

PART II - LAND DEVELOPMENT ORDINANCES

Chapter 105 SUBDIVISIONS

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**ARTICLE I. IN GENERAL**

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**Sec. 105-1. Title.**

This chapter shall be known and may be cited as the Richmond Subdivision Ordinance.

(Ord. No. 2009-101, § 505.1.1, 7-16-2009)

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#### **Sec. 105-2. Definitions.**

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

*Affordable housing.* The term "affordable housing" shall be as defined by the Federal Housing and Urban Development Agency's Section 8 guidelines.

*Best management practices (BMPs)* means as described in current state pollution control agency manuals and other sources, as approved by the city and county.

*Bikeway* means a public right-of-way or easement across a block or within a block to provide access for bicyclists and in which a path or trail may be installed.

*Block* means an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary of the subdivision, or a combination of the above with a natural waterway.

*Boulevard* means the portion of the street right-of-way between the curblines and the property line.

*Building* means any structure built for the support, shelter, or enclosure of persons, animals, chattel, or movable property of any kind, and includes any structure.

*Certificate of survey* means a document prepared by a registered engineer or registered land surveyor which precisely describes area, dimensions, and location of a parcel of land.

*Cluster development* means the development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land, while providing a unified network of open space and aesthetically pleasing areas and meeting the overall density regulations of this chapter and chapter 107.

*Collector street.* See: *Street, collector.*

*Common interest community* means contiguous or noncontiguous real estate within the State of Minnesota, subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair, or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies.

*Conditional approval* means an affirmative action by the city indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

*Contour map* means a topographic map showing the irregularities in elevation of land surface through the use of lines connecting points of equal elevation. The term "contour interval" means the vertical height difference represented between the connecting lines on a contour map.

*Conveyance* means the sale, trading, donation, or offer of sale, or other transfer of property.

*Copy* means a print or reproduction made from an original document.

*County* means Stearns County, Minnesota.

*Covenants* means protective covenants are contracts made between private parties and constitute an agreement between these parties as to the manner in which land may be used, with a view to protecting and reserving the physical, social, and economic integrity of any given area. This chapter shall not interfere with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land to which the city is a party. The developer shall enforce covenants; the city shall assume no responsibility for the enforcement thereof. Any restrictive covenant shall not conflict or invalidate city ordinances.

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*Crosswalk or pedestrian way* means publicly owned right-of-way that crosses a block furnishing pedestrian access to adjacent streets or properties.

*Cul-de-sac* means a short minor street having one open end and being permanently terminated at the other end by a vehicular turnaround.

*Design standard* means the specifications to landowners or those proposing to subdivide land for the preparation of plats, both preliminary and final, indicating among other items the optimum, minimums, and maximums in the dimensions, magnitude, and capacity of such features as the layout of streets, lots, blocks, drainage, and required improvements.

*Detention basin* means a facility designed to temporarily store runoff from rainfall or snow melt, releasing the stored water at a controlled rate until the basin is empty. The outlet or control structure is located at the bottom of the facility so that the basin is dry after the runoff event. (See also: *Detention pond*, *Retention basin*, and *Retention pond*.)

*Detention pond* means a facility designed to temporarily store runoff from rainfall or snow melt, releasing the stored water at a controlled rate until the water level has been reduced to a predetermined level. The outlet or control structure is located in such a way that some water remains in the facility. The bottom of the facility is usually below the water table, or is otherwise constructed in such a way that standing water remains in the pond yearround. (See also: *Detention basin*, *Retention basin*, and *Retention pond*.)

*Developer* means any individual, firm, association, syndicate, co-partnership, corporation, trust, or other legal entity submitting 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.

*Development* means acts relating to subdividing land, platting land, building structures, and installing site improvements.

*Double frontage lot* means a lot with a front line abutting a street and a back line abutting another street.

*Drainage course* means a watercourse or surface area for the drainage or conveyance of surface water.

*Escrow* means the deposition of funds in an account maintained by the city for the purpose of ensuring fulfillment of certain obligations pursuant to this chapter.

*Final approval* means approval of the final plat by the city council, as indicated by certification of the plat by the (acting) mayor of the city; constitutes authorization to record a plat.

*Final plat* means a drawing or map of a subdivision, meeting all the requirements of the city, and in such form as required by the county for purposes of recording.

#### *Flood related:*

*Accessory use or accessory structure* means a use or structure in the same lot of a nature customarily used or incidental and subordinate to the principal use of structure.

*Equal degree of encroachment* means a method of determining location of encroachment lines so the hydraulic capacity of floodplain land on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to floodplain encroachments.

*FEMA* means the U.S. Federal Emergency Management Agency.

*Flood frequency* means the average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

*Flood hazard areas* means areas included in the floodway and flood-fringe as indicated on the official zoning map, and the flood insurance study and flood insurance rate map which have been officially adopted by the city.

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*Flood insurance rate map* means the most recent flood insurance rate map prepared by FEMA for the city, and as applicable and allowed by law, the flood insurance rate map prepared by FEMA for the County of Stearns, as may be amended.

*Flood insurance study* means the most recent flood insurance study prepared for the city by FEMA and, as applicable and allowed by law, the flood insurance study prepared by FEMA for the County of Stearns, as may be amended.

*Floodproofing* means a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water, storm, and sanitary facilities, structures, and contents of buildings in a flood hazard area in accordance with the Minnesota State Building Code.

*Obstruction* means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either by itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

*100-year flood* means a flood which is representative of large regional floods known to have occurred generally in the State of Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval as determined by the use of the 100-year flood profile and other supporting technical data in the flood insurance study, or in any other officially adopted city flood study.

*Reach* means a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would be typical of a reach.

*Regulatory flood protection elevation* means a point not less than one foot above the water surface profile associated with the 100-year flood as determined by the use of the 100-year flood profile and supporting technical data in the flood insurance study, plus any increase in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this chapter are required to be elevated or floodproofed.

*Structure* means anything erected with a fixed location on the ground, or attached to something having a fixed location on the ground, or in the ground in the case of earth-sheltered buildings. Among other things, structures include buildings, factories, sheds, detached garages, cabins, manufactured homes, walls, fences, billboards, poster panels, and other similar items.

*Grade.* See: *Percentage of grade.*

*Half-street.* See: *Street, half.*

*Horizontal curve* means a curve by means of which a road can change direction to the right or left.

*Improvements* means pavement, curbs, gutters, sidewalks, sewer and water facilities, drainage facilities, street signs, street lighting, plantings, berms, and other items for the welfare of property owners and/or the general public.

*Key map* means a small-scale map that definitively shows the area proposed to be platted in relation to known geographical features (e.g., regional feature, community centers, lakes, and streets).

*Lot improvement* means any building, structure, work of art, or other object, or improvement of the land on which they are situated, constituting a physical betterment of real property.

*Marginal access street* means minor streets parallel/adjacent to arterial streets and highways to provide access to abutting properties and protection to through traffic.

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*Minor street* means a street that provides for direct access to abutting property and for local traffic movement, distinguished by its being completely local in character.

*Minor subdivision* means the division of a single parcel, lot, or tract, into two separate parcels, lots, or tracts.

*Natural waterway* means a natural passageway in the earth's surface situated and having such topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures placed in lieu of a natural waterway in order to facilitate the continuity of the natural waterway.

*Official map* means the map adopted by the city council showing the streets, highways, blocks and lots theretofore laid out and adopted by the city council, resulting from the approval of subdivision plats and the subsequent filing of such approved plats.

*Pedestrian way* means a public right-of-way or easement across a block or within a block to provide access for pedestrians and which may be used for the installation of paths or trails.

*Percentage of grade* means the slope of a road, street, or other public way, specified in percentage terms; the rise or fall of a street in feet and tenths of a foot for each 100 feet of horizontal distance measured at the centerline of the street.

*Preliminary approval* means official action taken by the city on an application creating a subdivision which establishes the rights and obligations set forth in Minn. Stats. § 462.358 and the applicable subdivision regulation. In accordance with Minn. Stats. § 462.358, and unless otherwise specified in the applicable subdivision regulation, preliminary approval may be granted only following the review and approval of a preliminary plat or other map or drawing establishing without limitation the number, layout, and location of lots, tracts, blocks and parcels to be created, location of streets, roads, utilities and facilities, park and drainage facilities, and lands to be dedicated for public use.

*Preliminary plat* means a detailed drawing or map of a proposed subdivision meeting the requirements herein enumerated, submitted to the planning commission and governing bodies for their consideration, in compliance with the comprehensive plan, along with the required supporting data.

*Public improvement* means any drainage ditch, roadway, parkway, street, sanitary sewer, storm sewer, water system, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the city may ultimately assume ownership, responsibility for maintenance and operation, or which may affect an improvement, for which local government responsibility is or may be established.

*Quadrant* means a single structures which contain four subdivided dwelling units, all of which have individually separate entrances from the exterior of the structure.

*Reserve strips* means a narrow strip of land between lot lines and streets to control access.

*Retention basin* means a facility designed to store runoff from rainfall or snow melt with no outlet. The stored water is allowed to percolate into the ground. (See: *Detention pond*, *Detention basin* and *Retention pond*.)

*Retention pond* means a facility designed to temporarily store runoff from rainfall or snow melt with no outlet. The bottom of the facility is usually below water table, or is otherwise constructed in such a way that standing water remains in the pond yearround. (See: *Detention pond*, *Detention basin* and *Retention basin*.)

*Roadway* means the portion of street right-of-way improved for vehicular travel.

*Rural design* means a street design where adjacent property and right-of-way are graded to form a ditch section along the shoulder of the road. Surface drainage is primarily carried by the ditch section.

*Single-family attached dwelling* means a one-unit structure which has one or more walls extending from ground to roof separating it from adjoining structures. In townhomes or twin homes each house is a separate, attached structure if the dividing or common wall goes from the ground to the roof.

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*Single-family detached dwelling* means a one-unit structure designed, constructed for, and occupied by not more than one family, and which is not attached to any other dwelling by any means, with open space on all four sides. Such structures are considered detached, even if they have an adjoining shed or garage.

*Street, cul-de-sac*, means a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

*Street, half*, means a street having only one-half of its intended roadway width developed to accommodate traffic.

*Street, marginal access, (frontage road)* means those local streets which are parallel and adjacent to high volume arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

*Street, no outlet*, means a street, or a portion thereof, with only one vehicular traffic outlet as opposed to two outlets.

*Street width* means the shortest distance between lines or lots delineating the right-of-way of a street.

*Subdividing* means the creation of a subdivision, lot, parcel, or tract of land by dividing a lot, parcel, or tract into two or more parcels, or resulting from court order, or the adjustment of a lot line by the relocation of a common boundary.

*Subdivision* means a described tract of land which is to be or has been divided into two or more lots, outlots, or parcels for the purpose of transfer of ownership, or building development; or if a new street is involved, any division of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

*Surveyor* means a land surveyor registered under Minnesota State Statutes.

*Tangent* means a straight line (roadway) that touches a curve at a point on the curve.

*Tract* means a defined area of land, similar to a lot or parcel, that is occupied or will be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of the current city zoning regulations, having not less than the minimum area required by said zoning regulations for a building site in the district in which such lot is situated, and having its principal frontage on a street.

*Trail* means a linear component of the community's park system.

*Two-family dwelling* means a dwelling designed exclusively for occupancy by two families living independently of each other.

*Urban design* means a street design where adjacent property and right-of-way are graded to the edge of the pavement or to the top of a curb without need for ditch construction. Surface drainage is primarily carried by the paved street section.

*Vertical curve* means the surface curvature on a street centerline located between lines of different percentage of grades.

*Vicinity map* means a small map drawn to a comparatively small scale which definitively shows the area proposed to be platted and the vicinity surrounding it.

*Zoning* means the reservation of certain specified areas within the municipality for buildings and structures for certain purposes, with other limitations such as height and lot coverage.

*Zoning ordinance* means the ordinance or resolution controlling the use of land, as adopted by the city.

(Ord. No. 2009-101, § 505.1.9, 7-16-2009)

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**State Law reference**— Minn. Stats. § 515B.1-103.

**Sec. 105-3. Violations and penalties.**

- (a) *Sale of lots from unrecorded plats.* It is unlawful for any person 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 said plan, plat, or replat shall have first been recorded in the office of the county recorder or waived, as provided for in this chapter.
- (b) *Receiving or recording unapproved plats.* It is unlawful for any person to receive or record in any public office any plans, plats, or replats of land laid out in building lots and street rights-of-way, alleys, or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or developers of lots fronting on or adjacent thereto, and located within the city, unless the same shall bear thereon, by endorsement or otherwise, the review of the planning and zoning commission and the approval of the city council.
- (c) *Misrepresentation as to construction, supervision, or inspection of improvements.* It is unlawful for any person owning an addition or subdivision of land within the city to represent that any improvements upon any of the street rights-of-way, alleys, or avenues of such addition or subdivision, or any utility in said addition or subdivision, have been constructed according to the plans and specifications approved by the city council, or have been supervised or inspected by the city, when such improvements have not been so constructed, supervised, or inspected.
- (d) *Violation a misdemeanor.* Every person who violates a section, subsection, 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.

(Ord. No. 2009-101, § 505.1.7, 7-16-2009)

**Sec. 105-4. Interpretation of standards.**

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, or ordinances, the provisions of this chapter shall control.

(Ord. No. 2009-101, § 505.1.4, 7-16-2009)

**Sec. 105-5. Purpose.**

These regulations are adopted for the following purposes:

- (1) To assist the orderly, efficient, and integrated development of the city in compliance with the city comprehensive plan.
- (2) To promote the health, safety, morals, and general welfare of the residents of the city.
- (3) To secure equitable handling of all subdivision plans by providing uniform minimum standards and procedures.

(Ord. No. 2009-101, § 505.1.2, 7-16-2009)

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#### **Sec. 105-6. Compliance.**

Hereafter, no lot in a subdivision may be sold, no grading shall commence, no permit to erect or alter any building upon land in a subdivision may be issued, and no building may be erected in a subdivision, unless and until a subdivision plat has been approved and recorded, and until the improvements required by the council in connection therewith have either been constructed or guaranteed, as herein provided.

(Ord. No. 2009-101, § 505.1.3, 7-16-2009)

#### **Sec. 105-7. Premature subdivisions.**

- (a) *Denial.* Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the city council.
- (b) *Conditions establishing premature subdivisions.* A subdivision may be deemed premature should any of the conditions exist as set forth in the provisions which follow:
  - (1) *Lack of adequate drainage.*
    - a. A condition of inadequate drainage shall be deemed to exist if:
      - 1. Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural integrity of the proposed structures.
      - 2. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.
      - 3. The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downhill or downstream land.
    - b. Factors to be considered in making these determinations may include, but not be limited to:
      - 1. Average rainfall for the area.
      - 2. The relationship of the land to waterbodies, wetlands, and floodplains.
      - 3. The nature of soils and subsoils and their ability to adequately support surface water.
      - 4. The slope of the land and its effect on effluents.
      - 5. The presence of streams as related to effluent disposal.
  - (2) *Lack of adequate water supply.* A proposed subdivision shall be deemed to lack an adequate water supply if the proposed subdivision, when developed to its maximum permissible density, does not have adequate sources of water to serve the proposed subdivision without causing an unreasonable depreciation of existing water supplies for surrounding areas. Factors to be considered in making this determination may include, but are not limited to:
    - a. Groundwater quantity.
    - b. Groundwater quality.
    - c. Drinking water source quality.
    - d. Drinking water source quantity.
  - (3) *Lack of adequate streets or highways to serve the subdivision.* A proposed subdivision shall be deemed to lack adequate streets or highways to serve the subdivision when:
    - a. Streets which currently serve the proposed subdivision and/or that are proposed to serve the subdivision are of such width, grade, stability, site distance, and surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to



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public safety and general welfare and when, with due regard to the advice of the county or state and their respective design standards, said roads are inadequate for the intended use.

- b. The traffic volume generated by the proposed subdivision as calculated by the city engineer and subject to generally accepted generation computation formulas and design standards, would create unreasonable highway congestion at the time of the application or proposed for completion within the next two years.
- (4) *Lack of adequate waste disposal systems.* A proposed subdivision shall be deemed to lack adequate waste disposal systems if there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density, after reasonable sewer capacity is reserved for schools, planned public facilities, and commercial and industrial development projected for the next five years. Expected wastewater generation rates applicable to a proposed subdivision shall be based on generally accepted generation computation formulas as assigned by the city engineer. Factors to be considered in making this determination may include, but are not limited to:
- a. Centralized wastewater treatment availability and capacity.
  - b. Proposed maximum demand for centralized wastewater treatment capacity generated by the proposed development.
  - c. Municipal collection system availability and capacity.
  - d. Proposed maximum demand placed on the municipal collection system by the proposed development.
  - e. Layout and design of service mains within the development.
- (5) *Lack of adequate city support facilities.* A proposed subdivision shall be deemed to lack adequate public support facilities such as parks and recreational facilities, schools, and police, fire, and ambulance protection and services, when said support facilities are reasonably expected to be necessitated by the subdivision and cannot be reasonably provided for within the next five fiscal years.
- (6) *Inconsistency with comprehensive plan.* A subdivision shall be deemed premature if it is found to be inconsistent with the purposes, objectives and recommendations of the duly adopted comprehensive plan of the city and the city zoning chapter, as may be amended from time to time.
- (7) *Inconsistency with environmental protection policies.* A proposed subdivision shall be deemed premature if it is found to be inconsistent with environmental protection policies set forth within local, county, state, and federal rules and regulations, as may be amended.
- (c) *Burden of establishing.* The burden shall be upon the developer to show that the proposed subdivision is not premature.

(Ord. No. 2009-101, § 505.1.8, 7-16-2009)

**Secs. 105-8—105-32. Reserved.**

#### **ARTICLE II. ADMINISTRATION**

[Sec. 105-33. Fees.](#)

[Sec. 105-34. Violation/enforcement.](#)

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**Sec. 105-33. Fees.**

- (a) Fees and charges, as well as expenses incurred by the city for engineering, planning, legal, and other services related to the processing of applications under this chapter shall be established via ordinance approved by the council and collected by the city administrator/clerk or designee for deposit in the city's accounts. Fees shall be established for the processing of requests for platting, major and minor subdivisions, review of plans, and such other subdivision-related procedures as the council may from time to time establish. The council may also establish charges for public hearings, special meetings, or other such council actions as are necessary to process applications.
- (b) Such fees, charges and estimated expenses (as well as a deposit, if so required by the zoning administrator) shall be collected prior to city action on any application. All such applications shall be accompanied by a written statement between the city and the developer/landowner (when the developer is not the same person or entity as the landowner, both the landowner and the developer must sign the agreement) whereby the developer/landowner agrees to pay all applicable fees, charges and expenses as set by council resolution as provided above, and which allows the city to assess the above fees, charges and expenses against the landowner if such monies are not paid within 30 days after a bill is sent to the developer/landowner.
- (c) These fees shall be in addition to building permit fees, inspection fees, trunk stormwater facility costs, zoning fees, charges, expenses and other such fees, charges and expenses currently required by the city or which may be established in the future.

(Ord. No. 2009-101, § 505.5.1, 7-16-2009)

**Sec. 105-34. Violation/enforcement.**

The standards, procedures and remedies set forth in article II of chapter 107, as may be amended, shall also apply to this chapter.

(Ord. No. 2009-101, § 505.5.3, 7-16-2009)

**Secs. 105-35—105-58. Reserved.**

**ARTICLE III. PLATS AND PLATTING** <sup>[2]</sup>

[Sec. 105-59. Preliminary information available.](#)

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[Sec. 105-68. Phased development.](#)

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#### **Sec. 105-59. Preliminary information available.**

Prior to the preparation of a preliminary plat, the developer is invited to obtain available information as to the general feasibility of the plan to be proposed. Such an owner or developer may receive a copy of this chapter and is urged to discuss the provisions of this title with city officials before submitting his plan.

(Ord. No. 2009-101, § 505.2.1, 7-16-2009)

#### **Sec. 105-60. Minor administrative subdivisions consolidations.**

- (a) *Applicability; purpose.* This section is established to provide for administrative approval of subdivisions that meet specified criteria and for the waiver of standard platting requirements specified elsewhere in this chapter. It is intended largely to facilitate the further division of previously platted lots, the combination of previously platted lots into fewer lots, or for the adjustment of a lot line by relocation of a common boundary.
- (b) *Application.* The owner, or all owners if there are multiple owners, may file an application for administrative subdivision. An application for minor subdivision shall be filed with the city administrator/clerk or designee on an approved form, and shall be accompanied by an assessment search, proof of ownership of the subject property, the submittal of required fee, and the submittal of an illustration of the proposed minor subdivision of sufficient detail as required by the city administrator/clerk or designee, depicting the following:
- (1) Scale, one inch equals 50 feet or less, and north arrow.
  - (2) Existing zoning district, existing site improvements, and existing boundaries with lot dimensions and area.
  - (3) All encroachments.
  - (4) Easements of record.
  - (5) Legal description of property.
  - (6) Ponds, lakes, springs, rivers, wetlands, or other waterways bordering on or running through the subject property.
  - (7) The boundaries and legal description of the lots as they are proposed to be subdivided, along with proposed zoning.
  - (8) The boundary and legal description of any proposed easements on the property. A drainage and utility easement at least five feet in width for interior lots, ten feet in width for corner lots, must be provided along all street-side property lines. A drainage and utility easement may also be required over wetland, ponds, lakes, and drainage channels and tributaries. Dedication of roadway easements consistent with city, county and regional plans may also be required.
- (c) *Review of administrative subdivision.* The city administrator/clerk or designee shall review all applications for administrative subdivision to determine compliance with the standards identified in this section and all other pertinent requirements of this chapter. The city administrator/clerk or designee, at his discretion or may seek recommendation, direction, and/or require approval of the planning

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commission and/or city council prior to authorizing an administrative subdivision. The planning commission and/or the city council at their discretion may seek to review and/or comment on a proposed administrative subdivision prior to authorization of the administrative subdivision. Upon written approval of the request, the city administrator/clerk or designee shall be responsible for filing the subdivision survey with the county recorder's office. Should the request be denied, the city administrator/clerk or designee shall notify the developer, in writing, of the findings of fact for such denial.

- (d) *Findings required for approval.* In order for the city administrator/clerk or designee to grant approval for a proposed administrative subdivision, each of the provisions that follow shall be met:
- (1) The proposed subdivision of land will not result in more than two lots.
  - (2) All necessary utility and drainage easements are provided for.
  - (3) All lots to be created by the subdivision conform to lot area and width requirements of chapter 107, including all requirements established for the zoning district in which the property is located.
  - (4) The proposed administrative subdivision is in compliance with the comprehensive plan.
  - (5) Lots created have direct access onto a public street.
  - (6) The property has not been divided through the provisions of this section within the previous five years.
  - (7) The subdivision meets all design and dedication standards as specified elsewhere in this chapter.
  - (8) All basic improvements required by this article are installed in accordance with city standards.
  - (9) No parcel of land or portion thereof shall result in buildings and/or uses becoming nonconforming.
- (e) *Ensuring compliance.* The city and/or its assigns may impose such conditions on any proposed administrative subdivision that are deemed reasonable and necessary to protect the public interest and to ensure compliance with the provisions of this chapter including, but not limited to, the following:
- (1) The developer shall provide required utility and drainage easements for all newly created lots and be responsible for the cost of filing and recording written easements with the county recorder's office.
  - (2) That there be no more than one principal structure on a base lot in all residential districts. The principal structure on the unit lots created in a two-family, townhouse, or quadraminium subdivision will be the portion of the attached dwelling existing or constructed on the platted unit lots.
  - (3) In the case of the subdivision of base lots containing two-family, townhouse, or quadraminium lots, wherein the purpose is to permit individual private ownership of a single dwelling within such a structure, a property maintenance and party wall agreement shall be provided by the developer and submitted to the city attorney for review and comment, ensuring the maintenance and upkeep of the structure and the lots to meet minimum city standards, with the agreement filed as a deed restriction against the title of each unit lot.
  - (4) Separate public sewer and water services shall be provided to each subdivided unit and shall be subject to the review and approval of the city engineer.
  - (5) In the case of the subdivision of base lots containing two-family, townhouse, or quadraminium lots, wherein the purpose is to permit individual private ownership of a single dwelling within such a structure, verification of firewalls in compliance with the building code provided by a certified building inspector at the expense of the developer.
  - (6) In the case of lots which have not previously been subject to platting, compliance with the park dedication standards of article IV of this chapter shall be required.

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- (f) *Approval.* All other minor subdivision requests shall be approved by resolution of the city council following consultation with the planning commission.
- (g) *Taxes and pending assessments.* All applicable real estate taxes and pending assessments shall be paid prior to recording of an administrative subdivision.

(Ord. No. 2009-101, § 505.2.2, 7-16-2009)

#### **Sec. 105-61. Required procedure for subdivision of property.**

To facilitate the handling of plats and to establish a definite procedure for the consideration of the problems involved in preparing and recording a plat, the procedure in this article is approved by the city council and includes a concept plan, build-out plan, preliminary plat, and final plat as defined in this chapter.

(Ord. No. 2009-101, § 505.2.3, 7-16-2009)

#### **Sec. 105-62. Concept plan, preapplication meeting.**

- (a) *Preapplication meeting.* Prior to the preparation of a preliminary plat, the developer shall meet with the zoning administrator in order to be made aware of all applicable ordinances, regulations, and plans in the area to be subdivided. Review of the concept plan further provides city staff the opportunity to determine whether the proposed subdivision is premature, based on criteria established in section 105-7. At the time of the initial meeting or at subsequent meetings, the developer shall submit one large-scale copy, one reduced scale (11 inches by 17 inches) copy, and one digital file containing a concept plan of the proposed subdivision to include future phases and an estimated timetable for development.
- (b) *Plan submission.* Submission of a concept plan shall not constitute formal filing of a plat with the city. The zoning administrator shall arrange a preapplication meeting with the developer, the city engineer, public works staff, and other departments deemed necessary in order to provide the developer with input on the proposed concept plan. The zoning administrator or the developer may refer the concept plan to the planning commission for informal review and informal comment. Such referral shall not constitute formal filing of a plan with the city, but rather shall allow for a nonbinding review of the proposal to ensure compliance with design standards and to identify possible modifications necessary to secure approval. Any advice, comments, or recommendations for modification made by the planning commission are advisory only and shall not constitute approval or a commitment to approve.
- (c) *Advising developer regarding design standards.* As far as may be practical on the basis of a concept plan, the city will informally advise the developer as promptly as possible of the extent to which the proposed subdivision conforms to the design standards of this chapter and will discuss possible plan modifications necessary to secure conformance.

(Ord. No. 2009-101, § 505.2.4, 7-16-2009)

#### **Sec. 105-63. Concept plan contents.**

The concept plan shall contain, at a minimum, the following information:

- (1) Plat boundary.
- (2) North arrow and scale.
- (3) General street layout on and adjacent to the proposed plat.

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- (4) Designation of land use and current and proposed zoning.
- (5) Significant topographical or physical features.
- (6) General lot locations and layout.
- (7) Proposed playgrounds and parks.
- (8) A notation of whether or not a statutory EAW or EIS is required.
- (9) Conceptual utility layout showing direction of flow for storm and sanitary sewers.
- (10) Potential ponding sites.
- (11) Additional written data shall include approximate number of lots, typical lot width and depth, and what zoning changes would be required.

(Ord. No. 2009-101, § 505.2.5, 7-16-2009)

#### **Sec. 105-64. Preliminary plat process.**

- (a) Purpose. The preliminary plat is intended to illustrate proposed subdivision of properties within the city. Such approval shall be required for all subdivisions of land not specifically exempted within this article.
- (b) Following the preapplication meeting and following review of the concept plan, the developer shall prepare a request for approval of the preliminary plat for the subdivision, as provided within this chapter. The request shall be filed with the city on an official application form. A fee as provided for by city council ordinance shall accompany such application. Such application shall also be accompanied by one large scale copy, one reduced scale (not less than 11 inches by 17 inches) copy, and an electronic copy of a preliminary plat and supportive information in conformity with the requirements of this chapter. If, in the opinion of the zoning administrator, reduced scale drawings (11 inches by 17 inches) are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility.
- (c) The developer shall also supply proof of title and the legal description of the property for which the subdivision is requested, consisting of an abstract of title or registered property abstract currently certified together with any unrecorded documents whereby the petitioners acquire a legal ownership or equitable ownership interest and, as applicable, supply documented authorization from the owner of the property in question to proceed with the requested subdivision. The developer shall also submit any necessary applications for variances from the provisions of this chapter and necessary variances from the provisions of chapter 107.
- (d) The zoning administrator shall review the application to determine whether or not the application and required material submissions are complete. The preliminary plat shall be considered as being officially submitted only when all of the information requirements are complied with and the appropriate fees paid. If the zoning administrator determines the application is incomplete, the developer shall be notified of all deficiencies in the application, in writing, within 15 calendar days of receipt of the application. The council shall approve or disapprove the preliminary plat within 120 days following the receipt of a completed application in compliance with this chapter, unless an extension of the review period has been approved.
- (e) Upon receipt of the completed application as outlined in subsections (a) through (d) of this section, the zoning administrator shall set a public hearing for public review of the preliminary plat by the planning commission. Notice of the hearing may be a legal or display advertisement and shall consist of a legal property description, 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 the hearing. Requests affecting and located within nonplatted areas of the city

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shall be noticed to all property owners within 350 feet of the property in question. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceeding.

- (f) Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this section provided a bona fide attempt has been made to comply with the notice requirements of this section.
- (g) The zoning administrator shall instruct the staff as appropriate to prepare technical reports and provide general assistance in preparing a recommendation on the action to the planning commission. This may include the city engineer, building official, city attorney, and public or private utility departments, among others. The presence of any of the above, which may be considered an employee of the city, will not preclude the city from obtaining a recommendation from an independent contractor performing similar duties and responsibilities if, in the opinion of the zoning administrator, the independent contractor possesses a set of skills and abilities required for a fair evaluation of the request.
- (h) The zoning administrator or the administrator's designee shall also refer copies of the plat map to the following individuals or bodies:
  - (1) City engineer.
  - (2) City attorney.
  - (3) School district.
  - (4) Commissioner of transportation, if the proposed subdivision includes land abutting an established or proposed trunk highway.
  - (5) County engineer if the proposed subdivision includes land abutting a county or county state-aid highway.
  - (6) State commissioner of natural resources, if the proposed subdivision adjoins a public body of water.
  - (7) The watershed district board, if applicable.
  - (8) Other city department heads as appropriate.
  - (9) Park commission.
  - (10) Planning commission.
- (i) The park commission, planning commission, city council, and city staff shall have the authority to request additional information from the developer concerning the proposed subdivision and its operational factors or impact, or to retain expert testimony with the consent and at the expense of the developer concerning operational factors or impacts, when said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this chapter. Failure on the part of the developer to supply all necessary supportive information may be grounds for denial of the request.
- (j) The planning commission shall conduct a public hearing. The developer or a designated representative thereof shall appear before the commission at the public hearing in order to answer questions concerning the proposed request. Following the closing of the public hearing, the planning commission shall take one of the courses of action identified below and the following guidelines should be followed when findings of fact are issued:
  - (1) The proposed preliminary plat conforms to the requirements of this article and the applicable zoning district regulations.
  - (2) The proposed subdivision is consistent with the city's comprehensive plan and any other adopted land use studies and is compatible with the platting or approved preliminary plat on adjoining lands.

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- (3) The proposed plat does not constitute a premature subdivision under section 105-7.
  - (4) The physical characteristics of the site including, but not limited to, topography, vegetation, wetlands, susceptibility to erosion and siltation, susceptibility to flooding, water storage and retention, are such that the site is suitable for the type of development or use contemplated.
  - (5) The design or improvement of the proposed subdivision complies with applicable plans of the county and the state.
  - (6) The design or improvement of the proposed subdivision is not likely to cause environmental damage or health problems.
  - (7) The completion of the proposed development of the subdivision can be achieved in a timely manner so as not to cause an undue economic burden upon the city for maintenance, repayment of bonds, or similar burden.
  - (8) That permits applicable to the site/project as required by local, state, and federal law have been applied for or have been approved. The developer is required to prove compliance with all local, state, and federal laws. The city or its assigns may determine whether an application for approval is sufficient or if a permit application is acceptable.
- (k) The planning commission shall recommend to the city council one of the following courses of action and the developer notified in writing of the planning commission's decision:
- (1) Approval of the preliminary plat: as presented with findings of fact.
  - (2) Conditional approval of the preliminary plat: conditions for approval and findings of fact itemized.
  - (3) Denial of the preliminary plat, with findings of fact.
  - (4) The planning commission may, at its discretion and with the approval of the developer, table the matter pending further information from the developer that will help it render a recommendation to the city council. An extension of the preliminary plat review period (i.e., total of 120 days) may be necessary.
- (l) The zoning administrator shall notify the developer of the planning commission's recommended action, together with the findings of fact for such recommended action, and what requirements, if any, will be necessary for the planning commission to recommend approval of the plat. The recommended approval of the preliminary plat does not constitute an acceptance of the subdivision.
- (m) Following review by the planning commission, the request shall be scheduled for review by the city council.
- (n) City council action.
- (1) The reports and recommendations of city staff, park commission, and the planning commission shall be entered in and made part of the permanent written record of the city council meeting.
  - (2) When the preliminary plat is approved, conditionally approved, or denied by the city council, the findings of fact for such action shall be recorded in the proceedings of the council and shall be transmitted in writing to the developer. If the preliminary plat is approved or conditionally approved, such approval shall not constitute acceptance of the final design and 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 city council may impose such conditions and restrictions as it deems appropriate or require such revisions or modifications in the preliminary plat or final plat as it deems necessary to protect the health, safety, comfort, general welfare, and convenience of the city.
- (o) Required findings for preliminary plat. The planning commission and city council shall make each of the following findings before recommending (planning commission) or granting (city council) preliminary plat approval:



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- (1) The proposed preliminary plat conforms to the requirements of this article and the applicable zoning district regulations.
  - (2) The proposed subdivision is consistent with the city's comprehensive plan and any other adopted land use studies and is compatible with the platting or approved preliminary plat on adjoining lands.
  - (3) The proposed plat does not constitute a premature subdivision under section 105-7.
  - (4) The physical characteristics of the site including, but not limited to, topography, vegetation, wetlands, susceptibility to erosion and siltation, susceptibility to flooding, water storage and retention, are such that the site is suitable for the type of development or use contemplated.
  - (5) The design or improvement of the proposed subdivision complies with applicable plans of the county and the state.
  - (6) The design or improvement of the proposed subdivision is not likely to cause environmental damage or health problems.
  - (7) The completion of the proposed development of the subdivision can be achieved in a timely manner so as not to cause an undue economic burden upon the city for maintenance, repayment of bonds, or similar burden.
  - (8) That permits applicable to the site/project as required by local, state, and federal law have been applied for or have been approved. The developer is required to prove compliance with all local, state, and federal law. The city or its assigns may determine whether an application for approval is sufficient or if a permit application is acceptable.
- (p) The developer shall be notified by the city of the city council's action together with the findings of fact for such action, and what requirements will be necessary to meet approval of the city council. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat.
- (q) Following city council approval of a preliminary plat, the developer must submit a final plat to the city within one year of preliminary approval unless otherwise specified as part of a development agreement. If this procedure is not followed, then approval of the preliminary plat shall be considered void, unless the developer submits a request for time extension, in writing, 30 days prior to the lapse of approval and subsequent approval by the city council. When multiple phases of a development are anticipated, the final plat of the first phase must be completed in the above-referenced timeframe.
- (r) Should the developer desire to amend an approved preliminary plat, an amended preliminary plat may be submitted. The city may require the developer follow the same procedure as a new preliminary plat. No public hearing will be required unless the amendment, in the opinion of the city council, is of such scope as to constitute a new preliminary plat. A filing fee as established by the city shall be charged for the amendment processing.
- (s) Preliminary plats that have been denied shall not be reintroduced for a period of one year, unless the zoning administrator finds substantial changes to the preliminary plat have been made.

(Ord. No. 2009-101, § 505.2.6, 7-16-2009)

#### **Sec. 105-65. Preliminary plat data requirements.**

As outlined in section 105-64, the developer shall prepare and submit a preliminary plat, together with any necessary supplementary information. The preliminary plat shall contain the information set forth in the subsections that follow. Upon specific request, the zoning administrator may exempt a developer from the submission of data which is not considered relevant to the application.

- (1) *Proposed conditions.*

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- a. The proposed name of the subdivision. Names shall not duplicate or be alike in pronunciation to the name of any plat previously recorded in the county.
  - b. Location of boundary lines in relation to a known section, quarter section, or quarter-quarter section lines comprising a legal description of the property.
  - c. Name, address, phone number and, where applicable, license number of the record owner, any agent having control of the land, the developer, land surveyor, engineer, and designer of the plan.
  - d. Graphic scale of one inch to 100 feet, except as specifically approved by the zoning administrator.
  - e. North point and key map of the area, showing well-known geographical points for orientation, including streets within a one-half mile radius.
  - f. Date of preparation.
  - g. The legal description of the land contained within the subdivision, including the total acreage of the proposed subdivision.
  - h. An indication as to which lands are registered Torrens property or abstract property. If land is registered property, a registered land survey shall be required.
  - i. A list of any liens or encumbrances.
  - j. Elevation benchmarks used for the topographic survey and datum on which they are based.
  - k. Reference to the coordinate system and datum used for the survey.
  - l. Results of site evaluation including soil types and their suitability for use in construction .
- (2) *Existing conditions.*
- a. Boundary lines to include bearings, distances, curve data, and total acreage of proposed plat, clearly indicated.
  - b. Existing zoning classifications for land in and abutting the subdivision.
  - c. Total area of the proposed plat.
  - d. Location, right-of-way width, and names of existing or platted streets or other public ways, parks, and other public lands, permanent buildings and structures, easements and section, corporate and school district lines, within the plan, to a distance of 150 feet beyond the plat.
  - e. Location, size, and elevations of existing wells, sewers, water mains, culverts, or other underground facilities within the preliminary plat area and to a distance of 150 feet beyond. Such data as top grades and locations of catchbasins, manholes, elevations, invert elevations, hydrants, and the street pavement width and type also shall be shown.
  - f. Boundary lines of adjoining unsubdivided or subdivided land, within 150 feet of the plat, identified by name and ownership, including all contiguous land owned or controlled by the developer.
  - g. Topographic data, including contours at vertical intervals of not more than two feet shown on a contour/topographic map. Watercourses, delineated wetlands, wooded areas, rock outcrops, power transmission poles and lines, and other significant features also shall be shown. USGS datum shall be used for all topographic mapping.
  - h. Total acreage of existing impervious surfaces.
  - i. Subsurface conditions location and results of tests to ascertain subsurface soil, rock and groundwater conditions and availability; location and results of soil percolation tests.

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- j. 100-year flood elevations, regulatory flood protection, and boundaries of floodway and flood fringe areas, if known, taking into consideration the flood insurance study and flood insurance rate map.
  - k. A statement certifying the environmental condition of the site, including the presence of any hazardous substance as defined in Minn. Stats. § 115B.02, subd. 8. Such statement may be required to be based upon an environmental assessment of the site by an environmental engineering firm acceptable to the city.
  - l. Geotechnical data prepared by a qualified soils engineer showing surface and subsurface soils and groundwater in sufficient detail to show the site to be suitable for the development proposed.
  - m. A vicinity map, at least four inches by four inches in size on the full-size plans, to the planning commission showing the relationship of the proposed subdivision to adjacent properties, roads, rights-of-way, and other property and subdivisions within 350 feet of the proposed subdivision, and the relation of the plat to the surrounding zoning districts.
  - n. All existing survey monuments that have been found.
  - o. Areas in the plat which have been designated as shoreland, delineated wetlands and floodplains by the department of natural resources, including the high water mark of all wetlands.
- (3) *Proposed design features.*
- a. Layout of proposed streets showing the right-of-way widths, centerline gradients, roadway widths, typical cross-sections, and proposed names of streets in conformance with city street identification policies. The name of any street heretofore used in the city or its vicinity shall not be used unless the proposed street is a logical extension of an already named street, or is part of an orderly numbering system. Street names shall be confirmed with the county prior to use on the proposed plat.
  - b. Locations and widths of proposed alleys and pedestrian ways.
  - c. Locations and size of proposed storm sewer, sanitary sewer lines, and water mains.
  - d. Gradients of proposed streets, storm sewer, sanitary sewer lines, and water mains, as requested.
  - e. Location, dimension, and purpose of all easements.
  - f. Layout, numbers, lot areas, and preliminary dimensions of lots and blocks, and outlots. The total number of proposed lots, their minimum, maximum and average size in square footage.
  - g. Minimum front and side street building setback lines.
  - h. When lots are located on a curve, the width of the lot at the building setback line.
  - i. Building pads intended for construction.
  - j. Total acreage of proposed impervious surfaces.
  - k. Areas, other than streets, alleys, bikeways, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such an area or areas in acres.
  - l. The proposed location and sizing of public water system mains and service connections.
  - m. The proposed location and routing of public sewer mains and service connections

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- n. Calculations showing the adequacy of the existing city sanitary sewer system, including gravity sanitary sewer lines, sanitary sewer force main, and lift stations downstream of the proposed connection point.
  - o. Preliminary grading plan with minimum two-foot contours which shall include the proposed grading and drainage of the site prior to, during, and post-construction. The preliminary grading plan shall include, but not be limited to, the illustration of provisions for erosion control, hydrology calculations, and drainage. Also stipulate the garage floor, first floor, and basement elevations of all structures.
  - p. The location, size, and proposed improvements for proposed parks, playgrounds, and public open spaces, churches or school sites, or other special uses of land to be considered for dedication to public use or to be reserved by deed of covenant for the use of all property owners in the subdivision, and any conditions of such dedication or reservation.
  - q. Proposed pedestrian ways and trails.
  - r. The items listed in this section shall be in conformance with all other applicable sections of this chapter and chapter 107.
  - s. The boundary and legal description of any proposed easements on the property. A drainage and utility easement at least five feet in width for interior lots, ten feet in width for corner lots, must be provided along all street-side property lines. A drainage and utility easement may also be required over wetland, ponds, lakes, and drainage channels and tributaries. Dedication of roadway easements consistent with city, county and regional plans may also be required.
- (4) *Supplementary information.* Any or all of the supplementary information requirements set forth in this subsection shall be submitted when deemed necessary by the city staff, consultants, advisory bodies and/or the city council to adequately address the application and site in question.
- a. If the developer is contemplating financing under Minn. Stats. ch. 429 an official request to the city council for the uses of said financing and the council's approval of the drafting of a feasibility report by the city engineer.
  - b. A build-out plan as defined by the city and/or its assigns.
  - c. Proposed protective covenants or private restrictions.
  - d. Proposed phasing/staging plan for any project involving more than one construction season which sets forth the chronological order of construction and relates the proposed uses and structures to the construction of various service facilities and gives estimated completion dates.
  - e. A listing of all required federal, state, and local permits, and status of applications. This includes a wetland permit if there are proposed impacts to wetlands on the property being platted.
  - f. A plat overlay on an aerial photo illustrating the relationship of the proposed subdivision to the surrounding area.
  - g. Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population. The city may require the developer to have formal traffic or other studies performed to the city's satisfaction which show the effect of the proposed development on traffic, fire hazards, congestion, or other matters of public concern.
  - h. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. Such proposed zoning plan shall be for information only and shall not vest any rights in the developer.

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- i. An environmental review shall be submitted if the city, city consultants, or other groups or agencies determine that one is required by law.
- j. Applications, statements and supporting documentation and plans for rezoning, variances, conditional use permits or planned unit development approvals being sought for the subdivision.
- k. Such other applicable information as may be required by the city.

(Ord. No. 2009-101, § 505.2.7, 7-16-2009)

#### **Sec. 105-66. Final plat process.**

- (a) Purpose. A final plat is a drawing representing the proposed subdivision of land within the city and serves as the document for recording purposes, as required by the county recorder's office. Once a preliminary plat has been approved by the city council, the developer may submit a request for final plat approval. In certain cases the city may allow a final plat to be submitted concurrent with a request for preliminary plat approval.
- (b) After the preliminary plat has been approved, a final plat shall be submitted for review as set forth in the subsections which follow. The developer shall prepare a request for approval of the final plat for the subdivision, as provided within this article. The request shall be filed with the city on an official application form. A fee as provided for by city council ordinance shall accompany such application. Such application shall also be accompanied by one large-scale copy, one reduced scale (not less than 11 inches by 17 inches) copy, and an electronic copy of the final plat and supportive information in conformity with the requirements of this chapter. If, in the opinion of the zoning administrator, reduced scale drawings (11 inches by 17 inches) are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility. The final plat shall incorporate all changes, modifications and revisions required by the city; otherwise, it shall strictly conform to the approved preliminary plat.
- (c) All final plats shall comply with the provisions of Minnesota State Statutes and requirements of this chapter.
- (d) A developer shall submit with the final plat a current abstract of title or registered property certificate, along with any unrecorded documents, and a certificate of title.
- (e) The zoning administrator shall review the application to determine whether or not the application and required material submissions are complete. The final plat shall be considered as being officially submitted only when all of the information requirements are complied with and the appropriate fees paid. If the zoning administrator determines the application is incomplete, the developer shall be notified of all deficiencies in the application, in writing, within 15 calendar days of receipt of the application. On receipt of a complete application, the zoning administrator shall refer the final plat to appropriate departments/consultants for review. Following receipt of staff/consultant comments the final plat shall be referred to the city council for review.
- (f) Prior to approval of a final plat, the developer shall have executed a development agreement with the city, which controls the installation of all required improvements and ensures compliance with all conditions of approval, unless determined unnecessary by the city engineer. Said agreement will require all improvements and approval conditions to comply with approved engineering standards and applicable regulations.
- (g) The city council shall take action on a final plat not more than 60 days after the final plat is filed with the city. If the final plat is not approved, the findings of fact for such action shall be recorded in the official proceedings of the city and shall be transmitted to the developer.

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- (h) Required findings for final plat. The city council shall make each of the following findings before granting final plat approval:
  - (1) The final plat conforms to the approved preliminary plat and all conditions for approval of the preliminary plat.
  - (2) All submission requirements have been satisfied.
  - (3) The plat conforms to all applicable requirements of this article, subject only to approved rule exceptions.
- (i) The developer shall be notified by the city of the city council's action, together with the findings of fact for such action.
- (j) Upon receiving an approved final plat in conformance with the requirements of the city, the designated representatives of the city shall sign the plat, and the developer, as a condition of approval, shall record the approved and signed final plat with the county recorder within 90 days, or the approved final plat may be considered void.
- (k) Release of plat for recording. The final plat shall not be released by the city for recording with the county recorder's office until the following have been completed:
  - (1) The recording of signatures upon the plat.
  - (2) The recording of signatures upon the developer's agreement.
  - (3) The submittal of necessary financial guarantees and development fees to the city.
  - (4) The provision of easements or deeds as may be required by the city for trailways, ponding, parks, utilities, or similar purposes in a form prescribed by the city attorney.
  - (5) Final evidence of title ownership.
- (l) Recording of final plats. Upon approval of the final plat, it shall be the responsibility of the developer to file the plat with the county recorder's office.
- (m) The developer shall, within 30 days of recording, furnish the city with three blue or black line prints and one Mylar of the final plat showing evidence of the recording. The developer shall provide an electronic copy of the approved final plat in a format acceptable to the city and consistent with the county coordinate system. Failure to furnish such copies shall be grounds for refusal to issue building permits for lots within a plat.
- (n) Upon receiving approval of a final plat for a portion of an approved preliminary plat, a continuation or the recognition of the preliminary plat is not required to maintain its approval. In the event a zoning ordinance amendment is adopted which requires a larger minimum lot size for land not yet platted and recorded, the larger minimum lot size may be required for any additional platting. If the developer is unable to file a final plat application within the required one year, such person shall file a written request for an extension of the final plat approval with the zoning administrator and receive city council approval 30 days prior to the lapse of approval. Such developer's request shall specify, and the city council shall, if approved, determine the length of time for filing and for the preliminary plat to remain in full force and effect.

(Ord. No. 2009-101, § 505.2.8, 7-16-2009)

#### **Sec. 105-67. Final plat data requirements.**

As required by section 105-66, the developer shall submit a final plat together with any necessary supplementary information. The final plat, prepared for recording purposes, shall be prepared in accordance

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with provisions of Minnesota State Statutes and the county regulations, and such final plat or accompanying submittals shall contain the following information:

- (1) Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing plat previously recorded in the city or its vicinity and which shall be subject to city council approval.
- (2) Location by section, township, range, county, and state, and including descriptive boundaries of the subdivision.
- (3) 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. The developer shall provide coordinating data on all subdivision monumentation in a format approved by the city engineer.
- (4) Location of lots, outlots, 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) A drawing or listing of total square footage per lot, acreage per block, square footage, or acreage of each land use proposed (where applicable) and total acres in the plat.
- (7) The exact locations, widths, and names of all streets to be dedicated.
- (8) Location, purpose, and width of all easements to be dedicated.
- (9) Name, address, and phone number of surveyor making the plat.
- (10) Scale of the plat to be one inch to one hundred feet (1 inch =100 feet, the scale to be shown graphically on a bar scale), date, and north arrow.
- (11) A current abstract of title or a registered property certificate along with any unrecorded documents that are subject to review and approval by the city council.
- (12) Copies of any protective or restrictive covenants affecting the subdivision or any part thereof.
- (13) Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under, and along the designated areas marked "drainage and utility easements."
- (14) Statement dedicating all streets, alleys, and other public areas not previously dedicated as follows: Streets, alleys, and other public areas shown on this plat and not heretofore dedicated to public use hereby so dedicated.
- (15) Such other information that may be required by the city following final plat approval, including but not limited to:
  - a. A signed development agreement approved by the city which includes provisions for a financial guarantee of cash escrow or letter of credit.
  - b. A complete set of construction plans and specifications to construct the required public improvements and to make the subdivision suitable for development, which conform to the city requirements. These documents will be prepared by the city for projects following the publicly financed public improvement process.
  - c. A certified Mylar copy of the plat, evidencing filing of the plat with the county within 60 days after approval by the city. No building permits shall be approved for construction of any

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structure on any lot in said plat until the city has received evidence of the plat being recorded by the county.

- d. Three complete sets of 11-inch x 17-inch reproducible as-built construction drawings for any public improvements constructed in the subdivision shall be furnished to the city for the city files and city engineer, within 120 days after the construction is complete and approved by the city. In addition one digital GIS formatted copy and one scanned copy for imaging shall be submitted to the city.
- e. A digital disk of the recorded plat consistent with the county coordinate system in a format specified by the city and/or the city engineer for inclusion in the city's base map.

(16) Certification required.

- a. Certification by a registered surveyor in the form required by Minn. Stats. § 505.03, as amended.
- b. Execution by all owners of any interest in the land and holders of a mortgage thereon of the certificates required by Minn. Stats. § 505.03, as amended, and which certificate shall include a dedication of the utility easements and other public areas in such form as approved by the city council.
- c. Space for certificate of approval and review to be filled in by the signatures of the mayor and city administrator/clerk or designee in the following form:

FOR APPROVAL OF THE CITY OF RICHMOND:

This plat of (name of plat) was approved and accepted by the City of Richmond, Minnesota, at a regular meeting thereof held this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ .

CITY COUNCIL OF RICHMOND, MINNESOTA

By \_\_\_\_\_, Mayor

By \_\_\_\_\_, Administrator

- (17) Upon adoption and filing of a final plat, the city shall prepare a street address map and distribute it to the developer, utility companies, police department, ambulance, fire department, post office, and the county.

(Ord. No. 2009-101, § 505.2.9, 7-16-2009)

**Sec. 105-68. Phased development.**

- (a) Development of the project may be phased, in which case a master subdivision agreement for the entire proposed development will be required. In addition, each complete phase may be processed separately through both preliminary development plan review and final development plan review. A map showing all property owned or controlled by the developer which is contiguous to the development site or which is within the area determined by the city to be relevant for comprehensive planning and environmental assessment purposes, together with a conceptual plan of such properties' eventual development through all potential phases shall be submitted with the application for the first phase. The developer is not responsible for providing a conceptual plan for contiguous or nearby property which is not owned or controlled by the developer. The conceptual plan shall conform to the purposes of this chapter and shall be used by the city to review all phases of the development. All phases of the development shall conform to the conceptual plan, all conditions of approval, and applicable regulations.



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- (b) A master development agreement shall be required for all phased plats. The master agreement is intended to ensure the phased subdivision is developed in the manner envisioned by both parties while providing the developer needed flexibility. The master agreement shall address platting issues related to project phasing, future development of approved preliminary plat lots, construction of project infrastructure, number of years to complete all phases prior to remaining preliminary plat lots becoming void, if replatting is required due to changes in conceptual plans/phasing, and applicability of future zoning/subdivision standards to future phases. The master agreement is an additional requirement to the development agreement covering individual project phases/final plats.

**Secs. 105-69—105-94. Reserved.**

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FOOTNOTE(S):

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**State Law reference**— Plat review procedures required, Minn. Stats. § 462.358, subd. 3b. ([Back](#))

**ARTICLE IV. DESIGN STANDARDS** <sup>[3]</sup>

[Sec. 105-95. Planned unit developments \(PUD\).](#)

[Sec. 105-96. Common interest communities \(CICs\).](#)

[Sec. 105-97. Parks, open space and public use.](#)

[Sec. 105-98. Natural features.](#)

[Sec. 105-99. Streets, sidewalks and/or trails.](#)

[Sec. 105-100. Blocks.](#)

[Sec. 105-101. Lots.](#)

[Sec. 105-102. Easements.](#)

[Sec. 105-103. Water and sewer systems.](#)

[Sec. 105-104. Variances.](#)

[Secs. 105-105—105-121. Reserved.](#)

**Sec. 105-95. Planned unit developments (PUD).**

Required conformance with the regulations established within this article shall not be interpreted as limiting the city council's authority to allow flexibility as part of a planned unit development approved in accordance with the provisions of chapter 107.

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(Ord. No. 2009-101, § 505.3.1, 7-16-2009)

**Sec. 105-96. Common interest communities (CICs).**

- (a) *Approval.* A common interest community (CIC) shall be evaluated and considered for approval in the same manner as a standard plat or planned unit development and shall be subject to the site coverage standards contained within chapter 107.
- (b) *Requirements.* Common interest communities shall be subject to all use, residential density, setback and height requirements of the applicable zoning district and any other applicable standard contained in chapter 107.
- (c) *Conversions of CICs.* The conversion of existing common interest communities, resorts, manufactured home parks or other similar types of developments from privately owned structures on leased or rented land, or the division of several commonly owned structures on a single parcel of land to individually owned parcels containing separate structures, shall be by a standard plat pursuant to the requirements of this chapter and the applicable requirements of Minn. Stats. chs. 515A and 515B, or successor statutes, and shall be further subject to the following:
  - (1) *Sewage treatment.* When considering approval of conversions the city shall consider the development as a whole, relative to the provision for sewer and on-site sewage treatment systems, and shall require connection to the municipal system where they are available. In areas where municipal services are not available, design plans shall be presented and approved for a community wastewater treatment system as an integral element of the common interest community approval. A timeline to implement the approved wastewater treatment plan and/or eliminate all identified failing sewage treatment systems shall be established by a subdivision or development agreement.
  - (2) *Conformity.* The developer shall make every effort to minimize the degree of nonconformity with existing lot and area requirements and setback requirements. Lot lines shall be arranged to provide the largest possible setbacks between structures that will become the principal structures on the newly created lots. Accessory buildings shall be moved or removed when and where possible to create the lowest, most uniform density possible.
  - (3) *Density.* The conversion shall not result in an increase in residential density, unless the residential density requirements of the applicable zoning district are met.
- (d) *Unified and efficient use of space.* To the extent possible, the common open space, individual properties and other elements of the common interest community shall be so planned that they will achieve a unified scheme of planning and efficient distribution of uses.
- (e) *Special conditions for shoreland areas.*
  - (1) Inconsistencies between existing features of development and those required by this article and chapter 107 shall be identified. However, existing dwelling unit or dwelling site densities that exceed standards of chapter 107 may be allowed to continue but must not be allowed to be increased either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems or by other means.
  - (2) Deficiencies involving structures, setbacks, impervious coverage, open space and shore recreation facilities must be corrected as part of the conversion.
  - (3) Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

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- a. Removal of extraneous buildings, docks or other facilities that no longer need to be located in shore or bluff impact zones.
- b. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water.
- c. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

(Ord. No. 2009-101, § 505.3.2, 7-16-2009)

#### **Sec. 105-97. Parks, open space and public use.**

- (a) Where a proposed park, playground, school site, or other public site shown on an adopted comprehensive plan or official map, is encompassed in part or in whole by a boundary of a proposed subdivision, such public ground shall be shown as reserved land on the preliminary plat to allow the council, board of education, county or state agency the opportunity to consider and take action toward acquisition of such public ground or park or school site by dedications, purchase, or other means prior to approval of the final plat.
- (b) It is declared general policy that park dedication be determined by the following schedule:
  - (1) Single-family (zoned R-1): a land dedication of 1,000 square feet per unit.
  - (2) R-2-R-3: a land dedication of 700 square feet per unit.
  - (3) PUD: combination of land dedication based on the actual usage.
  - (4) Commercial: five percent of the net land area (net land area defined as gross land area minus delineated wetlands).
  - (5) Industrial: five percent of the net land area (net land area defined as gross land area minus delineated wetlands).
- (c) No areas may be dedicated as parks, playgrounds, or public lands until such areas have been approved for the purpose to which they are to be dedicated. The park land shall be graded to the contours set forth in the preliminary plat. The developer shall provide a minimum of six inches of topsoil over the entire park area and the area shall be seeded with a type of seed approved by the city. The financial guarantees by the developer to the city shall be in effect at least until such time that the park land is graded and seeded.
- (d) Those areas to be used for organized playground activities shall have a slope of less than two percent grade and be largely clear of forest vegetation. Other areas to be dedicated may be forested and may have steeper slopes.
- (e) When the subdivision is small or does not include a park or public area shown on the comprehensive plan or, in the judgment of the council, the area proposed to be dedicated is not suitable or desirable for park/playground purposes because of location, size, or other reason, the council may require, in lieu of land dedication, a payment to the city of cash as established by ordinance. Payment of cash in lieu of land dedication shall be completed prior to approval of the final plat of the subdivision. No final plat shall be approved unless the payment is made or an estimated amount determined by the city is placed into an escrow account for payment upon completion of the final plat process. When a combination of land dedication and payment to the city will be used to fulfill park dedication requirements, the city council, at its option, may allow improvements to the park area to offset some

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or all of the money due to the city. Grading of the park site shall not be considered as an improvement to the park area.

- (f) Such dedication of land for public use shall be without restrictions or reservations and shall be transferred to the city by deed or by plat. Money given to the city in lieu of land shall be used by the city only for park purposes.

(Ord. No. 2009-101, § 505.3.3, 7-16-2009)

#### **Sec. 105-98. Natural features.**

Existing, natural features which would add value to the subdivision and maintain native, historic, and/or culturally significant landscapes and the city such as tree massings, steep slopes, watercourses, historic spots, delineated wetlands, assets identified on the county biological survey and similar assets shall be preserved insofar as possible through harmonious design of the subdivision.

(Ord. No. 2009-101, § 505.3.4, 7-16-2009)

#### **Sec. 105-99. Streets, sidewalks and/or trails.**

The city council shall not approve any plat unless all streets shown thereon are of sufficient width and so located as to accommodate the probable volume of traffic thereon, afford adequate light and air, facilitate fire protection, provide access of firefighting equipment to buildings, provide ease of maintenance, and provide a coordinated system of streets conforming to the city street plan.

- (1) In the case of subdivision for commercial, industrial and public purposes, no street giving access upon a county, state, or federal highway shall be located closer than 500 feet along the same side of such highway, to any other driveway, public, or private street in the same or another subdivision. Permits must be obtained from appropriate agencies for access to such highways prior to approval of the final plat.
- (2) Unless otherwise specified by the city, surmountable curb shall be installed as part of any new residential street construction.
- (3) Local streets shall be planned to discourage through traffic.
- (4) Wherever there exists a dedicated or platted portion of a street or alley along a boundary of the tract being subdivided, the remainder of said street or alley, to the prescribed width, shall be platted within the proposed subdivision.
- (5) Half streets shall not be provided, except where it is essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, or where it becomes necessary to acquire the remaining half by condemnation so it may be approved in the public interest.
- (6) Dead-end streets shall be prohibited unless provided with a turnaround or cul-de-sac arrangement.
- (7) Culs-de-sac shall normally not be longer than 600 feet including a turnaround, which shall be provided at the closed end with an outside curb radius of not less than 45 feet. The maximum grade of the turnaround portion of the cul-de-sac shall be five percent.
- (8) Alleys shall not be provided in residential districts but shall be included in commercial and industrial areas where needed for loading and unloading or access purposes.

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- (9) The minimum distance between centerlines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be 125 feet.
- (10) Intersections of more than two streets at one point shall be avoided.
- (11) Right-of-way requirements may be increased for specific thoroughfares if existing or anticipated traffic flow warrants it, or if drainage easements parallel such thoroughfares. Such increased width will be set by the city council under the advisement of the planning commission and the city engineer.
- (12) Sidewalk or trail must be provided on a minimum of one side of any proposed collector or arterial street.
- (13) Minimum right-of-way widths, street widths (measured from back of curb to back of curb), angle of intersections, and maximum grades shall be in accordance with the following table:

	Minor Arterial	Collector	Local Streets	Cul-de-sac	Alleys	Sidewalk	Trails
Right-of-way width	100	70	66	60R	33	NA	20
Pavement width*	52	42	36	45R	16	5	8
Maximum grade	8%	10%	10%	10%	10%	ADA	ADA
Minimum angle at intersection	90;deg;	90;deg;	80;deg;	80;deg;	80;deg;	80;deg;	80;deg;
Minimum curb radius	35'	25'	20'	20'	5'	NA	NA
Grade 50 feet before intersection	;pm;3%	;pm;3%	;pm;3%	;pm;3%	;pm;3%	;pm;3%	;pm;3%

\*Pavement width may vary where parking requirements or divided streets exist.

(Ord. No. 2009-101, § 505.3.5, 7-16-2009)

**Sec. 105-100. Blocks.**

Blocks shall ordinarily not exceed 1,000 feet in length. Where it is necessary for blocks to exceed that length, pedestrian ways or easements at least eight feet in width may be required near the center of the block.

(Ord. No. 2009-101, § 505.3.6, 7-16-2009)

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**Sec. 105-101. Lots.**

Lot sizes shall conform to the requirements of the city zoning ordinance and the lots shall be designed in accordance with the following design standards:

- (1) Every lot shall be provided with access adequate for the use of public safety vehicles and other public and private purposes, and shall be served by a public or private street system, improved in accordance with this chapter and connected to the general street system.
- (2) Side lines of lots shall be approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots shall be avoided unless they enhance overall neighborhood design.
- (3) Double frontage lots shall be avoided.
- (4) When a tract is subdivided into larger than required building lots, and there is no covenant preventing resubdivision of the lots, such lots or parcels shall be arranged to permit a logical location and opening of future streets and resubdividing, with provision for adequate utility connections for each subdivision.
- (5) Minimum frontage on a cul-de-sac shall be 50 feet.

(Ord. No. 2009-101, § 505.3.7, 7-16-2009)

**Sec. 105-102. Easements.**

- (a) *Drainage.* Where a subdivision is traversed by a watercourse, there shall be provided a drainageway, channel, or drainage right-of-way conforming substantially with the lines of such watercourse, together with such further width of construction of both as will be adequate for stormwater runoff. All drainage easements shall be identified on the plat and shall be graded and sodded in accordance with city standards.
- (b) *Public trails/walkways.* In addition to other open space, dedication of easement to provide connections to public trails/walkways will be required where shown on a comprehensive plan. Where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities, pedestrian easements with right-of-way widths of not less than ten feet shall be required.
- (c) *Utilities.* Easements at least ten feet wide, centered on rear and side lot lines, shall be provided for all utilities. They shall have continuity of alignment from block to block. At deflection points, easements for pole-line anchors shall be provided where necessary.

(Ord. No. 2009-101, § 505.3.8, 7-16-2009)

**Sec. 105-103. Water and sewer systems.**

The water supply and sewage disposal systems for the subdivision shall meet the design standards and requirements of the state department of health, the state pollution control agency, and the city. Design standards shall be available from the city engineer.

(Ord. No. 2009-101, § 505.3.9, 7-16-2009)

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**Sec. 105-104. Variances.**

The council may grant a variance upon receiving a report from the planning commission in any particular case where the developer can show that by reason of exceptional topography or other physical conditions, the strict compliance with these regulations could cause unnecessary hardship. Application for such a variance shall be made in writing by the developer at the time the preliminary plat is filed with the clerk. Variance processing, review, and decisions shall be as set forth in chapter 107, as may be amended. A variance thus granted shall be recorded in resolution form entered in the minutes of the council setting forth the reasons which justified the action.

(Ord. No. 2009-101, § 505.3.10, 7-16-2009)

**Secs. 105-105—105-121. Reserved.**

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FOOTNOTE(S):

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**State Law reference**— Design standards authorized, Minn. Stats. § 462.358, subd. 2a. ([Back](#))

**ARTICLE V. REQUIRED IMPROVEMENTS <sup>(4)</sup>**

[Sec. 105-122. General improvements.](#)

[Sec. 105-123. Monuments and markers.](#)

[Sec. 105-124. Streets.](#)

[Sec. 105-125. Storm drainage.](#)

[Sec. 105-126. Water supply.](#)

[Sec. 105-127. Sewers.](#)

[Sec. 105-128. Utilities.](#)

[Sec. 105-129. Trees.](#)

[Sec. 105-130. Street signs.](#)

[Sec. 105-131. Streetlights.](#)

[Sec. 105-132. Inspection.](#)

[Sec. 105-133. Maintenance.](#)

[Sec. 105-134. Acceptance.](#)

[Sec. 105-135. Payment; city/developer agreement, financial guarantee.](#)

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#### **Sec. 105-122. General improvements.**

All of the required improvements specified in this article shall be constructed in accordance with the city standards for construction and all other applicable local, county, and state regulations.

(Ord. No. 2009-101, § 505.4.1, 7-16-2009)

#### **Sec. 105-123. Monuments and markers.**

Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Iron or steel markers shall be set at the beginning and ending of all curves, along street property lines, at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots, and at all other lot corners.

(Ord. No. 2009-101, § 505.4.2, 7-16-2009)

#### **Sec. 105-124. Streets.**

The streets shall be graded to the grades and dimensions shown on plans and profiles and approved by the council and shall include conform to the currently accepted city standards.

- (1) Suitable drainage structures, culverts, storm sewers, ditches, and related installations shall be provided to ensure adequate drainage of all points along the streets.
- (2) Concrete curbs and gutters shall be required on all streets.
- (3) The base course shall consist of the latest state department of highways approved material, having a thickness of not less than eight inches. The council shall have the right to determine whether this thickness is adequate for the type of street that has been proposed. Sub-base material thickness shall be determined by the city engineer.
- (4) Pavement shall be required on all streets in accordance with the requirements of the city engineer.
- (5) Street shoulders shall be constructed which are uniformly and thoroughly compacted by rolling and level with the tops of curbs.

(Ord. No. 2009-101, § 505.4.3, 7-16-2009)

#### **Sec. 105-125. Storm drainage.**

- (a) Site planning and stormwater designs shall be reasonably sympathetic to the existing natural drainage system prior to development/improvement. Low impact design and/or conservation design principles and best management practices as accepted by the U.S. Environmental Protection Agency, the state pollution control agency, and/or the state department of natural resources and proposed by the developer shall supersede the following requirements as approved by the city council.
- (b) Water quality post-development shall be consistent with or exceed that prior to development.
- (c) The construction of a storm drainage system shall conform to the following requirements:
  - (1) Drainage ditches or channels shall have a minimum gradient of one percent where terrain permits.



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- (2) Open watercourses shall have adequate capacity and erosion control to ensure safe and healthful disposal of stormwater.
  - (3) When topsoil has been removed from the surface of a lot on a slope where erosion will cause a displacement of loose material, the developer shall be required to seed or provide other means to prevent the wash from damaging adjacent property or accumulating on street surfaces.
  - (4) The developer will be required to conform to all pertinent stormwater standards. These standards include: Nationwide Urban Runoff Program (NURP), Sauk River Watershed District, and National Pollution Discharge Elimination System (NPDES).
- (d) Pond design criteria and standards. The construction of stormwater retention/detention ponds shall conform to the following design criteria and standards:
- (1) Ponds within single-family and multiple-family developments.
    - a. Design criteria.
      1. Ponds that have outlets shall be designed for the 100-year storm. Ponds without outlets shall be designed for two back-to-back 100-year storms. Design must include a one-foot freeboard between the high water level and the top of the pond. There must be two feet of elevation between the high-water level and the lowest structure opening. The 100-year return period is based on 5.8 inches of rain in 24 hours and a type II storm.
      2. Where infiltration is used to reduce the size of the pond, it must have a 2:1 safety factor. Infiltration rates must be verified by field testing the pond bottom and/or embankment surfaces after construction has been completed.
      3. The rate of discharge must be controlled so that the rate after development is equal to or less than the rate before development for the ten-year and 100-year storm events. Since the discharge is concentrated flow, provisions must be made to prevent downstream erosion. For the two-year, or NPDES water quality event, the discharge rate must be less than 5.66 CFS per acre.
      4. Where the city determines that any increase in runoff is likely to cause damage downstream, the pond must also be designed to keep runoff volume at pre-development levels.
    - b. Design standards.
      1. To the extent possible given site constraints, ponds shall be designed so that the length is approximately three times the width. This can also be accomplished by creating berms or baffles in the pond to route the water to the outlet over the longest possible path. The idea is to maximize the detention time to promote settling of suspended material.
      2. Where the pond depth exceeds ten feet from the overflow level to the bottom of the side slope, a shelf or terrace must be provided for maintenance. The shelf must be ten feet wide and have a 10:1 side slope.
      3. Inlets should be constructed in the lowest tier of the pond to minimize potential side slope erosion. Where possible, the inlet should be brought into the pond approximately two feet above the pond bottom to minimize erosion potential, but still allow for sediment buildup. This can be accomplished through a drop structure where it is necessary to reduce discharge velocity. Where the inlet must enter the pond higher to maintain pipe capacity, the slope must be protected with riprap from the pond bottom to a point two feet above the top of the pipe.
      4. Riprap and filter fabric must be extended out from the inlet far enough to prevent erosion due to excessive discharge velocities, occurring when the storm sewer is surcharged. Riprap protection must be carried wide enough to prevent undermining.

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5. Where significant stormwater runoff is directed to the pond by sheet flow or swales, it must be collected by a culvert or catchbasin before it reaches the pond slope and conveyed to the inlet pipe.
  6. Outlet aprons that exceed 15 inches in diameter should be equipped with trash guards. Where there is potential for petroleum products or surface debris to accumulate in the pond, a cap-skimmer-type structure should be provided at the outlet.
  7. An overflow or spillway must be constructed to direct excess water safely out of the pond during runoff events that exceed the capacity of the pond. The overflow crest should be at the 100-year high-water level of the pond, and should be sized to keep the backwater below the freeboard elevation.
  8. Large ponds should have a two-percent slope on the pond bottom directed to a pit area near the outlet that is accessible for maintenance.
  9. Side slopes must be 6:1 or flatter above the level of the pond outlet, and 4:1 or flatter below the outlet elevation.
  10. Ponds must be located so that the edge of the high-water is at least 70 feet from the nearest structure. Ponds under public ownership must be located so that the edge of the high water is at least 20 feet from the nearest property line.
  11. Ponds that are to be operated and maintained by the city must be seeded with an approved mix of native grasses and forbs. Different mixes may be specified for the top, side slopes, and pond bottoms. Vegetative growth must provide a clear line of demarcation between lawns and the ponding site.
  12. Pond outlots must include a 20-foot-wide access from a nearby street. The access from the street to the pond should be mowable turf to blend in with neighboring yards, but still be under city ownership to prevent complaints generated by maintenance vehicles accessing the site. In addition to access from the street, there must be a 20-foot-wide access shelf around the top of the pond for maintenance vehicles. The access shelf should have a 20:1 or flatter cross slope, and be seeded with native grasses and forbs to provide a visual break between adjacent lawns and the pond.
  13. All pond designs must be approved by the city. The city shall determine whether ponds shall be dedicated to the city or remain private property maintained by private individuals or entities. The city may approve deviations from the above standards due to site constraints on a case-by-case basis. Increasing development density is not considered a site constraint. The city may also require additional design features on a case-by-case basis.
  14. Ponds within residential developments shall be surrounded by a permanent vegetative buffer maintained in a natural state. Said vegetative buffer shall be approved by the city engineer and be of sufficient width so as to positively impact water quality and runoff volume. Permanent signs indicating the boundary of the natural buffer shall be posted on site.
- (2) Ponds within commercial, institutional, and industrial developments.
- a. Design criteria.
    1. Ponds must be designed for the 100-year storm. The discharge or outflow rate may not exceed the capacity of the downstream storm sewer system. Parking lots and lawn areas may be used for temporary storage during the 100-year event, however, the pond must hold at least the ten-year storm event. There must be two feet of elevation between the high water level and the lowest structure opening. The 100-year return period is based on 5.8 inches of rain in 24 hours and a type II storm.

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2. The rate of discharge must be controlled so that the rate after development is equal to or less than the rate before development for the 10-year and 100-year storm events. Since the discharge is concentrated flow, provisions must be made to prevent downstream erosion. For the two-year, or NPDES water quality event, the discharge rate must be less than 5.66 cfs per acre.
  3. Where the city determines that any increase in runoff is likely to cause damage downstream, the pond must also be designed to keep runoff volume at pre-development levels.
- b. Design standards.
1. To the extent possible given site constraints, ponds shall be designed so that the length is approximately three times the width. This can also be accomplished by creating berms or baffles in the pond to route the water to the outlet over the longest possible path. The idea is to maximize the detention time to promote settling of suspended material.
  2. Where the pond depth exceeds ten feet from the overflow level to the bottom of the side slope, a shelf or terrace must be provided for maintenance. The shelf must be ten feet wide and have a 10:1 side slope.
  3. Inlets should be constructed in the lowest tier of the pond to minimize potential side slope erosion. Where possible, the inlet should be brought into the pond approximately two feet above the pond bottom to minimize erosion potential, but still allow for sediment buildup. This can be accomplished through a drop structure where it is necessary to reduce discharge velocity. Where the inlet must enter the pond higher to maintain pipe capacity, the slope must be protected with riprap from the pond bottom to a point two feet above the top of the pipe.
  4. Riprap and filter fabric must be extended out from the inlet far enough to prevent erosion due to excessive discharge velocities, occurring when the storm sewer is surcharged. Riprap protection must be carried wide enough to prevent undermining.
  5. Where significant stormwater runoff is directed to the pond by sheet flow or swales, it must be collected by a culvert or catchbasin before it reaches the pond slope and is conveyed to the inlet pipe.
  6. Outlet aprons that exceed 15 inches in diameter should be equipped with trash guards. Where there is potential for petroleum products or surface debris to accumulate in the pond, a cap-skimmer-type structure should be provided at the outlet.
  7. An overflow or spillway must be constructed to direct excess water safely out of the pond during runoff events that exceed the capacity of the pond. The overflow crest should be at the 100-year high-water level of the pond, and should be sized to keep the backwater below the freeboard elevation. The overflow can be combined with lawn or parking lot surfaces.
  8. Large ponds should have a two percent slope on the pond bottom directed to a pit area near the outlet that is accessible for maintenance.
  9. Side slopes must be 4:1 or flatter above the level of the pond outlet, and 3:1 or flatter below the outlet elevation.
  10. Ponds must be located so that the edge of the high water is at least 20 feet from the nearest structure. Ponds under public ownership must be located so that the edge of the high water is at least ten feet from the nearest property line.

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11. Ponds may be seeded with an approved mix of native grasses and forbs, or with mowable grasses. Different mixes may be used for the top, side slopes, and pond bottoms.
  12. Ponds must be accessible for maintenance. Where the pond is to be constructed on an outlot for public ownership, residential standards for maintenance access must be used.
  13. All pond designs must be approved by the city. The city shall determine whether ponds shall be dedicated to the city or remain private property maintained by private individuals and/or entities. The city may approve deviations from the above standards due to site constraints on a case-by-case basis. Increasing development density is not considered a site constraint.
- (3) Regional ponds for multiple use areas.
- a. Design criteria.
    1. Ponds that have outlets shall be designed for the 100-year storm. Ponds without outlets shall be designed for two back-to-back 100-year storms. Design must include a two-foot freeboard between the high water level and the top of the pond. There must be three feet of elevation between the high-water level and the lowest structure opening. The 100-year return period is based on 5.8 inches of rain in 24 hours and a type II storm. In some cases, where rate control is a concern, the pond will be sized by routing the discharges of upstream ponds through the regional pond.
    2. Where infiltration is used to reduce the size of the pond, it must have a 2:1 safety factor. Infiltration rates must be verified by field-testing the pond bottom and/or embankment surfaces after construction has been completed.
    3. The rate of discharge must be controlled so that the rate after development is equal to or less than the rate before development for the ten-year and 100-year storm events. Since the discharge is concentrated flow, provisions must be made to prevent downstream erosion. For the two-year, or NPDES water quality event, the discharge rate must be less than 5.66 cfs per acre.
    4. Where the city determines that any increase in runoff is likely to cause damage downstream, the pond must also be designed to keep runoff volume at pre-development levels.
  - b. Design standards.
    1. To the extent possible given site constraints, ponds shall be designed so that the length is approximately three times the width. This can also be accomplished by creating berms or baffles in the pond to route the water to the outlet over the longest possible path. The idea is to maximize the detention time to promote settling of suspended material.
    2. Where the pond depth exceeds ten feet from the overflow level to the bottom of the side slope, a shelf or terrace must be provided for maintenance. The shelf must be ten feet wide and have a 10:1 side slope.
    3. Inlets should be constructed in the lowest tier of the pond to minimize potential side slope erosion. Where possible, the inlet should be brought into the pond approximately two feet above the pond bottom to minimize erosion potential, but still allow for sediment buildup. This can be accomplished through a drop structure where it is necessary to reduce discharge velocity. Where the inlet must enter the pond higher to maintain pipe capacity, the slope must be protected with riprap from the pond bottom to a point two feet above the top of the pipe.

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4. Riprap and filter fabric must be extended out from the inlet far enough to prevent erosion due to excessive discharge velocities, occurring when the storm sewer is surcharged. Riprap protection must be carried wide enough to prevent undermining.
  5. Where significant stormwater runoff is directed to the pond by sheet flow or swales, it must be collected by a culvert or catchbasin before it reaches the pond slope and is conveyed to the inlet pipe.
  6. Outlet aprons that exceed 15 inches in diameter should be equipped with trash guards. Where there is potential for petroleum products or surface debris to accumulate in the pond, a cap-skimmer-type structure should be provided at the outlet.
  7. An overflow or spillway must be constructed to direct excess water safely out of the pond during runoff events that exceed the capacity of the pond. The overflow crest should be at the 100-year high-water level of the pond, and should be sized to keep the backwater below the freeboard elevation. The overflow must be riprapped, and the downstream area protected from erosion.
  8. Ponds or cells should have a two-percent slope on the pond bottom directed to a pit area near the outlet that is accessible for maintenance.
  9. Side slopes must be 4:1 or flatter above the level of the pond outlet, and 3:1 or flatter below the outlet elevation.
  10. Ponds must be located so that the top edge of the freeboard is at least 100 feet from the nearest structure and 20 feet from the nearest property line. Additional clearance is desirable.
  11. Ponds must be seeded with an approved mix of native grasses and forbs. Different mixes may be specified for the top, side slopes, and pond bottoms. Vegetative growth must provide a clear line of demarcation between the ponding site and adjacent property.
  12. Pond site must include a 20-foot-wide access from a nearby street. The access from the street to the pond should be mowable turf to blend in with neighboring yards, but still be under city ownership to prevent complaints generated by maintenance vehicles accessing the site. In addition to access from the street, there must be a 20-foot-wide access shelf around the top of the pond for maintenance vehicles. The access shelf should have a 20:1 or flatter cross slope, and be seeded with native grasses and forbs to provide a visual break between adjacent lawns and the pond.
  13. All pond designs must be approved by the city. The city shall determine whether ponds shall be dedicated to the city or remain private property maintained by private individuals and/or entities. The city may approve deviations from the above standards due to site constraints on a case-by-case basis. Increasing development density is not considered a site constraint. The city may also require additional design features in a case-by-case basis.
- (4) Permanent pools. Design standards are as follows:
- a. Permanent pool volume should be greater than or equal to the volume of runoff resulting from a 2.5-inch rainstorm under complete watershed development. This value has been derived from design criteria developed in Nation-wide Urban Runoff Program (NURP), with a 25-percent increase in volume to allow for roughly 25 years of sediment accumulation. This sizing rule provides a mean hydraulic residence time of about 15 days.
  - b. The mean depth of the permanent pool (volume/surface area) shall be greater than or equal to four feet, small ponds (less than three acre-feet in volume) may have mean depths of three to four feet.

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- c. The maximum depth of permanent pool shall be less than or equal to ten feet.
- d. All pond designs must be approved by the city. The city shall determine whether ponds shall be dedicated to the city or remain private property maintained by private individuals and/or entities. The city may approve deviations from the above standards due to site constraints on a case-by-case basis. Increasing development density is not considered a site constraint. The city may also require additional design features in a case-by-case basis.

(Ord. No. 2009-101, § 505.4.4, 7-16-2009)

#### **Sec. 105-126. Water supply.**

The developer shall connect to the public water supply and construct a system of water mains with a connection for each lot. Water distribution facilities including pipe fittings, hydrants, valves, etc. shall be installed to serve all properties within the subdivision. Water mains shall be a minimum of eight inches in diameter and, where larger mains are required to serve future growth, the city may elect to participate in the cost of such water mains. Looping of all water mains shall be required and shall conform to the city's water plan.

(Ord. No. 2009-101, § 505.4.5, 7-16-2009)

#### **Sec. 105-127. Sewers.**

The developer shall provide the subdivision with a complete sanitary sewer system to be connected to the municipal sanitary system. The developer shall provide the city council with calculations showing the adequacy of the sanitary sewer where connection to the existing system is to be made. Any additional capacity required in gravity sanitary sewer, sanitary sewer force main, and/or lift stations, shall be the responsibility of the developer. The city engineer shall review submitted calculations and report back to the city council prior to approval of the preliminary plat.

(Ord. No. 2009-101, § 505.4.6, 7-16-2009)

#### **Sec. 105-128. Utilities.**

- (a) Sewer and water mains shall be of adequate size to accommodate future growth and utilization. Stubs shall be provided to each lot from the utility main to the lot line for future connection. Wherever practical, similar utilities shall be placed in the same general location on streets of the same direction.
- (b) Every lot in a subdivision shall be capable of being served by utilities, and easements acceptable to the utility companies shall be provided. Electric, gas, and other utility distribution lines shall be installed within public rights-of-way or within properly designated easements. To the fullest extent possible, underground utility lines located in street rights-of-way shall not be installed beneath existing or proposed paved areas and shall not be installed prior to the placement of any paving.

(Ord. No. 2009-101, § 505.4.7, 7-16-2009)

#### **Sec. 105-129. Trees.**

Trees shall be planted along the streets (not within sidewalk or utility easements) at a maximum spacing of 50 feet. The location and types of trees must meet the approval of the council. All such trees

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shall have a trunk diameter measured at a point three feet above ground level, of 2½ inches. The following tree varieties shall not be planted or maintained in street rights-of-way:

Box elder
Aspen
Walnut
Poplars (any variety)>
Willows
Elm
Mountain ash
Nut or fruit-bearing trees
Cottonwood
Catalpa
Hawthorns

(Ord. No. 2009-101, § 505.4.8, 7-16-2009)

**Sec. 105-130. Street signs.**

Street name signs of a type adopted or approved by the council shall be installed at each street intersection by the developer on a location specified by the city engineer.

(Ord. No. 2009-101, § 505.4.8, 7-16-2009)

**Sec. 105-131. Streetlights.**

Streetlights shall be provided by the developer of a type/style approved by the city council. Maintenance agreement shall be arranged with the developer, provider, and city staff.

(Ord. No. 2009-101, § 505.4.10, 7-16-2009)

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**Sec. 105-132. Inspection.**

- (a) All required improvements shall be inspected by the city engineer during construction at the expense of the developer. The contract shall authorize the city engineer the authority to correlate the work to be done under such contract by any subcontractor authorized to proceed thereunder with other work being done or contracted by the city in the vicinity.
- (b) When the plans of streets and other improvements have been approved as provided in this chapter, the developer shall first notify the clerk of its intention to proceed with the construction or installation of said streets and improvements. Notification shall be made at least 48 hours before any such construction or installation shall commence so as to give the city an opportunity to inspect the site prior to commencement of work and to inspect installation or construction of such streets and improvements during the course of work being performed. In order to defray a part of the costs incurred by the city in inspecting the installation of the improvements required by the ordinance, the developer shall, before proceeding with any construction or installation, present a certified check or money order made payable to the city in an amount equal to 125 percent of the engineer's estimate of the cost of the improvements.

(Ord. No. 2009-101, § 505.4.11, 7-16-2009)

**Sec. 105-133. Maintenance.**

Prior to any street or other improvement being accepted by the city as hereinafter provided, the developer shall post a maintenance bond and/or other security naming the city as obligee in an amount deemed adequate by the council to ensure maintenance of said improvements for a period of at least 24 months from the date of acceptance by the city.

(Ord. No. 2009-101, § 505.4.12, 7-16-2009)

**Sec. 105-134. Acceptance.**

After streets and improvements have been installed and constructed, pursuant to the requirements contained in this chapter, and in the event that the developer desires to have the city accept said streets or improvements, the developer shall notify the council that the construction or installation has been completed, and shall supply the city with a minimum of four copies of the as-built plan on which the street or improvement in question has been constructed or installed. The four copies of the plan shall show thereon the signatures of all agencies and individuals who are required to review such plans. At the appropriate time, the developer shall submit a written request, and the improvements shall not be accepted until the council has taken action in the form of a resolution providing for final acceptance.

(Ord. No. 2009-101, § 505.4.13, 7-16-2009)

**Sec. 105-135. Payment; city/developer agreement, financial guarantee.**

- (a) *Payment.* The required improvements to be furnished and installed by the developer are to be furnished and installed at the sole expense of the developer and at no expense to the public. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the city council may make a provision for causing a portion of the cost of the improvement representing the benefit to such lands, to be assessed against the same, or the city council may choose to pay the increased cost and assess for improvements when future development takes place. In such case the developer will be required only to pay for such portions of



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the whole cost of said improvements as it will represent the benefit to the property within the subdivision, however when such improvements are made at the request of a developer and are not determined to be a benefit to the city due to the timing and/or location of the improvements, the city may opt not to allocate costs to other properties or the city and the development will be 100 percent responsible for such costs without reimbursement, regardless of potential future benefit to the city or other property owners.

- (b) *Alternative.* As an alternative to subsection (a) of this section, the developer of the property included in a preliminary plat may petition the city to install certain improvements as designed by the city engineer required within the plat. Such petition shall be in accordance with Minn. Stats. ch. 429. The city council reserves the right to reject any petition and refuse to order the project improvements through the city.
- (c) *City/developer agreement.* Prior to the installation of required improvements and prior to approval of the final plat, the developer shall enter into a contract with the city requiring that the developer furnish and construct said improvements at his expense and in accordance with plans and specifications to be designed or approved by the city engineer. The city/developer contract shall stipulate at a minimum 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, warranty bond and labor and material bond to be furnished. Publicly funded improvements, state aid routes, and Minn. Stats. ch. 429 assessed projects shall be designed and inspected by the city engineer.
- (d) *Financial guarantees.* With the execution of the city/developer agreement, providing that the developer will construct the required improvements for the plat at his expense, the owner or developer, as the case may require, shall furnish a corporate completion bond, with good and sufficient sureties thereon, or a cashier's check, escrow account or irrevocable letter of credit from a financial institution in favor of the city in an amount equal to 125 percent of construction, unless a lesser amount is required by the finance director, to include construction, engineering, legal, fiscal and administrative, as approved by the city, of providing and installing all required improvements. Such bond, escrow, or letter of credit shall be in the form approved by the city attorney, shall be conditioned upon the approval of the final plat and shall be further conditioned as to guarantee the actual completion and installation of such required improvements within a specified period of time from the date of final plat approval. In order to guarantee and secure the correction of any defect in material or workmanship furnished for such improvements, latent in character, and not discernible at the time of final inspection or acceptance by the city or any damage to such improvements by reason of a settling of the ground, base or foundation thereof, the city will require that for a period of two years after final acceptance of the required improvements by the city, the proponent shall maintain a bond, escrow account or irrevocable letter of credit from a financial institution, in the amount of 125 percent of the construction costs of the in-place improvements which will be owned and maintained by the city. The 125 percent requirement may be reduced by the finance director upon proof of financial records. If during that two-year period any such defects develop, the deposit in escrow, bond, or letter of credit may be applied by the city for any amounts incurred to correct such defects.

(Ord. No. 2009-101, § 505.4.14, 7-16-2009)

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FOOTNOTE(S):

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**State Law reference**— Authority to require improvements, Minn. Stats. § 462.358, subd. 2a. [\(Back\)](#)