temporary cul-de-sacs shall be posted with signage indicating that the road is a proposed through road to alert the public that the road is planned to continue into the next development upon future subdivision.
- F.** There shall be no direct access to major thoroughfares from individual lots. If a proposed parcel of plat is adjacent to a freeway, arterial, or collector street a foliage buffer must be installed to block lots from the street.
- G.** Private streets or half streets are discouraged and shall be allowed only when all other reasonable options are ruled as unfeasible and with prior approval by the Planning Commission and City Council.
- H.** Street names shall comply with the Becker Street Naming and Numbering System.
- I.** Where adjoining lands are not subdivided, some of the streets in the new subdivision shall be required to be extended to the boundary line of the tract to make provision for future access into adjacent areas. The developer shall install a permanent sign stating "Future Thru Street" at the end of the new street.

- J. Where a plat abuts or contains an existing street of inadequate width, sufficient additional width shall be provided within the subdivision to meet the standards of this ordinance.
- K. Additional right-of-way and roadway widths may be required by the Council to promote public safety and convenience when special conditions require it.
- L. All subdivisions shall be required to conform to the Comprehensive Land Use Plan. Arterial and collector streets shown on the Land Use Plan shall be dedicated, on the locations and widths shown, to the City as a condition of plat approval.
- M. Public right of way widths shall be dedicated using the following minimum standards or those recommended by the State or County Highway Department when applicable (in feet):

<u>Type of Street</u>	<u>Right of Way</u>	<u>Pavement Width</u>
Arterial	100 feet	Determined by City Engineer*
Collector	66 feet	Determined by City Engineer*
Minor or Local	66 feet	32 feet
Marginal Access	60 feet	28 feet
Cul-De-Sac	60 radius	45 feet

*To ensure street is built to accommodate projected traffic volumes and incorporate appropriate safety and traffic calming measures.

- N. Private alleys should have a minimum right-of-way width of thirty (30) feet and shall conform to the gradient requirements of local streets.
- O. **Gang Mail Receptacles.** Gang mail receptacles are required to be installed in all new developments prior to issuance of certificate of occupancies for any units. A mailbox plan showing location is required to be submitted to and approved by the Postmaster and City prior to establishment of the receptacles.

Subd. 5. Grading and Alignment.

- A. **Horizontal Alignment.** When connecting street lines deflect from each other by more than ten (10) degrees, they shall be connected by a curve with a minimum radius of three hundred (300) feet for collector streets and one hundred (100) feet for local streets.
- B. **Vertical Alignment.** Different connecting street gradients shall be connected with vertical curves. Minimum sign distance shall be two hundred (200) feet for local streets and three hundred (300) feet for collector streets measured from points five (5) feet above the street centerline.

- C. Minimum and Maximum Grades.** Minimum: five tenths (0.5%) percent; Maximum: four (4%) percent for collector streets, seven (7%) percent for local streets.

Subd. 3. Intersections.

- A.** Streets shall intersect as nearly to ninety (90) degrees as possible. In no case shall streets intersect at less than seventy-five (75) degrees.
- B.** No more than two (2) streets shall cross at any one intersection with the exception of roundabouts.
- C.** The minimum distance between the centerlines of offset intersections shall be one hundred twenty five (125) feet.

Subd. 6. Easements.

- A. Utilities.** Easements at least ten (10) feet wide centered on the rear and side lot lines shall be provided for utilities. They shall have continuity of alignment from lot to lot and block to block.

At the option of the developer for commercial or industrial plats, easements along side lot lines can be granted subsequent to the platting of the lots. Easements are still required five (5) feet on both sides of the lot lines but these easements can be granted at a later date. Easements must be granted at the time of sale/development of a lot within the plat. It shall be the responsibility of the developer to provide said easement to the City, along with the establishment of, documentation, recording, and fees at the developers expense. The developer shall also provide evidence that said easement is of record. A copy of said recorded easement shall be given to the City no later than sixty (60) days of the sale date of the property. The City Council must authorize said alternative easement arrangement at the time of approval of the final plat.

In the event a sale involves a lot split, the developer will be required to furnish a copy of the proposed easement at the time of the request for the lot split.

- B. Drainage.** Easements shall be provided along each side of any water course to establish a storm sewer, drainage, or floodway right-of-way. Its boundaries shall conform substantially with the centerline alignment of such water course.
- C. Protective.** Protective or scenic easements shall be provided to a depth of one hundred (100) feet from the high water line of all lakes, ponds and streams or to such logical, natural or ecological boundary as can be agreed upon by the owner and the City.

- D. Right of Way.** An additional ten (10) foot easement shall be granted on either side of all right-of-ways within the boundaries of a subdivision.
- E. Perimeter.** A perimeter easement around the exterior of the entire plat shall be established to a minimum of ten (10) feet.

Subd. 7. Soil Erosion and Steep Slopes.

- A.** Topsoil and vegetation distributed or destroyed during or after construction shall be replaced or replanted to minimize soil erosion.
- B.** No construction or grading shall be allowed on slopes greater than twenty (20) percent. The subdivider does have the option of dedicating steep slopes to the City or an officially recognized homeownership association.
- C.** During and after construction, slopes shall be protected from erosion by quick establishment of vegetative cover, benches, terraced, mulches, or other proper protection devices or practices. Stands of existing vegetation adequate to control erosion should be preserved wherever possible.
- D.** Any land reclamation or filling shall be approved by the Zoning Administrator.

Subd. 8. Public Sites, Pedestrian Ways, Open Spaces, and Natural Features.

- A. Public Uses.** Where a proposed park, play ground, school, trail system or other public use shown on the Comprehensive Land Use Plan is located in whole or in part within a subdivision, the area shall be dedicated to the public or reserved for public purchase at fair market value. If within two (2) years of recording of the plat, the purchase is not consummated, the reservation shall be cancelled.
 - 1.** Property dedicated to the public shall have signage posted notifying the public of the intended use of the property and providing City contact information to address public questions and concerns.
- B. Private Parks.** Subdividers shall be encouraged to provide small privately-owned parks and open spaces in all commercial, industrial, and residential developments to satisfy the needs of employees, shoppers, and small children.
- C. Pedestrian Ways and Trails.** Subdividers shall define a meaningful pedestrian circulation system which is in accordance to the Comprehensive Land Use Plan and connects to the major trail system, to schools, parks, and shopping areas.

- D. Mitigated Wetlands.** All mitigated wetlands must be contained entirely within an outlet for deeding to the City to ensure preservation of the environmental integrity of the wetlands.
- E. Natural Features.** Existing natural features which add value to and enhance the attractiveness of the development and the community (trees, water courses, etc.) shall be preserved, insofar as possible, in the design of the subdivision. Planting strips shall be placed along highways and railroad lines to screen the view and to reduce noise levels in residential areas.

Subd. 9. Drainage.

- A.** Plans for surface water runoff and drainage shall be reviewed by the Planning Commission, City Engineer and Council prior to final plat approval.
- B.** The subdivision should be so designed that the drainage system utilizes to the greatest extent possible existing natural overland flows, open channel and drainage routes.
- C.** The drainage system shall be constructed and operational during the initial phase of construction.

(Sections 12.41 through 12.49, inclusive, reserved for future expansion.)

SEC. 12.50. DEDICATIONS AND CONDITIONS OF SUCH DEDICATION.

Subd. 1. Residential Dedication. In all new residential subdivisions, lot splits, minor subdivision and in properties changing from one zoning district to a higher density residential zoning district, the City shall require that a sufficient portion of such land be set aside and dedicated to the public for parks, schools, playgrounds, or other public use exclusive of property dedicated for streets and other public ways. This is pursuant to Minnesota Statute 462.358. It shall be presumed that a sufficient amount of land has been dedicated for parks, schools, and playgrounds for the present and future residents of the subdivision if the subdivider dedicates at least ten (10%) percent of the land in the subdivision. The City upon consideration of the particular type of development proposed in the subdivision or land rezoned, may require larger or lesser amounts of land to be dedicated if it determines that the present and future residents of the subdivision or development would require greater or lesser amounts of land for such purposes. The City shall be the sole determinant in requiring the land dedication or requiring a per dwelling unit cash payment. The amount of this fee shall be determined by the City Council as part of the annual schedule of fees and charges. The fees shall be due by the developer at the time of entrance into a development agreement. If the property is rezoned the fee shall be required at the time of the building permit payment when the property is developed.

Subd. 2. Other Dedications. In commercial, Industrial, or other Nonresidential subdivisions the City may decide not to require the subdivider to contribute land, cash or any combination thereof. In those instances, however, where the City deems it in the public interest to require a contribution, the subdivider shall dedicate five (5) percent of the undeveloped land or half of the per dwelling unit fee as established in Subd. 1.

Subd. 3. Findings of Facts for Dedications. It shall be deemed to be in the public interest to require land dedication, cash contribution, or any combination thereof when the Council after review and recommendation makes one or more of the following findings of fact:

- A. All or part of the proposed subdivision has been designated as park, playground, public open space, storm sewer holding areas or ponds on as adopted City Plan.
- B. Such contribution is necessary in order to protect adjacent land uses from potential conflicting land used which could exist on the land subdivided.
- C. The increased number of residents to reside or be employed within the subdivision will increase the recreational demands upon the City.
- D. Such contribution is necessary to provide proper surface water run-off generated by the uses proposed within the subdivision.

- E.** The land proposed to be subdivided contains or borders upon existing unique topographical features including but not limited to ponds, lakes, streams, timber stands, water holding areas, hills, steep slopes, drainage areas, or bluffs which should be preserved to prevent foreseeable safety, pollution, or erosion hazards or to provide unique recreational and aesthetic qualities and enjoyment to the City.
- F.** Such contribution is necessary to comply with or fulfill the goals, policies, and programs of the City.

Subd. 4. Exceptions for Outlots. In subdivisions which include outlots for future development or outlots within a subdivisions that are designed specifically for other purposes, the subdivider shall contribute land, cash, or any combination thereof as provided herein, whichever is applicable as well as the following criteria:

- A.** For land contributions, the entire subdivision, including the land within the outlots will be included in the determination of the total land dedication percentage.
- B.** When deemed necessary by the City for cash contributions only that land exclusive of the outlots will be included in the determination of the total land dedication percentage.

Subd. 5. Delayed Contribution. Upon petition by the subdivider, the Council may approve a delay in actual contribution of the cash required in lieu of land until such time a development occurs on the property being subdivided provided that a proper legal agreement is executed guaranteeing such contribution. Delayed contribution payment shall include eight (8) percent interest per year.

Subd. 6. Geographic location of Dedications. In such cases where the subdivider is required to dedicate land area the Council shall have the right to determine the geographic location and configuration of said dedication. The land dedicated shall not consist primarily of wetland, steep slopes or other natural or man made features that make the property unusable as parkland.

(Sections 12.51 through 12.59, inclusive, reserved for future expansion.)

SEC. 12.60. SUBDIVISION IMPROVEMENTS.

Subd. 1. Required Improvement Contract. Prior to installation of required improvements and prior to approval of the final plat, the subdivider shall enter into a contract with the City requiring that the subdivider furnish and construct said improvements at his sole expense and in accordance with plans and specifications to be approved by the City Engineer. The contract shall stipulate the type and extent of the improvements to be constructed, the cost of construction, the construction time schedule, the City's authority to inspect the construction, and the amount of the escrow deposit, performance bond, or other security acceptable to the City to be furnished in accordance with the requirements of this Section. Alternatively, the City in its discretion may require that, or, at the request of the subdivider may agree to undertake the installation of the required improvements in which event the subdivider shall enter into a contract with the City agreeing to pay the expense thereof, including all construction, engineering, legal, financing, and administrative costs incurred by the City by reason thereof. By such contract the developer shall agree to the method and schedule of payment to the City as determined by the City, and, if required, shall agree to furnish the escrow deposit, surety bond, or other security described herein.

Subd. 2. Required Improvements. Prior to the approval of the final plat, the subdivider shall have agreed in the manner set forth below to install in conformity with construction plans, approved by the City Engineer and in conformity with all applicable standards and City Code provisions, the following improvements on the site:

- A. Monuments.** Monuments of a permanent character as required by State Statute, shall be placed at each corner or angle on the outside boundary of the subdivision, Pipes or steel rods shall be placed at each corner of each lot and at each intersection of street center lines.
- B. Streets and Alleys.** All streets and alleys shall be graded to their full width except in areas where tree cover and topography can and should be preserved. All streets and alleys shall have an adequate sub-base, and shall be improved with an all-weather permanent surface in accordance with City minimum design standards as recommended by the City Engineer.
- C. Curb and Gutter.** Permanent curb and gutter of a design approved by the City Engineer shall be installed on both sides of each improved street dedicated in the plat.
- D. Sidewalks.** A minimum of six (6) foot concrete sidewalks shall be installed on each side of the street within a plat. A ten (10) foot bituminous trail on one or both sides of the road may be substituted for sidewalk if the City deems it appropriate to do so because it is a major pedestrian way.

- E. Water Supply.** When a proposed subdivision is located adjacent to or reasonably near the existing service area of a public water system, the water line shall be extended and service connections shall be stubbed into the property line of each lot. Fire hydrants shall also be provided.
1. In areas where it is impractical to provide public water service, individual wells or approved private community water systems shall be provided on each lot or grouping of lots, properly placed in relationship to the individual sewage disposal facilities on the same and adjoining lots. Well locations and construction must meet approved State of Minnesota and Sherburne County health standards. All systems shall also comply with the sewer and water provisions of the City Code.
- F. Sewage Disposal.** Sanitary sewer mains and service connections shall be installed to service all lots less than two and one-half (2-1/2) acres in size and shall be connected to the public system.
1. In areas being platted with lots two and one-half (2 1/2) acres or larger in size, individual on site sewage disposal facilities shall be provided on each lot properly located with reference to the wells on the same and adjoining lots as well as with the structure location as stated herein. All systems shall comply with the sewer and water provisions of the City Code, and shall meet approved State of Minnesota and Sherburne County health standards.
- G. Storm Drainage.** A system that will adequately take care of the surface water runoff within the subdivision shall be provided including storm sewers, drain inlets, manholes, culverts, and other structures and easements, as recommended by the City Engineer.
- H. Street Signs.** Street signs of a standard design approved by the City shall be installed at each street intersection and other locations as designated by the City Engineer.
- I. Public Utilities.** All utility lines for telephone, electrical services, gas services and cable shall be placed underground in a joint trench in a location approved by the City Engineer.
- J. Street Lighting.** Street lighting shall be required in all subdivisions and plans shall be approved by the Council.
- K. Pedestrian Ways.** All walkways adjacent to streets or otherwise defined by easement shall be improved to adequately accommodate pedestrian traffic.
- L. Subdivision Signage.** A sign stating the name of the subdivision must be established

at the entrance to the subdivision in a location approved with the final plat for all residential subdivisions of 15 or more units. For subdivisions with multiple phases only one sign for the entire subdivision is required and the sign shall be established when the abutting roadway is established. Said sign shall be made of a natural maintenance free material such as stone, brick or granite and the subdivision name must be in letters at least eight (8) inches high and approved by the City.

Subd. 3. Payment. The required improvements to be furnished and installed by the subdivider, which are listed and described above, are to be furnished and installed consistent with the policies set forth in the Public Development Policy Manual. If any improvement installed within the subdivision will be of any substantial benefit to the lands beyond the boundaries of the subdivision, the Council may make provision for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same and in such case the subdivider will be required only to pay for such portions of the whole cost of said improvements as will represent the benefit to the property within the subdivision.

Subd. 4. Financial Guarantee. Prior to the approval of the final plat, if the subdivider is to undertake the installation of the required improvements, he shall make an escrow deposit and furnish a performance bond or other security acceptable to the City, equal to the total administrative and construction costs of the improvements as estimated by the City Engineer and City Attorney, and including the cost of inspection by the City. If the City undertakes the installation of said improvements, and if required by the City, the subdivider shall make an escrow deposit and furnish a surety bond or other acceptable security in the amount of the sum the subdivider has agreed to pay the City for the installation of said improvement. Any such escrow deposit, bond or other security shall accrue to the City in case of default of the subdivider. In case of default the City shall appropriate any such bond or security. The term of any deposit, bond or security shall be specified by the City. Any deposit, bond, or security must be subject to approval by the City. Deposits shall be made with the City Treasurer or with a responsible escrow agent acceptable to the City. The City may agree to provide for reduction of the amount of any bond, security, or escrow deposit by reason of completion of, or in payment for, the improvements for which said bond, security, or deposit has been made. Nothing herein shall preclude the City from making special assessment against benefited property for improvements made on it.

Subd. 5. Construction Plans and As-Built.

- A. Construction Plans.** Construction Plans for the required improvements conforming in all respects to the standards of the City and the applicable ordinances, shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota; said plans must contain the engineer's certification. Such plans, together with the quantity of construction items, shall be submitted to the City Engineer for approval.
- B. As-Built Drawings.** Upon City Engineer's certificate of compliance, the subdivider shall furnish the City with as-built drawings prepared by a Registered Engineer showing the improvements as built or in place.

(Sections 12.61 through 12.98, inclusive, reserved for future expansion.)

SEC. 12.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. *Source: Ordinance 128 2nd Series Effective Date: April 19th, 2008*