

City of Pine Island
Planning and Zoning Commission
Agenda
Tuesday – December 13th 2011
7:00 PM
Second Floor – City Hall
250 South Main Street

- I. Roll Call
- II. Pledge of Allegiance.
- III. Minutes of November 8th, 2011
- IV. Chapter 12 – final Draft Review and City Attorney Comments
- V. Chapter 12 adoption schedule.
- VI. Adjourn.

BELOW ARE E MAIL EXCHANGES STARTING WITH LAST ONE WITH RESPONSE/COMMENTS FROM CITY ATTORNEY BOB VOSE

Abraham and John: I've reviewed a portion of the subdivision code amendments and have the following comments:

--- Sec. 12.02-- indicates that the subdivision code applies 2 miles into several neighboring towns. The applicable state statute provides that the city may **by resolution** extend its subdivision regulations to territory within two miles, but not into a town which has adopted subdivision regulations. Some of the neighboring towns may adopt subdivision regulations. At that point, the City's regulations would no longer apply and the Code would need to be amended. For this reason and b/c the statute specifically indicates that this is to be done by resolution, I recommend that this language be removed from the Code. I'd suggest that the City adopt a resolution providing for extension of its subdivision code in accordance with the statute. Obviously, the towns will need notice of the various changes to the City's subdivision Code. The resolution and the amended subdivision code could then be sent to the towns.

--- Sec. 12.03, subd. 2-- indicates future amendments must be preceded by a public hearing before the planning commission. By state statute, such a hearing is only required for zoning code amendments not subdivision code amendments.

--- Sec. 12.03, subd. 3-- add "or subdivision" in the 3rd line.

--- Sec. 12.03, subd. 7-- In the first line, add "... shall be platted **or approved by administrative subdivision**, and before any plat or subdivision...."

--- Sec. 12.03, subd. 8 (PUDs)--- This provision doesn't say whether a PUD can be used to modify or give flexibility to subdivision standards and platting requirements, or whether it's only a tool to create zoning flexibility. If PUDs are going to allow modifications to applicable subdivision requirements, this provision needs to say how. If, however, a PUD will need to be platted and comply with everything in the subdivision code and won't result in changes to the subdivision requirements, then I'd recommend deleting this altogether.

--- Definitions:

"Lot"--- I think we may need the deleted language to clarify what this means.

"Preliminary Plat"-- strike the word "tentative."

"Public Improvement"--- consider striking "tree, lawn...."

"Subdivision"--- change to: "The separation of a parcel, tract, or lot that is of record into two (2) or more parcels, tracts, or lots, except those separations....."

"Subdivision, Administrative"--- I would strike this. It's explained in Sec. 12.19.

More comments to follow-- although these are typically the most critical provisions for the lawyer to review.

Bob Vose

Kennedy & Graven

-----Original Message-----

From: Abraham Algadi [<mailto:pica@pitel.net>]

Sent: Tuesday, November 29, 2011 1:37 PM

To: Roy Larson (Roy Larson); GRANT FRIESE (gfriese@profeedsllc.com); Timothy Schutz (timothy.schutz@probuild.com); khames@pitel.net; Harlen Pahl (Harlen Pahl)

Cc: Carol Krueger; Rod Steele; Vose, Robert J.; John Anderson (John Anderson); Neil Britton; Craig Britton; Mark

Subject: FW: Final Subdivision Ordinance Draft

Planning & Zoning Commission Chair and Members:

Please see attached draft Chapter 12 updated to reflect latest comments from the November P&Z Workshop. Draft

Ch. 12 and Street light language will be on the agenda for final review prior to setting up a public open house in January. I am expecting City Attorney to provide input/comments on the draft language for us to review and incorporate in the final document. Please let me or John Anderson (copied here) know if you have any questions.

The December P&Z meeting is on the 13th and the agenda will be on line www.pineislandmn.com under the Planning & Zoning tab later the week of December 5th.

Thank you.

Abraham G. Algadi, City Administrator
250 South Main Street yP. O. Box 1000 Pine IslandyMN 55963
E-mail: pica@pitel.netyClick here to visit Pine Island on the web 507-356-4591yCell 259-9676xfax 356-8230

-----Original Message-----

From: janderson@municipaldevelopmentgroup.com [<mailto:janderson@municipaldevelopmentgroup.com>]
Sent: Wednesday, November 23, 2011 12:11 PM
To: Abraham Algadi; Britton, Neil; Vose, Bob; Carol Krueger
Subject: Final Subdivision Ordinance Draft

Here is the final draft of the subdivision ordinance in word format. There a few areas that are highlighted in yellow that need a date filled in and another area that is highlighted in yellow where Neil was going to provide the paragraph and one other spot that the planning commission requested to add more reasons to allow for permanent cul-de-sacs but at this point I will wait to have more planning commission discussion to know what direction to go with it. The page numbers in the table of contents will also need to be adjusted with the final version.

The black text is the existing language and the proposed deletions have a strike through while the proposed new text is in red.

I also included some streetlight language that would go in the streets and sidewalks chapter of the City code for review as well.

Respond with questions or comments. This is proposed to be reviewed by the planning commission at a public hearing on January 10, 2012 so we have a little time to get this finalized by then.

Thanks.

John Anderson, Associate
Municipal Development Group, Inc.
952-855-4596 direct
1-888-763-4462 ext. 3 toll free

**City of Pine Island
Planning and Zoning Commission
Minutes
Tuesday, November 8th 2011
7:00 PM – City Hall**

Roll Call: Meeting called to order by Chairman Hames at 7:00 PM

Present: Roy Larson, Ken Hames, T.J. Schutz, and Harlan Pahl

Absent: None.

Also present: Council Liaison – Rod Steele, John Anderson, and Abraham Algadi.

Minutes of October 11th, 2011 meeting: Motion by Schultz second by Pahl and second by Larson to approve the minutes. Motion carried 4-0-0.

John went over the park dedication code other cities are using. It was agreed upon that a 2% of total, for park land dedication and for industrial and commercial development is sufficient.

John went over Neil's comments:

- Breakdown storm sewer and water utilities.
- City engineering fees broken down and changed to city inspection fees.
- Add warranty on water retention ponds for 2 years from date of acceptance by city.
- Add warranty on other vegetation covers and improvements.

Also discussed requirements for plat filing format and need for as built plans to be filed with the city.

Send final draft to City Attorney for review and comments by Dec. 13th P&Z meeting and plan to advertise for public hearing in Jan 2012.

There being no further business to come before the Commission, meeting was adjourned at 8:55 PM.

Respectfully Submitted,

Carol Krueger, Internet, Web Site, and Office Specialist

~~SUB-ANALYSIS~~

Title

CHAPTER 12 SUBDIVISION REGULATIONS (PLATTING)

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~~CHAPTER 12 SUBDIVISION REGULATIONS (PLATTING)~~

SEC. 12.01 TITLE AND PURPOSE.

Subd. 1 Title.

This chapter shall be known as the *SUBDIVISION ORDINANCE OF THE CITY OF PINE ISLAND*, and will be referred to herein as "this chapter".

Subd. 2 Purpose.

In order to safeguard the best interests of the City and to assist the subdivider and/or owner in harmonizing his/her interests with those of the city at large, the following regulations are adopted so that the adherence to same will bring results beneficial to both parties. It is the purpose of this chapter to make certain regulations and requirements for the platting of land within the City pursuant to the authority contained in Minnesota Statutes Annotated, which regulations the City Council deems necessary to:

- A.** Encourage well planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.
- B.** Provide for the health and safety of residents by requiring the necessary services such as properly designed streets and adequate sewage and water service.
- C.** Place the cost of improvements against those benefiting from their construction.
- D.** Secure the rights of the public with respect to public land and waters.
- E.** Improve land records by establishing standards for surveys and plats.
- F.** Protect the environmentally sensitive areas in the City.
- G.** Preserve energy by allowing solar and earth-sheltered structures.

~~The process of dividing raw land into separate parcels for other uses including residential, industrial and commercial sites is one of the most important factors in the growth of any community. Once the land has been subdivided and the streets, homes and other structures have been constructed, the basic character of this permanent addition to the community has become firmly established. It is, therefore, to the interest of the general public, the developer, and the future land owners that subdivisions be conceived, designed, and developed in accordance with the highest possible standards of excellence. All subdivisions of land hereafter submitted for approval shall fully comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to: (1) encourage well planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction; (2) provide for the health and safety of residents by requiring the necessary services such as properly designed streets and adequate sewage and water service; (3) place the cost of improvements against those benefiting from their construction; (4) secure the rights of the public with respect to public land and waters; (5) improve land records by establishing standards for surveys and plats; (6) protect the environmentally sensitive areas in the City; and, (7) preserve energy by allowing solar and earth sheltered structures.~~

~~Source: Ordinance No. 259~~

~~Effective Date: 7-29-87~~

SEC. 12.02 SCOPE AND AUTHORITY.

The rules and regulations governing plats and subdivision of land contained herein shall apply within the City, and that part of the Township of Milton in the County of Dodge, the Townships of Pine Island and Roscoe in the County of Goodhue, **and the Townships of New Haven and Oronoco in the County of Olmsted** located within two miles of the City boundaries as authorized by Minnesota law. Except in the case of resubdivision, this chapter shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Goodhue and Dodge County Recorder prior to the effective date of this Chapter **(insert date of original approval)** **and Olmsted County prior to the effective date of this chapter**, nor is it intended by this chapter to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with, this chapter, or with restrictive covenants running with the land. Where this chapter imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this chapter shall control.

The City of Pine Island has adopted a comprehensive plan for the future physical development and improvement of the City pursuant to Minnesota Statutes 462.351-432.3535, and finds it necessary to regulate the division of land for future development and use. The City finds that the public health, safety and general welfare require that the division of land into two or more parcels requires regulation to assure adequate space, light and air; to provide proper ingress and egress to property; to facilitate adequate provision for water, waste disposal, storm water drainage, fire protection, open space, schools, public uses and adequate streets and highways; and to assure uniform monumenting, legal descriptions and conveyance of subdivided land. The Minnesota Statutes authorize municipalities to so regulate the subdivision and platting of land pursuant to MSA 412.221 Subdivision 32; and 462.358.

~~Source: 1996 Amendment
Effective Date: 1-25-96~~

SEC. 12.03 GENERAL SUBDIVISION PROVISIONS.

Subd. 1 Administration.

The Zoning Administrator, who is appointed by the City Council, shall administer this chapter.

Subd. 2 Amendments.

The provisions of this chapter shall be amended by the City Council following a legally advertised public hearing before the Planning Commission and in accordance with the law, including the rules and regulations of any applicable state or federal agency.

Subd. 3 Approvals Necessary for Acceptance and Recording of Subdivision and Plats.

Before any plat or subdivision of land shall be recorded or be of any validity, it shall be referred to the Planning Commission and approved by the City Council of Pine Island as having fulfilled the requirements of this chapter. No plat or subdivision shall be entitled to be recorded in the County Recorder's Office or have any validity until the plat thereof has been prepared, approved, and complies with the requirements of this chapter.

Subd. 4 Separability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason found to be invalid, such decision shall not affect the validity of the remaining portions of this chapter. This chapter is not intended to repeal, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or with restrictive covenants running with the land except those specifically repealed by or in conflict with this chapter. Where this chapter imposes a greater restriction upon land than is imposed or required by such existing provisions of the law, ordinances, code, statute, resolution or regulation, the regulations which are more restrictive or impose higher standards or requirements shall prevail.

Subd. 5 Interpretation.

The language set forth in the text of this chapter shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and the future tenses, and the future the present.
- C. The word "shall" is mandatory while the word "may" is permissive.
- D. The masculine gender includes the feminine and neuter.
- E. All measured distances shall be expressed in feet and shall be to the nearest tenth of a foot.
- F. For terminology not defined in this chapter, the City code, the Minnesota state building code or the Webster's dictionary shall be used to define such terms.

Subd. 6 Building Permits.

No building permits shall be considered for issuance by the City for the construction of any building, structure or improvement to the land or to any lot in a subdivision until the requirements of this chapter have been complied with.

Subd. 7 Platting.

Any subdivision creating parcels, tracts or lots after the adoption of these regulations shall be platted and before any plat or subdivision may be recorded in the county recorder's office or be of any validity, it must comply with the requirements of this Chapter.

Subd. 8 Planned Unit Developments (PUD's).

In recognition of changing trends, techniques and materials in the process of urban development, the City Council and Planning Commission shall provide flexible means to permit development flexibilities by a PUD, as established by the City zoning ordinance. The PUD shall be reviewed and adjudged in accordance with applicable provisions of the City zoning ordinance. Each application for a PUD shall be considered as an individual case and shall be reviewed in terms of its land use, circulation and traffic patterns, population and marketability, construction design, and timing. A PUD shall be granted only if:

A. Applicable provisions of the zoning ordinance related to PUDs are satisfied.

B. The PUD is designed to be in harmony with the natural features of the landscape. Steep slopes, wetlands, and natural features are to be preserved to the maximum extent possible.

C. Any PUD flexibility granted shall not violate the intent of the subdivision design standards.

~~Upon receiving a report from the Planning Commission, the City Council may grant a variance from the provisions of these regulations in the case of a planned unit development, as defined in the Zoning Chapter, provided that the City Council shall find that the proposed development is fully consistent with the purposes and intent of these regulations. This provision is intended to provide the necessary flexibility for new land planning and land development trends and techniques.~~

~~Source: Ordinance No. 259~~

~~Effective Date: 7-29-87~~

~~SEC. 12.03 RESTRICTIONS ON FILING AND RECORDING CONVEYANCES.~~ (Moved to Section 12.41)

~~Subd. 1~~

~~No conveyance of land in which the land conveyed is described by metes and bounds or by reference to an unapproved registered land survey or to an unapproved plat made after these regulations become effective, shall be made or recorded unless the parcel described in the conveyance: (1) was a separate parcel of record at the effective date of this Chapter; or, (2) was the subject of a written agreement to convey entered into prior to such time; or, (3) was a separate parcel of not less than two and one-half acres in area and 150 feet in width as of January 1, 1966; or, (4) was a separate parcel of not less than five acres in area and 300 feet in width on the effective date of this Chapter.~~

~~Subd. 2~~

~~In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the platting authority may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded. It is unlawful for any owner or agent of the owner of land to convey a lot or parcel in violation of the provisions of this Section. The City may enjoin such conveyance or may institute civil action in any court of competent jurisdiction.~~

~~Subd. 3~~

~~These subdivision regulations shall be applicable to any parcels which are taken from existing parcels of record by metes and bounds description and the City may deny the issuance of building permits to any parcels so divided, pending compliance with the subdivision regulations.~~

SEC. 12.04 - 12.09 RESERVED FOR FUTURE EXPANSION.

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

SEC. 12.10 DEFINITIONS.

The following terms, as used in this Chapter, shall have the meanings stated

"Alley" - A public or private right-of-way usually less than thirty (30) feet in width primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street. ~~which normally affords a secondary means of vehicular access to abutting property.~~

"Applicant" - The owner, their legal agent or person having legal control, ownership and/or interest in land for which the provisions of this title are being considered or reviewed.

"Block" - An area of land within a subdivision that is entirely bounded by streets, or by streets and the entire boundary or boundaries of the subdivision, or a combination of the above with a river or lake. ~~The enclosed area within the perimeter of roads, property lines or boundaries of the subdivision.~~

"Bluff" - A sloped topographic feature having all of the following characteristics:

- A. Part or all of the feature is located in a shoreland area;
- B. The slope rises at least twenty five feet (25') above the ordinary high water level of the waterbody or toe of the bluff. For purposes of this definition, "toe of the bluff" means the lower point of a horizontal ten foot (10') segment with an average slope exceeding eighteen percent (18%); and
- C. The grade of the slope from the ordinary high water level of the water body or the toe of the bluff averages thirty percent (30%) or greater. For purposes of this definition, "top of the bluff" means the higher point of the highest horizontal ten foot (10') segment with an average slope exceeding eighteen percent (18%).

"Bluff Impact Zone" - A bluff and land located within twenty feet (20') of a bluff.

"Boulevard" - The portion of the street right-of-way between the curb line and the property line.

"Buffer" - The use of land, topography, difference in elevation, space, fences or landscape plantings to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights or other impacts.

"Buffer Yard" - A strip of land utilized to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights or other impacts.

"Buildable Land" - All land except wetlands, public waters, major drainageways, and land dedicated for county roads.

"Building" - Any structure used or intended for supporting or sheltering any use or occupancy.

"Butt Lot" - A lot at the end of a block and located between two corner lots.

"Cluster Development" - A subdivision development planned and constructed so as to group housing units into patterns while providing a unified network of open space and wooded areas, and meeting the overall density regulations of this chapter and **Chapter 11 Land Use Regulation (Zoning)**. ~~the Zoning Chapter.~~

"Comprehensive Plan" - ~~The Pine Island Comprehensive Plan, is~~ a plan prepared by the City including a compilation of policy statements, goals, objectives, standards and maps indicating the general locations recommended for the various functional classes of land use, transportation, parks, trails, open space, water and sanitary sewer and for the general physical development of the community ~~and includes any plan or parts thereof.~~

"Contour Map" - A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

~~"Copy" - A print or reproduction made from a tracing.~~

~~"Corner Lot" - A lot bordered on at least two sides by streets.~~

~~"Sketch Plan or Concept Plan" - A generalized plan of a proposed subdivision indicating lot layouts, streets, park areas, and water and sewer systems presented to the City officials at the pre-application meeting.~~

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

"Development" - The act of building structures and installing site improvements.

"Diameter" - The measurement of a tree's trunk measured four and one-half feet (4.5') above the ground.

~~"Double Frontage Lots" - Lots which have a front line abutting on one street and a back or rear line abutting on another street.~~

"Drainage Course" - A water course or indenture for the drainage of surface water.

"Drip Line" - The farthest distance away from the trunk of a tree that rain or dew will fall directly to the ground from the leaves or branches of the tree or one foot (1') per one inch (1") of diameter, whichever is greater.

"Easement" - A grant by a property owner for the use of a strip of land and for the purpose of constructing and maintaining streets, trails, sidewalks, drives, utilities, including, but not limited to, wetlands, stormwater basins, sanitary sewers, water mains, electric lines, telephone lines, cable lines, storm sewer or storm drainageways and gas lines. ~~A grant by an owner of land for a specific use by persons other than the owner.~~

"Engineer" - The registered engineer employed by the City ~~or under contract with the City~~ unless otherwise stated.

"Final Plat" - A drawing or map of a subdivision, meeting all of the requirements of the city and in such form as required by either Goodhue or Olmsted County for the purpose of recording. ~~The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Council for approval and which, if approved, will be submitted to the County Recorder.~~

~~"Key Map" - A map drawn to comparatively small scale which definitely shows the area proposed to be platted and the areas surrounding it to a given distance.~~

"Individual Sewage Treatment System" - A sewage treatment system or part thereof, serving a dwelling, building, structure or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal. Individual sewage treatment system includes holding tanks.

"Lot" - A portion of a subdivision or other parcel of land occupied or to be occupied by a building and its accessory buildings or for transfer of ownership. ~~A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.~~

- A. **"Lot Area"** - The area of a horizontal plane within the lot lines.
- B. **"Lot, Base"** - A lot meeting all the specifications within its zoning district prior to being divided into unit lots.
- C. **"Lot, Corner"** - A lot situated at the junction of and abutting on two (2) or more intersecting streets. ~~A lot bordered on at least two sides by streets.~~
- D. **"Lot, Double Frontage"** - Lots which have a front line abutting on one street and a back or rear line abutting on another street.
- E. **"Lot Improvement"** - Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.
- F. **"Lot, Unit"** - Lots created from the subdivision of a base lot for the purpose of developing detached townhouse, two-family, attached townhouse or condominium residential, commercial or industrial developments or developments with more than one principal structure on a lot whereby the individual units have title to the portion of land that is generally underlying the structure.

"Metes and Bounds Description" - A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by describing lines or portions thereof.

"Minimum Subdivision Design Standards" - The guides, principles and specifications for the preparation of subdivision plats indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

"Owner" - An individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

"Outlot" - A parcel of land included in a plat, which is smaller than the minimum size permitted for lots and which is thereby declared unbuildable until combined through platting with additional land; or, a parcel of land which is included in a plat and which is at least double the minimum size and which is thereby subject to future platting prior to development; or, a parcel of land which is included in a plat and which is designated for public or private open space, right of way, utilities or other similar purposes.

"Parks and Playgrounds" - Public land and open spaces in the City dedicated or reserved for recreation purposes.

"Pedestrian Way" - A public right of way or public or private easement across a block or within a block intended to provide access for to be used by pedestrians.

"Percentage of Grade" - On street centerline, means the distance vertically from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.

"Planning Commission" - The Pine Island planning commission.

"Plat" - The drawing or map of a subdivision prepared for filing of record pursuant to MSA 505 and containing all elements and requirements set forth in applicable local regulations adopted pursuant to MSA 462.358 and MSA 505.

"Preliminary Plat" - A tentative drawing or map of a proposed subdivision meeting the requirements herein enumerated. The preliminary map drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and the Council for their consideration.

~~**"Preliminary Approval"** - Official action taken by a municipality on an application to create a subdivision which establishes the rights and obligations set forth in MSA 462.358 and the applicable subdivision regulation. In accordance with MSA 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.~~

"Protective Covenants" - Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area. ~~Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.~~

"Public Improvement" - Any drainage ditch, roadway, parkway, sidewalk, pedestrianway, tree, lawn, off street parking area, lot improvement or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

"Right-of-Way" - The publicly owned land along a street or highway corridor a portion of which is covered by the street or highway pavement.

"Setback" - The minimum horizontal distance between a structure and lot line, ordinary high water mark, or right of way easement. Distances are to be measured from the most outwardly extended portion of the structure at ground level.

"Significant Tree" - A healthy tree measuring six inches (6") in diameter or greater.

"Sketch Plan or Concept Plan" - A generalized plan of a proposed subdivision indicating lot layouts, streets, park areas, and water and sewer systems presented to the City officials at the pre-application meeting.

"Steep Slope" - Where specific information is not available, steep slopes are lands having average slopes over twelve percent (12%), as measured over horizontal distances of fifty feet (50') or more, which are not defined as bluffs.

"Street" - A public right of way affording primary access by pedestrians or vehicles or both, to abutting properties, whether designated as a street, highway, arterial, parkway, road, avenue or boulevard. ~~A public way for vehicular traffic whether designed as a street, highway, thoroughfare, arterial parkway, throughway road, avenue, lane, place or however otherwise designated.~~

- A. **"Arterial Street"** - Those streets carrying larger volumes of traffic and serving as links between various subareas of the community. Arterial streets are intended to provide for collection and distribution of traffic between highways and collector streets; hence regulation of direct access to property is critical. ~~A street or highway with access restrictions designed to carry large volumes of traffic between various sections of the City and beyond.~~
- B. **"Collector Street"** - Those streets that carry traffic from local streets to the major system of arterials and highways. Collector streets primarily provide principal access to residential neighborhoods, including, to a lesser degree direct land access. ~~A street which carries traffic from local streets to arterials.~~
- C. **"Cul-de-Sac"** - A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement. ~~A street turn around with only one outlet.~~
- D. **"Local Street"** - Those streets that are used primarily for access to abutting properties and for local traffic movement. ~~A street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.~~
- E. **"Marginal Access Streets"** - Those local streets which are parallel and adjacent to arterials; and which provide access to abutting properties and protection from through traffic. **"Service Street"** - ~~Marginal access street, or otherwise designated, is a minor street, which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.~~
- F. **"Private Street"** - A street serving as vehicular access to one (1) or more parcels of land which is not dedicated to the public but is owned by one or more private parties.
- G. **"Street Width"** - For the purpose of this chapter, the shortest distance between the lines delineating the right-of-way.

"Subdivider" - Any individual, firm, association, syndicate, partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter. ~~Any person commencing proceedings under this Chapter to effect a subdivision of land hereunder for himself or for another.~~

"Subdivision" - The separation of an area, parcel or tract of land under single ownership into two (2) or more parcels, tracts, lots or long term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads or alleys for residential, commercial, industrial or other use or any combination thereof, except those separations: ~~The described tract of land which is to be or has been divided into two or more lots or parcels any of which resultant parcels is less than two and one half (2-1/2) acres in area, for the purpose of transfer of ownership or a building development; or if a new street is involved, any division of a parcel of land. The term includes resubdivision and, where appropriate to the context, relates either to the process of subdividing or to the land subdivided.~~

- A. Where all the resulting parcels, tracts, lots or interests will be twenty (20) acres or larger in size and five hundred (500) feet in width for residential uses and five (5) acres or larger in size for commercial and industrial uses;
- B. Creating cemetery lots;
- C. Resulting from court orders or the adjustment of a lot line by the relocation of a common boundary.

"Subdivison, Administrative" - The subdivision of one lot into two (2) lots.

"Watercourse" - A channel or depression through which water flows year round or intermittently, such as rivers, streams, or creeks.

"Zoning Administrator" - The person designated by the City to be the Zoning Administrator for the City of Pine Island.

~~**"Tracing"** - A plat or map drawn on transparent paper or cloth which can be reproduced by using regular reproduction procedure.~~

Source: Ordinance No. 259
Effective Date: 7-29-87

SEC. 12.11 - 12.18 RESERVED FOR FUTURE EXPANSION.

~~(Sections 12.11 through 12.19, inclusive, reserved for future expansion.)~~

SEC. 12.19 PROCEDURES FOR ADMINISTRATIVE SUBDIVISIONS.

The following circumstances along with the listed requirements may be considered an administrative subdivision:

Subd. 1 Division of One Lot.

The subdivision of one (1) lot into two (2) lots or to divide a portion of a lot where the division is to permit the adding of a parcel of land to an abutting lot so that no additional lots are created and both new lots conform to minimum area requirements of the City zoning ordinance, may be approved administratively by the Zoning Administrator. To qualify, the parcel of land shall not have been part of an administrative subdivision within the last five (5) years and the following requirements must be met prior to approval of an administrative subdivision:

A. Submittal of the required application and fee.

B. Submittal of proof of ownership.

1. Current title commitment or current title opinion for abstract property and a certificate of title for registered property (torrens).

C. Submittal of a certificate of survey. A current certificate of survey, prepared and signed by a Minnesota licensed land surveyor, depicting the following:

1. Graphic scale of drawing (engineering scale only, not less than 1 inch equals 50 feet).

2. North arrow.

3. Date of survey.

4. Existing legal description of the parcel of land to be subdivided.

5. Existing parcel boundaries shown with survey measurement data matching the existing legal description of the parcel of land to be subdivided.

6. Area in square feet and acres of the outside boundary of the parcel of land to be subdivided.

7. Existing site improvements within the subject property and fifty feet (50') outside the boundaries of the parcel of land to be subdivided.

8. All encroachments along the outside boundary of the parcel of land to be subdivided.

9. Easements of record (referenced in the current title commitment, current title opinion or certificate of title).

10. Basins, lakes, rivers, streams, creeks, delineated wetlands, and other waterways bordering on or running through the parcel of land to be subdivided. The ordinary high water elevation and the 100-year flood elevation shall be shown where applicable, if available from the City or the DNR.

11. Location, right of way widths and names of public streets or other public ways, showing type, width and condition of improvements, if any, which pass through and/or are adjacent to the parcel of land being subdivided.

12. Location, right of way widths and names of railroads, if any, which pass through and/or are adjacent to the parcel of land being subdivided.

13. Identify registered lands (torrens) within the outside boundaries of the parcel of land being subdivided.

14. Identify all gaps and overlaps of the property being subdivided.

15. The outside boundary of the property being subdivided must be clearly marked with survey monumentation.

16. The boundary shown with survey measurement data and legal description of the lots as they are proposed to be subdivided.

17. The boundary and legal description of any proposed easements on the property. A drainage and utility easement at least ten feet (10') wide must be provided along all property lines. A drainage and utility easement may also be required over wetland, wetland buffers, stormwater basins, lakes, drainage channels and tributaries.

18. Dedication of easements for public streets consistent with the City's Comprehensive Plan may also be required.

D. Submittal of the zoning classification of the property.

Subd. 2 Subdivision of Two-Family or Townhouse Lots.

The subdivision of base lots which are part of a recorded plat upon which has been constructed a two-family or townhouse dwelling to permit individual private ownership of a single dwelling within such a structure is subject to the following requirements:

A. Prior to the subdivision, the base lot must meet all the requirements of the zoning district.

B. The unit lot must meet all the requirements of the zoning district.

C. There shall be no more than one principal structure on a base lot in all residential districts. The principal structure on unit lots created in a two-family, or townhouse subdivision will be the portion of the attached dwelling existing or constructed on the platted unit lots.

D. No parcel of land or portion thereof shall be subdivided if such action results in buildings and/or uses becoming nonconforming.

E. A property maintenance and party wall agreement must be provided by the applicant and submitted to the City Attorney for his review and comment. The agreement shall ensure the maintenance and upkeep of the structure and the lots to meet minimum City standards. The agreement is to be filed with the County recorder's office as a deed restriction against the title of each unit lot.

F. 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.

G. The subdivision is to be platted and recorded in conformance with the requirements of this chapter.

H. Verification of fire walls in compliance with the uniform building code shall be provided by a certified independent inspector at the expense of the applicant.

Subd. 3 Combination of Two or More Existing Lots or Parcels of Record.

The combination of two (2) or more existing platted lots shall be subject to the following requirements:

A. The owner of two (2) or more contiguous existing platted lots of record may consolidate said parcels into one (1) parcel of record. The proposed parcels shall not cause any portion of the existing lots, parcels, or existing building to be in violation of the Pine Island Zoning Ordinance.

SEC. 12.20 PROCEDURES FOR PRELIMINARY AND FINAL PLATS
SEC. 12.20 ADMINISTRATION.

Subd. 1 Plat ~~Presentation~~ Procedures.

The following procedures shall be followed in the administration of this Chapter and no real property within the jurisdiction of this Chapter shall be subdivided and offered for sale or a plat recorded until a preliminary plat and a final plat of the proposed subdivision have been reviewed by the Planning Commission and the City staff, and until the final plat has been approved by the City Council as set forth in the procedures provided herein. **Planned Unit Development's** (PUD's) shall be presented in the same manner as ~~other~~ plats for the review of the Planning Commission and the approval of the City Council.

Subd. 2 Pre-Application Meeting.

Prior to the preparation of a preliminary plat, the subdivider **and/or** owner shall meet with the Zoning Administrator, City Engineer, and other appropriate officials in order to be made fully aware of all applicable City Code provisions, regulations, and plans in the area to be subdivided. At this time or at subsequent informal meetings, the subdivider **and/or** owner shall submit a general sketch plan of the proposed subdivision and preliminary proposals for the provision of water supply and waste disposal **to the Zoning Administrator prior to filing a preliminary plat.** The sketch plan can be presented in simple form but must show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and developments, and to the natural resources and topography of the site. The subdivider **and/or** owner is urged to avail themselves of the advice and assistance of **City** ~~the local planning staff at this point~~ in order to save time and effort, and to facilitate the approval of the preliminary plat.

Subd. 3 Sketch Plan.

Approval of the sketch plan shall not be considered binding in regard to subsequent plat review. The Zoning Administrator, notably in the case of multiphased projects, shall have the authority to refer the sketch plan to the Planning Commission and/or City Council for review and comment. The sketch plan submission shall include, but not be limited to, the following:

- A.** Formal request for subdivision.
- B.** Ten (10) copies of the plat sketch plan at a scale not less than one inch equals one hundred feet (1" = 100').
- C.** An eight and one-half inch by eleven inch (8¹/₂" x 11") reduction of the sketch plan.
- D.** Escrow deposit to pay review costs of City staff and consultants.
- E.** In cases of multiphased subdivisions, applicable preliminary plat submission information as regulated by section 12.21, subd. 1 of this chapter.

Subd. 4 Preliminary Plat.

A. Filing: Ten (10) copies of the preliminary plat, including all information required under section 12.21 subd. 1 of this chapter and a list of property owners located within three hundred and fifty feet (350') of the subject property obtained from and certified by an abstract company, shall be submitted to the Zoning Administrator at least thirty (30) days prior to the Planning Commission meeting at which such plat is to be considered. The required filing fee(s) as established by City Council resolution shall be

paid and any necessary applications for variances from the provisions of this chapter shall be submitted with the required fee. The plat shall be officially submitted when all the information requirements are complied with.

B. Review by Other Commissions or Jurisdictions: The Zoning Administrator shall refer copies of the preliminary plat to the Planning Commission, City staff and consultants, any other appropriate City officials, County Engineer if the plat abuts a county road, Mn/DOT if the plat abuts a state highway and other public jurisdictions for their review and comment, where appropriate and when required.

C. Planning Commission Action:

1. The Zoning Administrator upon receipt of the application shall set a public hearing for public review of the preliminary plat. The hearing shall be held after adequate time has been allowed for staff and advisory body review of the plat. Notice of the hearing shall consist of a legal property description and description of request and shall be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of the hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred and fifty feet (350') of the boundary of the property in question. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this chapter.

2. The Zoning Administrator shall instruct the appropriate staff to prepare technical reports where appropriate and provide general assistance in preparing a recommendation on the action.

3. Unless excused by the Planning Commission, the applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed request.

4. The Planning Commission shall conduct the hearing and recommend such actions or conditions relating to the request, as they deem necessary to carry out the intent and purpose of this chapter. Such recommendation shall be accompanied by the report and recommendation of the City staff.

D. City Council Action:

1. The City Council shall act upon the preliminary plat within one hundred twenty (120) days from the date of submission of a complete application, unless an extension of the review period has been provided by the applicant.

2. Upon receiving the report and recommendation of the Planning Commission and City staff, the City Administrator shall place the report and recommendation on the agenda of the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

3. Upon receiving the report and recommendation of the Planning Commission and City staff, the City Council shall have the option to set and hold a public hearing if deemed necessary, and may impose any condition it considers necessary to carry out the purpose and intent of this chapter.

4. If, upon receiving said report and recommendations of the Planning Commission and the City staff, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council may differ from that of the Planning commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further

consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.

5. If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the City Council. If the preliminary plat is approved, such approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this chapter to be indicated on the final plat. The City Council may require such revisions in the preliminary plat and final plat, as it deems necessary to carry out the purpose and intent of this chapter.

6. If the preliminary plat is approved by the City Council, the subdivider and/or owner must submit the final plat within one (1) year after the approval or approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council.

~~— A. After the pre application meeting, the subdivider shall submit six copies of the Preliminary Plat to the Zoning Administrator at least 14 days prior to the Planning Commission meeting at which such Plat is to be considered. The subdivider shall include a written statement along with the Preliminary Plat describing the proposed subdivision. The written statement shall include the anticipated development of existing natural features and vegetation, and any other information required by the subdivision regulations.~~

~~— B. The Zoning Administrator shall submit one copy of the Preliminary Plat to the Planning Commission, the City Engineer, and any other appropriate City officials. One copy shall also be submitted to the County Engineer if the Plat abuts a County road and one copy to the State Department of Transportation if the Plat abuts a State highway for review and comment.~~

~~— C. The City Engineer, the Zoning Administrator and other appropriate City officials shall review the Preliminary Plat and shall transmit a report of their findings and recommendations together with any supporting material to the Planning Commission prior to the meeting at which such Plat is to be considered. The subdivider shall be required to pay the cost of such services and shall be required to establish an escrow account to fully reimburse the City's costs for professional services provided in the review, approval and inspection of the proposed subdivision. The rate charged against the escrow will equal the rate incurred by the City for such professional services. (Amended, Ord. No. 84, 2-20-07)~~

~~— D. Within 30 days after the Plat has been filed and after reports and certifications have been received as requested, the Planning Commission shall hold a public hearing on the Preliminary Plat after notice of the time and place thereof has been published once in the official newspaper at least ten days before the day of the hearing. This shall constitute the public hearing on the Plat as required by State law. Within 30 days of the conclusion of the public hearing, the Planning Commission shall make its report to the Council. (30 days conflicts with the 14 days in A)~~

~~— E. The Planning Commission may forward to the Council a favorable, conditional, or unfavorable report and said reports shall contain a statement of findings and recommendations.~~

~~— F. The Council shall act to approve or disapprove. The preliminary application must be approved or disapproved by the Council within 30 days following the delivery of the Commission's report unless an extension of the review period has been agreed to by the applicant. If the City fails to preliminary approve or disapprove an application within the review period, the application shall be deemed approved, and upon demand the City shall execute a certificate to that effect. If the Council disapproves the Preliminary Plat, the grounds for any such disapproval shall be set forth in the minutes of the Council meeting and reported to the owners and subdividers.~~

~~G. The approval of a Preliminary Plat is an acceptance of the general layout as submitted, and indicates to the subdivider that subdivider may proceed toward preparation of a Final Plat in accordance with the terms of approval and provisions of the subdivision regulations.~~

~~H. During the intervening time between approval of the Preliminary Plat and the signing of the Final Plat, the subdivider must submit acceptable engineering plans for all required improvements to and coordinate all work with the City Engineer.~~

~~I. In the case of all subdivisions, the Planning Commission shall recommend denial of, and the Council may deny, approval of a Preliminary or Final Plat if it makes any of the following findings:~~

~~1. That the proposed subdivision, including the design, is in conflict with any adopted component of the Comprehensive Plan.~~

~~2. That the physical characteristics of this site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development or use contemplated.~~

~~3. That the site is not physically suitable for the proposed density or development.~~

~~4. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage.~~

~~5. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.~~

~~6. That the design of the subdivision or the type of improvements will conflict with easements of record.~~

~~7. That the proposed subdivision is not served by adequate infrastructure including highways, streets, roads, sanitary and storm sewer, water, gas, electric, drainage lighting, civil defense sirens, or other utility facilities or public improvements. (Added, Ord. No. 84, 2-20-07) *(This is under premature subdivisions)*~~

Subd. 5 Final Plat

Pursuant to Minnesota statutes 462.358 subdivision 3b, an application for a final plat shall be approved or denied within sixty (60) days from the date of its official and complete submission unless a time waiver is granted by the applicant. Additional City requirements are as follows:

A. Review: After the preliminary plat has been approved, the final plat shall be submitted for review as set forth in the subsections which follow. The City may agree to review the preliminary and final plats simultaneously. Request for final plat approval, as provided within this chapter, shall be filed with the Zoning Administrator on an official application form. Unless modified by the Zoning Administrator, such application shall be accompanied by a fee as provided for by City Council resolution. Such application shall also be accompanied by detailed written and graphic materials fully explaining the proposed final plat. The request shall be considered as being officially submitted when all the information requirements are satisfied. In cases where an application is judged to be incomplete, the Zoning Administrator shall notify the applicant, in writing, within ten (10) days of the date of submission.

B. Approval of the Planning Commission: Ten (10) copies of the final plat including all information required in section 12.21, subd. 2 of this chapter shall be submitted to the Zoning Administrator for distribution to the Planning Commission, City Council and appropriate City staff. The City staff shall examine the final plat and prepare a recommendation to the Planning Commission. Nature of approval, disapproval or any delay in decision of the final plat will be conveyed to the subdivider and/or owner within ten (10) days after the meeting of the Planning commission at which such plat was considered.

C. Approval of the City Council: After review of the final plat by the Planning Commission, such final plat, together with the recommendations of the Planning Commission and the City staff shall be submitted to the City Council for approval. If accepted, the final plat shall be approved by resolution, providing for the acceptance of all agreements for basic improvements, public dedication and other requirements as indicated by the City Council. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the City Council and reported to the person or persons applying for such approval.

D. Special Assessments: When any existing special assessments which have been levied against the property described shall be divided and allocated to the respective lots in the proposed plat, the City Administrator shall estimate the clerical cost of preparing a revised assessment roll, filing the same with the county auditor, and making such division and allocation, and upon approval by the City Council of such cost, the same shall be paid to the City Clerk before the final plat approval.

E. Recording Final Plat: If the final plat is approved by the City Council, the subdivider and/or owner shall record it with the county recorder within one hundred (100) days after said approval or approval of the final plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council. The subdivider and/or owner shall, immediately upon recording, furnish the City Administrator with a print and reproducible tracing of the final plat showing evidence of the recording. No building permits shall be let for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by the county.

F. Recording Final Plats of Multiphased Plats: If a preliminary plat is final platted in stages, unless otherwise provided in the development contract, all stages must be final platted into lots and blocks, not outlots, within three (3) years after the preliminary plat has been approved by the City Council or the preliminary plat of all phases not so final platted within the three (3) year period shall be void.

~~— **A.** The subdivider shall engage a registered land surveyor to prepare a Final Plat which shall meet all the requirements of MSA 505.~~

~~— **B.** The subdivider may file a Final Plat limited to such portion of the Preliminary Plat which the subdivider proposes to develop and record at one time. The entire area of the Preliminary Plat shall be platted in final form within a period of five years, or that portion not platted will become null and void.~~

~~— **C.** The subdivider shall submit six copies of the Final Plat to the Zoning Administrator at least 14 days before the Planning Commission meeting at which such Plat is to be considered. Such Final Plat shall be submitted within one year of Preliminary Plat approval; otherwise, such approval shall become null and void. In the event the Preliminary Plat is not entirely platted in final form within five years of approval, such Preliminary Plat shall be considered null and void.~~

~~— **D.** The Final Plat shall have incorporated all changes required by the City, County Engineer regarding County roads, and State Department of Transportation regarding State highways, but in all other respects it shall conform to the Preliminary Plat as approved.~~

~~— E. The Zoning Administrator shall transmit one copy of the Final Plat to the Planning Commission, City Engineer, City Attorney, and other appropriate City officials.~~

~~— F. The City staff shall review the Final Plat and shall transmit reports of their recommendations to the Planning Commission prior to the meeting at which such Plat is to be considered.~~

~~— G. The Planning Commission shall study the Final Plat, considering the reports of the City Engineer, City Attorney, and other City departments, and then shall transmit its recommendations to the Council within 30 days of submittal to the Zoning Administrator.~~

~~— H. The Council shall act upon the Final Plat within 30 days of receiving the recommendations of the Planning Commission, whereupon the City Clerk shall notify the subdivider of the Council's action. Upon request by the applicant for final approval by the City, the City shall certify final approval within 30 days if the applicant has complied with all conditions and requirements of the regulations and all conditions and requirements upon which the preliminary approval was conditioned, either through performance or agreements assuring performance. If the City fails to certify final approval within the time frame, and if the applicant has complied with all conditions or requirements, the Final Plat shall be deemed approved and upon demand, the City shall execute a certificate to that effect.~~

~~— I. Upon approval of the Final Plat by the Council, the subdivider shall record such Final Plat with the Goodhue County Recorder, as provided for by that office, within 60 days after approval. Otherwise the approval of the Final Plat shall be considered void. The subdivider shall, within 30 days of recording, furnish the City Clerk with a reproducible print of the Final Plat showing evidence of the recording.~~

Subd. 6 Effect of Subdivision Approval.

For one year following preliminary plat approval or three (3) years following preliminary plat approval of a multiphased plat or and for three years following final plat approval, unless the subdivider and/or owner and the City agree otherwise, no amendment to a Comprehensive Plan or official control shall apply to or affect the use, development, density, lot size, lot layout, or dedication or platting required or permitted by the approved application. Thereafter, pursuant to its regulations, the City may extend the period by agreement with the subdivider and/or owner and subject to all applicable performance conditions and requirements, or it may require submission of a new application unless substantial physical activity and investment has occurred in reasonable reliance on the approved application and the subdivider and/or owner will suffer substantial financial damage as a consequence of a requirement to submit a new application. In connection with a subdivision involving a multiphased plat planned and staged development, the City may by resolution or agreement grant the rights referred to herein for such periods of time longer than three years which it determines to be reasonable and appropriate.

Subd. 7 Premature Subdivisions.

Any preliminary plat/final plat and/or development deemed premature pursuant to the criteria listed below shall be denied by the City Council.

A. Condition Establishing Premature Subdivisions. A subdivision may be deemed premature should any of the provisions that follow exist:

1. Lack of Adequate Drainage: A condition of inadequate drainage shall be deemed to exist if:

a. Surface or subsurface water retention and runoff are such that it constitutes a danger to the structural security of the proposed structures.

b. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.

c. The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downhill or downstream land.

d. Factors to be considered in making these determinations may include: average rainfall for the area; the relation of the land to floodplains; the nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluents; and 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 does not have adequate sources of water to serve the proposed subdivision if developed to its maximum permissible density without causing an unreasonable depreciation of existing water supplies for surrounding areas.

3. Lack of Adequate Roads or Highways to Serve the Subdivision: A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:

a. Roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition, and when, with due regard to the advice of the County and/or Mn/DOT, said roads are inadequate for the intended use.

b. The traffic volume generated by the proposed subdivision would create unreasonable highway congestion or unsafe conditions on highways existing at the time of the application or proposed for completion within the next two (2) years.

4. Lack of Adequate Waste Disposal Systems: A proposed subdivision shall be deemed to lack adequate waste disposal systems if in subdivisions for which sewer lines are proposed, 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; or if in subdivisions where sewer lines are neither available nor proposed, there is inadequate on site sewer capacity potential to support the subdivision if developed to the maximum permissible density indicated in the Pine Island comprehensive plan, as may be amended.

5. Inconsistency with Comprehensive Plan: A proposed subdivision shall be deemed inconsistent with the City's Comprehensive Plan when the subdivision is inconsistent with the purposes, objectives and recommendations of the adopted Pine Island Comprehensive Plan, as may be amended.

6. City Service Capacity: A proposed subdivision shall be determined to lack necessary City service capacity when services such as recreational facilities, police and fire protection, and other City services, which must be provided at public expense, cannot reasonably be provided for within the next two (2) years.

7. Easements: That the design of the subdivision or the type of improvements will conflict with easements or record.

B. Burden of Establishing. The burden shall be upon the applicant to show that the proposed subdivision or development is not premature.

Subd. 9 Disclosure by Seller; Purchaser's Action for Damages.

~~A person conveying a new parcel of land which, or the plat for which, has not previously been filed or recorded, and which is part of or would constitute a subdivision to which adopted subdivision regulations apply, shall attach to the instrument of conveyance either: (1) recordable certification by the City Clerk that the subdivision regulations do not apply, or that the subdivision has been approved by the Council or that the restrictions on the division of taxes and filing and recording have been waived by resolution of the Council in this case because compliance will create an unnecessary hardship and failure to comply will not interfere with the purpose of the regulations; or, (2) a statement which names and identifies the location of the appropriate City offices and advises the grantee that subdivision and zoning regulations may restrict the use or restrict or prohibit the development of the parcel, or construction of it, and that the division of taxes and the filing or recording of the conveyance may be prohibited without prior recordable certification of approval, non applicability, or waiver from the City. In any action commenced by a buyer of such a parcel against the seller thereof, the misrepresentation of or the failure to disclose material facts in accordance with this Subdivision shall be grounds for damages. If the buyer establishes his right to damages, a District Court hearing the matter may in its discretion also award to the buyer an amount sufficient to pay all or any part of the costs incurred in maintaining the action, including reasonable attorney fees, and an amount for punitive damages not exceeding 5% of the purchase price of the land.~~
(Moved to the Administration and Enforcement section)

Subd. 10 Dedication.

~~The City may require that a reasonable portion of the buildable land of any proposed subdivision, defined as all land except that within street rights of way, wetlands, 100 year flood plains, water bodies, or sustained slopes in excess of 20%, be dedicated to the public or preserved for public use as streets, roads, sewers, electric, gas, and water facilities, storm water drainage and holding areas or ponds and similar utilities and improvements, parks, recreational facilities, playgrounds, trails, wetlands, or open space. The City may accept a cash fee set by ordinance, based on fair market value of the land, in lieu of a requirement that land be dedicated for park purposes. Cash payments will be placed in a special fund to be used only for the purposes the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space based on approved park systems plan, and not for ongoing operation or maintenance. (Added, Ord. No. 84, 2 20 07)~~ *(Moved to the design standards section)*

SEC. 12.21 DATA FOR PRELIMINARY AND FINAL PLATS.

Subd. 1 Data for Preliminary Plat.

The subdivider and/or owner shall prepare and submit a preliminary plat, together with any necessary supplementary information, preliminary utility plan and preliminary grading plan. The plans shall contain the information set forth in the subsections that follow (Upon specific request, the City may exempt an applicant from the submission of data which is not considered relevant to the application.):

A. Proof of Ownership:

1. Current title commitment or current title opinion for abstract property and a certificate of title for registered property (torrens).

2. Written authorization from current owner, if current owner is not making application for platting.

B. Certificate of Survey: A current certificate of survey, prepared and signed by a Minnesota licensed land surveyor, depicting the following:

1. Graphic scale of drawing (engineering scale only, not less than 1 inch equals 100 feet).

2. North arrow.

3. Date of survey.

4. Existing legal description of the parcel of land to be platted.

5. Existing parcel boundaries shown with survey measurement data matching the existing legal description of the parcel of land to be platted.

6. Area in square feet and acres of the outside boundary of the parcel of land to be platted.

7. Existing site improvements inside the outside boundaries and fifty feet (50') outside the outside boundaries of the parcel of land to be platted.

8. All encroachments along the outside boundary of the parcel of land to be platted.

9. Easements of record (referenced in the current title commitment, current title opinion or certificate of title).

10. Basins, lakes, rivers, streams, creeks, wetlands, and other waterways bordering on or running through the parcel of land and delineation of any or portions of any wetlands within the subject property to be platted. The ordinary high water elevation and the 100-year flood elevation shall be shown where applicable.

11. Location, right of way widths and names of public streets or other public ways, showing type, width and condition of improvements, if any, which pass through and/or are adjacent to the parcel of land being platted.

12. Location, right of way widths and names of railroads, if any, which pass through and/or are adjacent to the parcel of land being platted.

13. Identify registered lands (torrens) within the outside boundaries of the parcel of land being platted.

14. Identify all gaps and overlaps of the property being platted.

15. The outside boundary of the property being platted must be clearly marked with survey monumentation.

A. Identification and Description:

~~1. Proposed name of subdivision and street names, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in Goodhue County.~~

~~2. Location by section, township, range, and by legal description.~~

~~3. Names and addresses of the record owner and any agent having control of the land, subdivider, land surveyor, engineer, and designer of the plan.~~

~~4. Graphic scale not less than one inch to 100 feet.~~

~~5. North point.~~

~~6. Key map including area within one mile radius of plat.~~

~~7. Date of preparation.~~

~~8. A current Abstract of Title or a Registered Property Certificate along with any unrecorded documents and an Opinion of Title by the subdivider's attorney.~~

B. Existing Conditions in Proposed Tract:

~~1. Boundary line of proposed subdivision, clearly indicated and to a close degree of accuracy.~~

~~2. Existing zoning classifications for land within and abutting the subdivision including floodplain, and shoreland districts, if applicable.~~

~~3. A general statement of the approximate acreage and dimensions of the lots.~~

~~4. Location, right of way width, and names of existing or platted streets, or other public ways, parks, and other public lands, permanent buildings and structures, easements and section and corporate lines within the Plan.~~

~~5. Boundary lines of adjoining unsubdivided or subdivided land, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.~~

~~6. Topographic data, including contours at vertical intervals of two feet, watercourses, marshes, rock outcrops, power transmission poles and lines, and other significant features may also be required to be shown.~~

~~7. An analysis of the soils by representatives of the Goodhue County Soil and Water Conservation District. The City may require soil borings if deemed necessary by the Planning Commission or the Council.~~

~~8. If applicable, limits of the floodplain, floodway and flood fringe areas.~~

~~9. Existing zoning and land use in the area within 300 feet of the boundaries of the tract.~~

~~10. Plans for water supply, sewage disposal, and drainage. Location and size of existing sewers, water mains, culverts or other underground facilities within the Preliminary Plan area. Such data as existing grades, invert elevations, and location of catch basins, manholes, hydrants and street pavement width and type, shall also be shown.~~

C. Preliminary Plat:

1. General Requirements:

a. The current certificate of survey must be used as a base for the preparation of the preliminary plat.

b. Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing platted subdivisions within Goodhue or Olmsted County and must be verified with the Goodhue or Olmsted County recorder.

c. Graphic scale of drawing (engineering scale only, not less than 1 inch equals 100 feet).

d. Date of preparation.

e. North arrow.

f. Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property.

g. Name and address of the property owner(s).

h. Name and address of the subdivider.

i. Name and address of the designer (and their Minnesota license number), if any, of the proposed plat.

j. Existing zoning classifications for lands within and abutting the proposed plat, including floodplain and shoreland boundaries.

k. Boundary lines of adjoining unsubdivided or subdivided land, within three hundred fifty feet (350'), including all contiguous land owned or controlled by the subdivider and/or owner.

l. In plats where public water and sewer are not available, the subdivider and/or owner shall file a report prepared by a certified soils evaluator or registered civil engineer on the feasibility of individual on site sewer and water systems on each lot, and shall include soils boring analysis and percolation tests to verify conclusions.

2. Proposed Design Features:

a. Layout of proposed streets showing the right of way widths, centerline gradients, typical street sections, and proposed names of streets in conformance with the county uniform street naming and addressing system. The name of any street heretofore used in the City or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.

b. Locations and widths of proposed alleys and pedestrianways.

c. Location, dimensions and purpose of all easements.

d. Layout, numbers, lot areas and preliminary dimensions of lots and blocks.

e. Minimum front and side street building setback lines.

f. When lots are located on a curve, the width of the lot at the building setback line.

g. Areas, other than streets, alleys, pedestrianways, and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

3. Supplementary Information:

a. 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 City Council.

b. Proposed protective covenants.

c. An accurate soil survey of the subdivision prepared by a registered soils engineer.

d. A survey prepared by a licensed or registered forester or landscape architect identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density and spacing.

e. 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.

f. 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 right in the applicant.

g. The subdivider and/or owner shall be required to submit a sketch plan of adjacent properties so as to show the possible relationships between the proposed subdivision and future subdivisions. All subdivisions shall be required to relate well with existing or potential adjacent subdivisions.

h. Where structures are to be placed on large or excessively deep lots that are subject to potential replat, the preliminary plat shall indicate a logical way in which the lots could possibly be resubdivided in the future.

i. When the City has agreed to install improvements in a development, the subdivider and/or owner will be required to furnish a financial security satisfactory to the City.

j. A comprehensive screening plan which identifies all proposed buffering and screening in both plan and sectional view.

k. Where irregular shaped lots have been proposed, house plans shall be submitted which demonstrate such lots to be buildable and the resulting structure compatible in size and character to the surrounding area.

l. Such other information as may be required.

m. The preliminary plat shall include a table with the following information:

- (1)** Gross acres.
- (2)** Net developable acres.
- (3)** Comprehensive plan land use designation.
- (4)** Existing and/or proposed zoning.
- (5)** Gross unit density.
- (6)** Net unit density.
- (7)** Acres of right of way.
- (8)** Acres of wetland.
- (9)** Acreage of each outlot.

n. Site dimension plan.

~~C. Subdivision Design Features:~~

~~1. Layout and width of proposed streets and utility easements, pedestrian ways showing street names, lot dimensions, parks and other public areas. The street layout shall include all contiguous land owned or controlled by the subdivider.~~

~~2. Proposed use of all parcels, and if zoning change is contemplated, proposed zoning amendment.~~

~~3. Preliminary street grades and drainage plan.~~

~~4. Layout, numbers and preliminary dimensions of lots and blocks.~~

~~5. When lots are located on a curve, the width of the lot at the building setback line.~~

~~D. Other Information:~~

~~1. Where a subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision.~~

~~2. Potential resubdivision and use of excessively deep or wide (over 200 feet) lots shall be indicated in a satisfactory manner.~~

~~3. A plan for soil erosion and sediment control both during construction and after development has been completed.~~

~~4. Such other information as may be requested by the City staff, Planning Commission, or the Council.~~

D. Preliminary Grading Plan: The subdivider and/or owner shall submit a preliminary grading, drainage and erosion control plan utilizing a copy of the current certificate of survey as a base for the site in question, prepared and signed by a Minnesota licensed engineer, depicting the following information:

1. North arrow and date of preparation.

2. Graphic scale (engineering scale only, not less than 1 inch equals 50 feet).

3. Lot and block numbers, house pad location, home style and proposed building pad elevations at garage slab and lowest floor for each lot.

4. Drainage plan, with a narrative, including the configuration of drainage areas and calculations. The locations of proposed infiltration basins must include soil borings and infiltration tests.

5. Location of all natural features on the tract. Natural features are considered to include, but are not limited to, the following: tree lines, wetlands, ponds, lakes, streams, drainage channels, bluffs, steep slopes, etc.

6. Location of all existing storm sewer facilities, including pipes, manholes, catch basins, stormwater basins, swales, and drainage channels within one hundred fifty feet (150') of the tract. Existing pipe grades, rim and invert elevations, and normal and high water elevations must be included.

7. If plat is located within or adjacent to a 100-year floodplain, flood elevations and locations must be clearly shown on the plan.

8. Spot elevations at drainage breakpoints and directional arrows indicating site, swale and lot drainage.

9. Locations, grades, rim and invert elevations of all storm sewer facilities, including stormwater basins, proposed to serve the tract.

10. Locations and elevations of all street high and low points.

11. Street grades shown, with a maximum permissible grade of ten percent (10%) and a minimum of five-tenths percent (0.5%).

12. Phasing of grading.

13. The location of all oversize nontypical easements.

14. A stormwater pollution prevention plan (SWPPP) including all soil erosion and sediment control measures to be incorporated during and after construction must be shown. Locations and standard detail plates for each measure must be included on the plan.

15. All revegetation measures proposed for the tract, including seed and mulch types and application rates must be included on the plan.

16. Existing contours at two foot (2') intervals shown as dashed lines (may be prepared by a Minnesota licensed surveyor). Existing contours shall extend one hundred fifty feet (150') outside of the tract.

17. Proposed grade elevations at two foot (2') intervals shown as solid lines.

18. Appropriate wetland permits in conformance with the wetland conservation act and buffer requirements.

19. All modular block retaining walls to be constructed as part of the subdivision grading plan must meet MN/DOT requirements. A registered engineer must design any retaining wall that has a combined height greater than four feet (4'). The building official must approve the retaining wall plans and each retaining wall is subject to issuance of a separate building permit.

E. Preliminary Utility Plan: Preliminary utility plan, prepared and signed by a Minnesota licensed engineer, depicting the following information:

1. Easements: Location, dimension and purpose of all easements.

2. Underground Facilities: Location and size of existing sewers, water mains, culverts, or other underground facilities within the tract and to a distance of one hundred fifty feet (150') beyond the tract. Such data as grades, invert elevations, and location of catch basins, manholes and hydrants shall also be shown.

3. Water Supply: Water mains shall be provided to serve the subdivision by extension of an existing community system wherever feasible. Service connections shall be stubbed into the property line and all necessary fire hydrants shall also be provided. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the design standards as approved by the City Engineer. In areas where public water supply is not available, individual wells shall be provided on each lot, properly placed in relationship to the individual sewage disposal facilities on the same and adjoining lots. Well plans must comply with the state well code, as may be amended, and be submitted for the approval of the City Engineer.

4. Sewage Disposal, Public: Sanitary sewer laterals and service connections shall be installed in accordance with the design standards of the City as approved by the City Engineer. The use of sanitary sewer ejector pumps for service to individual lots shall not be allowed, unless approved prior to installation by the City Engineer as a private utility fixture.

5. Sewage Disposal, Private: All individual sewage treatment systems shall be installed in accordance with all applicable state, county, and City requirements.

6. Sanitary Sewer Facilities: Locations, grades, rim and invert elevations, and sizes of all proposed sanitary sewer facilities to serve the tract.

7. Hydrants and Valves: Location of all proposed hydrants and valves for the proposed water mains.

8. Public Utilities: Public utilities must be extended to plat boundaries unless otherwise approved by the City Engineer.

Subd. 2 Data for Final Plat.

~~Subd. 2 Data and Requirements for Final Plat.~~

The owner or subdivider and/or owner shall submit a final plat, final grading, development, and erosion control plan, and final utility plan, together with any necessary supplementary information. The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of state statutes and Goodhue or Olmsted County surveyor's plat review regulations, and such final plat shall contain the following information:

A. Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing platted subdivisions within Goodhue or Olmsted County and proposed names must be verified with the Goodhue or Olmsted County recorder.

B. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error closure of any portion of a final plat shall be one foot (1') in seven thousand five hundred feet (7,500').

C. 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.

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

E. Lots and outlots shall be numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block.

F. The exact locations, widths and names of all streets to be dedicated.

G. Location and width of all easements to be dedicated.

H. Name and address of land surveyor making the plat.

I. Scale of the plat shall be 10, 20, 30, 40, 50, 60 or 100 scale with the scale shown graphically on a bar scale along with the date and north arrow.

J. Statement dedicating all easements as follows:

"Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "drainage and utility easements."

K. 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 are hereby so dedicated."

L. The final grading, development and erosion control plan must be prepared in accordance with the current City specifications.

M. A title report prepared by a title company indicating owners and encumbrances on the property and a statement as to which parts of the property are registered (torrens).

N. Construction cost estimates for all required basic improvements.

O. The following information shall be provided with the final plat:

1. Gross acres.
2. Net developable acres.
3. Comprehensive plan land use designation.
4. Existing and/or proposed zoning.
5. Gross unit density.
6. Net unit density.
7. Acres of right of way.
8. Acres of wetland.
9. Acreage of each outlot.

~~—A. The Plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with MSA 505 and these regulations.~~

~~—B. Data as required by the City Engineer, i.e., accurate angular and linear dimensions for all lines, angles and curvatures used to describe boundaries, streets, easements, and other important features.~~

~~—C. Identification and description data as required for the Preliminary Plat.~~

~~—D. Boundaries of the property; lines of all proposed streets and alleys, with their width, and other areas intended for public use.~~

~~—E. Lines of adjoining streets and alleys, with their width and names.~~

~~—F. All lot lines and easements, with figures showing their dimensions.~~

~~—G. An identification system for all lots and blocks.~~

~~— H. Certification by a registered land surveyor to the effect that the Plat represents a survey made by the surveyor and that monuments and markers thereon exist as located and that all dimensional and geodetic details are correct.~~

~~— I. Notarized certification by owner, and by any mortgage holder of record, of adoption of the Plat and the dedication of streets and other public areas.~~

~~— J. Certification showing that all taxes currently due and special assessments have been paid.~~

~~— K. Title opinion by a practicing attorney at law based upon an examination of an abstract of the records of the Goodhue County Recorder for the lands included within the Plat Jind showing the title to be in the name of the owner or subdividor. The date of continuation of the abstract examined or the date of the examination of the records shall be within 30 days prior to the date the Final Plat is filed with the County Auditor. The owner or subdividor shown in the title opinion shall be the owner of record of the platted lands on the date of recording of the Plat with the Goodhue County Recorder.~~

~~— L. Execution of all owners of any interest in the land and any holders of a mortgage therein of the certificate required by Minnesota Statutes and which certificate shall include an accurate legal description of any area to be dedicated for public use and shall include a dedication to the City of sufficient easements to accommodate utility services in such form as shall be approved by the City Attorney.~~

Subd. 3 Certifications.

A. Certification by registered surveyor in the form required by Minnesota statutes section 505.03, as amended.

B. Execution of all owners of any interest in the land, any holders of a mortgage thereon, of the certificates required by Minnesota statutes section 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 certificates of approval and review to be filled in by the signatures of the chair of the City Planning Commission and the Mayor and City Administrator. The form of certificate by the Planning Commission is as follows:

Reviewed by the Planning Commission of the City of Pine Island.

This day of _____, 20__.

*Signed:
Chair*

*Attest:
Secretary*

The form of approval of the City Council is as follows:

This day of _____, 20__.

*Signed:
Mayor*

Attest:
City Administrator

The Final Plat shall include the required certifications by the City and County officials. This shall include a signature by the Chairman of the Planning Commission indicating that the Plat has been reviewed by the Planning Commission.

~~_____ A. Form for approval by signature of County officials concerned with the recording of the Plat:~~

~~_____ 1. No delinquent taxes and transfer entered this _____ day of _____, 20____.~~
~~_____ Goodhue County Auditor~~

~~Document Number _____.~~

~~I hereby certify this instrument was filed in the office of the County Recorder for record on this _____ day of _____, 20____, at _____ o'clock _____.M., and was duly recorded in Book _____ of _____ on page _____.~~
~~_____ Registrar of Titles, Goodhue County~~

~~_____ B. Form of approval by signature of City officials.~~

~~_____ 1. I hereby certify that proper evidence of title has been presented to and examined by me, and I hereby approve this Plat as to form and execution.~~

~~Dated this _____ day of _____, 20____.~~

~~_____~~
~~Pine Island City Attorney~~

~~_____ 2. Checked and approved as to compliance with Chapter 505, Minnesota Statutes.~~

~~Dated this _____ day of _____, 20____.~~

~~_____~~
~~Pine Island City Engineer~~

~~_____ 3. Checked and approved as to compliance with the Zoning Chapter and this Chapter.~~

~~_____~~
~~Zoning Administrator~~

~~_____ 4. Approved by Pine Island City Council on this _____ day of _____, 20____.~~

~~_____~~
~~Mayor, City of Pine Island~~

~~Attest:~~

~~_____~~
~~City Clerk~~

Source: Ordinance No. 259
Effective Date: 7-29-87

Subd. 4 Engineering Standards for Final Grading, Development and Erosion Control Plans.

The final grading, development and erosion control plan shall contain the following information and comply with the following standards:

A. Certificate: The current certificate of survey must be used as a base for the preparation of the final grading, development and erosion control plan.

B. Arrow: North arrow and date of preparation.

C. Scale: Graphic scale of drawing (engineering scale only, not less than 1 inch equals 50 feet).

D. Symbol Key: Key with all line types, symbols, shading and cross hatching denoted.

E. Illustration Key: Illustration key showing symbols for all information pertaining to lot and house design, including grades, easements, lot and block, setbacks, etc.

F. Bench Mark: The bench mark provided must be based upon the Goodhue or Olmsted County coordinate system. Copies of level loops for newly established bench marks must be provided with the initial submittal of the grading plan.

G. Lines: Subject property's boundary lines, lot lines and right of way lines.

H. Adjacent Area Information: All adjacent plats, parcels, rights of way, section lines and existing topography extended a minimum of one hundred fifty feet (150') beyond the subject parcel in all directions.

I. Topography: Topography in two foot (2') contour intervals with existing contours shown as dashed lines and proposed contours shown as solid lines. All existing and proposed contours labeled at each edge of the plan and at appropriate locations within the plan.

J. Natural Features: Locations of all existing natural features must be clearly shown. Natural features are considered to include, but are not limited to, the following: tree lines, wetlands, ponds, lakes, streams, drainage channels, bluffs, steep slopes, etc.

K. Storm Sewers: Location of existing storm sewer facilities within one hundred fifty feet (150') of the subject parcel.

L. Flood Elevations: If the property is within or adjacent to a 100-year floodplain, flood elevations and locations must be clearly shown on the plan.

M. Total Area: Total area of plat, all lots, outlots and stormwater basins denoted on plan (tabulation permitted).

N. Direction Arrows: Direction arrows indicating sites, swale and lot drainage patterns. Spot elevations must be provided at drainage breakpoints.

O. Slope: Maximum three to one (3:1) slopes.

P. Numbers: Lot and block numbers.

Q. Lot Corners: Proposed lot corner elevations.

R. Names: Street names.

S. Emergency Overflow Swales: Emergency overflow swales located, labeled and spot elevations. Rear or side lot line swales minimum one percent (1.0%) grade sandy soils, and one and five-tenths percent (1.5%) grade clay soils.

T. Stormwater Basins, Swales, Etc.: All stormwater basins, swales and channels must be constructed on public easements or land owned by the City.

U. Grades: Percent grades indicated along major drainage swales (more than 12 lots).

V. Proposed Elevations: Proposed elevations at garage floor and lowest floor elevation. Proposed finished ground elevations around home for final grading. The top of the foundation and garage floor of all structures shall be a minimum of eighteen inches (18") or three percent (3%) above the grade of the crown (center) of the street.

W. Style of Home: Style of home indicated for each lot; e.g., rambler, split level, walkout, full basement, etc.

X. High and Low Points: Finished spot elevations at all high and low points.

Y. Cul-de-sacs: Locations of all temporary cul-de-sacs.

Z. Street Barricades: Locations of permanent street barricades.

AA. Storm Sewer Facilities: Locations of all proposed storm sewer facilities.

BB. Drainage: Maximum of four hundred (400) linear feet of drainage from rear yard areas permitted. Rear yard catch basins must be installed at the four hundred foot (400') mark, or as determined by the City Engineer.

CC. Drain Tile: Location of proposed drain tile including cleanout locations and inverts of services to each lot (5 feet from the lot line on the downstream side of the lot). Invert information is required only if depth of tile is other than forty-eight inches (48") City standard depth.

DD. Utility Easements: Location of all oversized drainage and utility easements.

EE. Stormwater Basins: All existing and proposed stormwater basins must have outlet elevation (oe), 100-year high water level (HWL) shown and total volume (acre-feet) of stormwater retention indicated above the outlet elevation.

FF. Inlets and Outlets: Invert elevation of inlets and outlets into stormwater basins.

GG. Tree Preservation: Location of tree preservation fencing, and limits of clearing and grading clearly shown on plans.

HH. Grading: Designation of lots to be mass graded and custom graded.

II. Erosion Control: Location of all structural erosion control measures including, but not limited to, the following: temporary gravel construction entrances, temporary and permanent sediment

basins, silt fence, staked bales, storm sewer inlet filters, rock filter dikes, storm sewer outlet protection, erosion control mats, fiber blankets and nettings.

JJ. Soil Stockpiling: Locations of soil stockpile areas with temporary stabilization measures indicated.

KK. Seeding: Seeding specifications, including:

1. Type of seeding (permanent, temporary, and dormant);
2. Type of seed and application rate;
3. Fertilizer type and application rate;
4. Mulch type, application rate, and method of anchoring;
5. Specifications for the installation and maintenance of erosion control mats, blankets or netting;
6. Note requiring seeding to be completed within forty eight (48) hours of rough grading with revegetation to occur within forty eight (48) hours of fine grading.

LL. Lot Benching: Standard lot benching detail must be provided.

MM. Detail Plates: Standard detail plates and maintenance information for each of the above measures used must also be included.

NN. Grading Plan: Requirements for certified grading plan:

1. A certified plan must be submitted within thirty (30) days of grading completion.
2. The "as constructed" grading plan must include certification by a registered land surveyor or engineer that all stormwater basins, swales and drainageways have been constructed on public easements or land owned by the City.
3. The "as constructed" grading plan shall include field verified elevations of the following:
 - a. Cross sections of stormwater basins.
 - b. Location and elevations of all swales, drainageways and emergency overflows.
 - c. All lot corners and center of house pads at the front and rear.
 - d. Tops of castings of rear yard catch basins.
 - e. All slopes steeper than four to one (4:1).
 - f. The location and elevation of any retaining walls.

g. The location, restored elevation, and bottom elevation of any borrow areas, temporary sediment basin/trap, or temporary drainage ditch/culvert that were located within a proposed lot or outlot building pad, or that had a bottom elevation more than three feet (3') below final grade.

h. All permanent drain tile installed.

i. Elevations of all flared ends and outlet structures for sediment basins and stormwater basins.

j. The location and elevation of all landscape berms.

4. After construction, one set of mylar drawings is to be prepared and submitted to the City.

5. Certified grading plans are to be submitted to the City on an electronic file. The electronic file must be in AutoCAD.DWG or *.DXF format and consistent with the City's standard specification manual for minimum layering requirements.

SEC. 12.22 - 12.29 RESERVED FOR FUTURE EXPANSION.

~~(Sections 12.22 through 12.29, inclusive, reserved for future expansion.)~~

SEC. 12.30 DESIGN STANDARDS.

SEC. 12.30 SUBDIVISION DESIGN STANDARDS.

~~Subd. 1 Conformity with the Comprehensive Plan.~~

The proposed subdivision shall conform to the Comprehensive Plan adopted by the City.

Subd. 1 Streets and Alleys

~~Subd. 1 Streets and Thoroughfares.~~

A. General Street Design.

1. The design of all streets shall be considered in relation to public safety, existing and planned streets, efficient circulation of traffic, topographical conditions, run-off of storm water, proposed use of the land to be served by such streets, and the Comprehensive Plan of the City.

2. ~~Street Plans for Future Subdivisions: Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider and/or owner or the plat adjoins unsubdivided land that can be subdivided in the future, a sketch plan of a proposed future street system and lot layout for the unsubdivided portion and/or adjoining land shall be prepared and submitted by the subdivider and/or owner showing the appropriate arrangement of the streets continuation into unsubdivided portions and adjoining land. When a new subdivision adjoins unsubdivided land that is susceptible to being divided, the arrangement of streets shall allow for their appropriate continuation into adjoining areas.~~ Such streets shall be carried to the boundaries of the unsubdivided land.

3. ~~Provisions for Resubdivision of Large Lots and Parcels: When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision. Where the parcel is subdivided into larger tracts than for building lots, such parcel shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.~~

4. ~~Local Streets. Local streets should be so planned as to discourage their use by nonlocal traffic.~~

5. ~~Streets, Continuous: Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of arterial and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of stormwater, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served. The street arrangements shall not be such as to cause hardship to owners of adjoining property in subdividing their own land and providing convenient access to it.~~

~~**B. Street Right of Way Widths and Grades.** Unless approved by the City Engineer to match existing adjacent right of way, street right of way widths shall conform to the following standards. Except when, upon the recommendation of the city Engineer, the topography warrants a greater maximum, the grades in all streets, arterials, collector streets, local streets, parkways and alleys in any subdivision shall conform to the following standards. In addition, there shall be a minimum grade of not less than five-tenths percent (0.5%) unless approved by the City Engineer because of existing conditions.~~

~~**B. Street Width and Grades.** The following standards for street width and grades shall be followed by the subdivider.~~

2. Permanent cul-de-sacs shall be allowed only where one or more of the following criteria have been met:

a. Area topography or other physical site conditions warrant a cul-de-sac.

b. A through street is not physically feasible or desirable due to environmental or access spacing considerations.

c. Additional reasons?

3. The length of a permanent cul-de-sac street shall not be less than one hundred fifty feet (150') nor longer than six hundred feet (600') and shall include a turnaround which shall be provided at the closed end, with a right of way radius not less than sixty feet (60'). The length of the cul-de-sac shall be measured from the intersection of the centerlines of the cul-de-sac and the intersecting street to the center point of the cul-de-sac right of way turnaround. Pedestrianways in the form of an outlot and/or easement may be required through the block adjacent to cul-de-sac turnaround in order to provide pedestrian access to the closed end of the cul-de-sac. The outlot and/or easement shall be owned by the City or in favor of the City.

4. In areas determined by the City to be environmentally sensitive due to topography, forestation and/or wetlands, deviations to the design standards outlined in section 12.30 subd. 1 letter D3 of this chapter may be allowed, provided that:

a. Such deviations are limited to the following:

(1) Right of way dedication, excluding turnaround area, may be reduced from sixty feet (60') to no less than fifty feet (50').

(2) Street widths measured from back of curb to back of curb may be reduced from thirty two feet (32') to no less than twenty eight feet (28').

b. The following standards are met:

(1) All lots shall meet or exceed the minimum standards for the applicable zoning district.

(2) The required drainage and utility easement in the front yard of lots shall be not less than fifteen feet (15').

(3) All custom graded lots shall have a custom grading plan and preapproved site/building plan prior to the issuance of building permits.

(4) The cul-de-sac length shall not exceed six hundred feet (600').

(5) Any reduction in front yard setbacks shall be processed according to provisions of the zoning ordinance.

~~I. Cul de Sac. The maximum length of a street terminating in a cul de sac shall be 500 feet, measured from the centerline of the street of origin to the end of the right of way. Each cul de sac shall be provided with a turnaround having a minimum outside roadway diameter of 90 feet and a minimum street property line diameter of 120 feet.~~

E. Temporary Cul-De-Sacs.

1. In those instances where a street is terminated pending future extension in conjunction with future subdivision and there is more than two hundred feet (200') or two (2) dwelling units accessed between the dead end and the nearest intersection, a temporary turnaround shall be provided at the closed end in conformance with cul-de-sac requirements.

2. This temporary cul-de-sac must be placed inside a temporary roadway easement if it is located outside street right of way. The temporary easement and turnaround shall be located within an outlot or an adjacent undeveloped land.

3. The temporary cul-de-sac shall be paved with bituminous within one (1) year of construction.

4. Security shall be required for the turnaround removal and restoration.

F. Subdivisions Abutting Major Rights of Way: Wherever the proposed subdivision contains or is adjacent to the right of way of a state highway, regional arterial or local arterial, provisions may be made for a marginal access street approximately parallel and adjacent to the boundary of such right of way; provided, that due consideration is given to proper circulation design, or for a street at a distance suitable for the appropriate use of land between such street and right of way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, or for lot depths.

~~F. Access to Arterial Streets. In the case where a proposed plat is adjacent to a arterial or collector street, limited access highway (arterial), there shall be no direct vehicular or pedestrian access from individual lots to such highways. As a general requirement, access arterials shall be at intervals of not less than 1/4 mile and through existing and established cross roads where possible. The Council may require the developer to provide local service drives along the right of way of such facilities, or they may require that lots should back on the arterial, in which case, vehicular and pedestrian access between the lots and arterial shall be prohibited.~~

~~G. Half Streets. Dedication of half streets shall not be considered for approval except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations or where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided. Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted.~~

~~H. Private Streets. Private streets shall be prohibited unless otherwise approved as part of a planned unit development in which case all street designs and standards shall be approved by the City Engineer.~~

~~I. Corners: Curb Radius. The minimum curb radii for arterials, collector streets, local streets, parkways, alleys and driveways shall be as follows: Curb lines at street intersections shall be rounded at a radius of not less than 15 feet.~~

Alleys and Driveways	5 feet
Arterial and Collector Streets	25 feet
Local Streets	15 feet
Parkways	15 feet

J. Reverse Curves. Minimum design standards for collector and arterial streets shall comply with Minnesota state aid design standards.

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

L. Tangents. A tangent of at least one hundred feet (100') shall be introduced between reverse curves on collector streets and fifty feet (50') on lesser streets.

M. Deflections. When connecting street lines deflect from each other at one point by more than ten degrees (10°) they shall be connected by a curve with a radius adequate to ensure a sight distance of no less than five hundred feet (500') for arterials, three hundred feet (300') for collectors, and one hundred feet (100') for all other streets.

N. Street Sections. The street section shall comply with design standards as set forth in the City of Pine Island Roadway Design Guidelines as may be amended. All street designs are subject to the review and approval of the City Engineer.

O. Seeding or Sodding. Any areas disturbed within the street right of way, at the time of construction, shall be restored with a minimum of six inches (6") of topsoil and shall be seeded or sodded as directed by the City Engineer.

P. Service Access, Alleys. Service access shall be provided in commercial and industrial districts for off street loading, unloading and parking consistent with and adequate for the uses proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts, unless approved as part of a Planned Unit Development and is privately maintained as part of a homeowners association. Alleys, where provided, shall not be less than thirty feet (30') wide. Dead end alleys shall be avoided wherever possible, but if unavoidable, such dead end alleys may be approved if adequate turnaround facilities are provided at the closed end. ~~Alleys, where permitted by the City, shall be at least 16 feet wide in residential areas and at least 20 feet wide in commercial areas. The City may require alleys in commercial areas where adequate off street loading space is not available. Dead end alleys, alley intersections and sharp changes in alignment shall be prohibited.~~

Q. Sidewalks and Multipurpose Trailways.

1. Concrete sidewalks shall be installed along both sides of all local residential and local commercial/industrial streets (not including cul-de-sacs) as designated by the City's Comprehensive Plan. All sidewalks shall have a minimum width of five feet (5'). At the discretion of the City Council sidewalks may be installed along only one side of a local residential and local commercial/industrial street in areas determined by the City to be environmentally sensitive due to topography, forestation and/or wetlands.

2. Concrete sidewalks shall be installed along one side and multipurpose trailways shall be installed along the other side of all arterial, collector and parkway streets as designated by the City's Comprehensive Plan. All sidewalks shall have a minimum width of five feet (5') and all multipurpose trailways shall have a minimum width of ten feet (10') and be constructed of bituminous materials.

3. Concrete sidewalks and multipurpose bituminous trailways shall be accessible by handicapped persons in accordance with Minnesota statutes section 471.464.

4. The subdivider and/or owner shall be responsible for the payment of one hundred percent (100%) of all the costs of sidewalks and multipurpose bituminous trailways, including the cost of grading and restoration, materials and all installation costs.

5. The subdivider and/or owner shall install all required sidewalks and multipurpose trailways at the time the required street improvements are installed or provide the City with a cash escrow or irrevocable letter of credit in amount of one hundred and twenty-five percent (125%) of the estimated cost of installation, as determined by the City Engineer, to ensure completion of the required sidewalks and multipurpose trailways. All required sidewalks and multipurpose trailways shall be completed within three (3) years of final plat approval or prior to the issuance of a certificate of occupancy for an individual lot, whichever occurs first. If the required sidewalks and multipurpose trailways have not been completed within three (3) years of the final plat approval, the City may use the cash escrow or irrevocable letter of credit to complete any remaining sidewalks and multipurpose trailways. If the required sidewalks and multipurpose trailways are to be intalled at the time the required street improvements are installed, the subdivider and/or owner shall provide the City with an appropriate financial security acceptable to the City, prior to the issuance of building permits within the subdivision, to ensure the installation of the required sidewalks and multipurpose trailways is completed.

~~**Q. Pedestrian Walkways.** The Planning Commission and/or the Council may require the provision of pedestrian ways in proximity to public service areas such as parks, schools, shopping facilities or in other appropriate locations of a similar nature. The design of the pedestrian walkways shall be considered in their relation to existing and planned pedestrian walkways, to reasonable circulation of traffic, to topographic conditions, to run off of storm water and to the proposed uses of the area to be served. Pedestrian rights of way shall be at least ten feet wide.~~

~~**R. Hardship to Owners of Adjoining Property.** The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.~~

R. Street Names. Street names shall not duplicate the names of other streets.

S. Compliance with the Goodhue and Olmsted County Transportation Plans. All subdivisions incorporating streets which are identified in the county transportation plans, as amended, shall comply with the minimum right of way, surfaced width, and design standards as outlined in said plan, and must be reviewed and approved by Goodhue or Olmsted County.

T. Functional Classification. Streets within the City shall be dedicated in accordance with their functional classification as designated within the City's adopted comprehensive plan as may be amended; or as recommended by the City Engineer and approved by the City Council.

Subd. 2 Blocks.

A. Block Length. In general, intersecting streets, determining block lengths, shall be provided at such intervals so as to serve cross traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions should not exceed one thousand two hundred twenty five feet (1,200') nor be less than four hundred feet (400') in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred feet (800'), pedestrianways and/or easements through the block may be required near the center of the block. ~~The length of blocks shall not exceed 1,200 feet nor be less than 400 feet. Pedestrian ways at least ten feet wide at their approximate centers may be required for blocks over 800 feet long.~~

B. Block Width. The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off street parking and deliveries. ~~Blocks intended for commercial and industrial use must be designed as such, and the block must be of sufficient size to provide for adequate off street parking, loading and such other requirements of the City.~~

~~C. The width of a block shall normally be sufficient to allow two tiers of lots of appropriate length.~~

Subd. 3 Lots.

A. Area. The minimum lot area, width and depth shall not be less than that established by the City Zoning Ordinance in effect at the time of adoption of the final plat.

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

C. Side Lot Lines. Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

D. Frontage. Every lot must have the minimum frontage on a City approved street other than an alley, as required in the City zoning ordinance.

E. Setback Lines. Setback or building lines shall be shown on all lots and shall not be less than the setback required by the City zoning ordinance.

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

G. Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must either be platted as an outlot or be added to adjacent lots, rather than allowed to remain as unusable parcels.

H. Political Boundaries. No singular plat shall extend over a political boundary without documented notification to affected units of government.

I. Frontage on Two Streets. Double frontage, or lots with frontage on two (2) parallel streets shall not be permitted except: where lots back on arterial or regional collector streets or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall adhere to the requirements of section 11.70 subd. 7 letter D of the City Code.

J. Access. Unless approved by the City Engineer, the grade elevation of any driveway shall not exceed:

1. Ten percent (10%) for single, two-family and townhouse dwellings and all underground parking.

2. Five percent (5%) for all other uses.

K. Buffer Side Yards. In the case of single-family residential lots with side yards that abut major collector or arterial streets, the buffer yard requirements of section 11.70 subd. 7 letter D of the City Code shall apply.

L. Irregular Shaped Lots. On single-family residential lots determined to be irregular in shape (e.g., triangular), the developer shall demonstrate to the City an ability to properly place principal buildings and accessory structures upon the site which are compatible in size and character to the surrounding area.

M. Twinhome Lot Subdivisions. The subdivision of a base lot containing twinhome dwelling units to permit individual private ownership of a single dwelling within such a structure shall be subject to the following requirements:

1. A property maintenance agreement shall be arranged by the applicant and submitted to the City attorney for review and approval. The agreement shall ensure the maintenance and upkeep of the structure and the lot to meet minimum City standards. The agreement is to be filed with the County recorder's office as a deed restriction against the title of each unit lot.

2. Separate public utility service shall be provided to each subdivided unit and shall be subject to review and approval of the City Engineer.

N. Grading Plan. The grading plan for all single-family residential subdivisions shall provide for an area with a slope not greater than ten percent (10%) extending not less than a depth of twenty feet (20') from the rear line of the building pad the entire width of the building pad, except as approved by the City Engineer.

O. Drainage. Lots shall be graded so as to provide drainage away from building locations.

A. Size.

~~1. Areas Served by Central Sewer and Water Systems. The lot dimensions shall be such as to comply with the minimum lot areas specified in the Zoning Chapter.~~

~~B. Side Lot Lines. Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines.~~

~~C. Drainage. Lots shall be graded so as to provide drainage away from building locations.~~

~~D. Natural Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development.~~

~~E. Lot Remnants. All remnants of lots below the minimum lot size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels unless the owner can show plans for future use of such remnant.~~

~~F. Double Frontage Lots. Double frontage (lots with frontage on two parallel streets) or reverse frontage shall not be permitted except where lots back on an arterial or collector street. Such lots shall have an additional depth of at least ten feet in order to allow for screen planting along the back lot line.~~

Subd. 4 Drainage and Utility Easements

A. Width and Location. An easement for drainage and utilities at least ten feet (10') wide along front and rear lot lines and five feet (5') wide along all abutting side lot lines shall be provided. An easement for drainage and utilities not less than ten feet (10') wide shall be provided adjacent to all plat boundaries. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots. Temporary construction easements may be required where installation depths are greater than twelve (12) feet. Drainage and utility easements shall be kept free of any vegetation or structures which would interfere with the free movement of utility service vehicles.

B. Continuous Easement Locations. Drainage and utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council after a public hearing.

C. Outlot Alternative. When a subdivision is traversed by a water course, drainage way, wetland, channel, stream or other natural features, the City may at its discretion choose to require outlots rather than drainage and utility easements for these areas.

~~**A. Utilities.** Easements of at least ten feet wide centered on rear lot lines shall be provided for utilities where necessary. Easements for storm or sanitary sewers shall be at least 20 feet wide. They shall have continuity of alignment from block to block. Temporary construction easements may be required where installation depths are greater than 12 feet. Utility easements shall be kept free of any vegetation or structures which would interfere with the free movement of utility service vehicles.~~

~~**B. Water Courses.** When a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water courses, and with such further width or construction as may be determined to be necessary by the City Engineer.~~

Subd. 5 Soil Erosion and Sediment Control.

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

B. Erosion and sediment control measures shall be consistent with best management practices (BMPs) for erosion and sedimentation control as specified in the "Minnesota Stormwater Manual" (MPCA 2005), as amended, and shall be sufficient to retain sediment on site.

C. Erosion and sediment controls shall meet the standards for the general permit authorization to discharge stormwater associated with construction activity under the national pollutant discharge elimination system/state disposal system permit program permit MN R100001 (NPDES general construction permit) issued by the Minnesota pollution control agency, as amended. Final stabilization of the site must be completed in accordance with the NPDES construction permit requirements.

D. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time. When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the development contract.

E. Where the topsoil is removed, sufficient topsoil shall be set aside for respreading over the developed area. Topsoil shall be restored or provided to a minimum depth of six inches (6") and shall be of a quality at least equal to the soil quality prior to development.

F. Natural vegetation shall be protected wherever practical.

G. Runoff water shall be diverted to a sedimentation basin before being allowed to enter the natural drainage system. All on site stormwater conveyance channels shall be designed and constructed to withstand the expected velocity of flow from a 10-year frequency storm without erosion.

H. All temporary erosion and sediment controls shall be installed on all down gradient perimeters before commencing the land disturbing activity and left in place and maintained until the site has been stabilized. All permanent erosion control measures shall be installed and operational per the design and as required by the City.

I. If the activity creates more than one acre of disturbed area, and the activity is taking place on a site where soils are currently disturbed (e.g., a tilled agricultural site that is being developed), areas that will not be graded as part of the development and areas that will not be stabilized according to the time frames specified in the NPDES general construction permit part IV.B.S. shall be seeded with a temporary or permanent cover before commencing the proposed land disturbing activity.

J. The standards related to soil erosion and sediment control contained in **Chapter 11 Land Use Regulation (Zoning) of the City Code** ~~the Zoning Chapter~~ shall be applicable to all proposed developments and subdivisions.

Subd. 6 Protected Areas.

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

Based upon the necessity to control and maintain certain sensitive areas, the City shall determine whether said protection will be accomplished through lot enlargement and redesign or dedication of those sensitive areas in the form of outlots.

In general, measures of protection shall include design solutions that allow for construction and grading involving a minimum of alteration to sensitive areas. Such measures, when deemed appropriate by the City, may include, but shall not be limited to, the following:

A. The establishment of buffers designed consistent with adopted management plans, easements and/or outlots over wetlands, drainageways and watercourses.

B. The implementation of flood control measures, including stormwater basins and infiltration design standards as specified in adopted management plans.

C. The enlargement of lots or redesign of the subdivision.

D. The utilization of appropriate erosion control measures subject to approval by the City Engineer.

E. Soil testing to determine the ability of the proposed subdivision to support development.

F. The limitation of development on slopes steeper than three to one (3:1).

G. Structure conformance to the natural limitations presented by the topography and soil so as to create the least potential of soil erosion.

H. The standards related to tree removal contained in Chapter 11 Land Use Regulation (Zoning) of the City Code shall be applicable to all proposed developments and subdivisions.

Subd. 6. ~~Tree Removal and Conservation of Vegetation.~~

~~The standards related to tree removal contained in the Zoning Chapter shall be applicable to all proposed subdivisions.~~

Subd. 7 Tree Preservation.

This subdivision is to be reserved for tree preservation requirements.

Subd. 8 Wetlands and Watercourses.

A. **Generally.** This section applies to all wetlands and watercourses on public or private land located within the City, whether or not the wetland or watercourse is located on the same property as the development.

B. **Wetland Management Plan.** Utilization and development impacts to wetlands shall be consistent with the city's policies and plans. No grading permit to allow wetland disturbing activities shall be issued until approval of the wetland replacement plan application or a certificate of exemption has been obtained in strict conformance with the provisions of this chapter and the Minnesota wetland conservation act.

C. Buffer Widths; Setbacks.

1. **Protective Buffer.** A protective buffer of natural vegetation shall surround all wetlands in accordance with the following provisions:

a. **Wetlands.** The buffer shall have a minimum width of twenty-five feet (25') from the delineated edge of the wetland at the time of development.

(1) **Average Width.** The width of the buffer may be averaged, provided that a minimum buffer width is maintained equal to seventeen feet (17').

(2) **Public Trails and Sidewalks.** Public trails and sidewalks that are a maximum of ten feet (10') in width can be included within the buffer, provided the designated width is maintained.

(3) **Building Setbacks.** For properties developed or redeveloped after approval date, a building setback of ten feet (10') for a side yard and twenty feet (20') for a rear yard shall be provided from the edge of all required wetland buffers at the time of development.

D. Buffer Standards. The following standards apply to all required buffers:

1. **Acceptable Vegetation.** Buffers shall be staked and protected in the field prior to construction. Where acceptable natural vegetation exists in buffer areas, the retention of such vegetation in an undisturbed state is required unless approval to replace such vegetation is received.

2. Unacceptable Vegetation. Topography or sparse vegetation that tends to channelize the flow of surface water or vegetation that is unlikely to retain nutrients and sediment are not considered acceptable vegetation for buffer purposes.

3. Replanting Vegetation. Where buffer vegetation and conditions are unacceptable, or where approval has been obtained to replant, buffers shall be replanted and maintained according to the following standards:

a. Buffers shall be planted with a native seed mix approved by MnDOT, BWSR or the City Engineer, with the exception of a onetime planting with an annual nurse or cover crop. Plantings of native forbs and grasses may be substituted for seeding. All substitutions must be approved by the City. Groupings or clusters of native trees and shrubs, of species and at densities appropriate to site conditions, shall also be planted throughout the buffer area.

b. The seed mix and planting shall be broadcast/installed according to MnDOT, BWSR, or City specifications. The selected seed mixes and plantings for permanent cover shall be appropriate for the soil site conditions and free of invasive species.

c. Buffer vegetation (both natural and created) shall be protected by erosion and sediment control measures during construction.

d. During the first five (5) full growing seasons, except where the City has determined vegetation establishment is acceptable, the owner or applicant must replant buffer vegetation where the vegetative cover is less than ninety percent (90%). The owner or applicant must assure reseeding or replanting if the buffer changes at any time through human intervention or activities.

4. Alterations Prohibited. Alterations, including building, storage, paving, routine mowing, burning, plowing, introduction of noxious vegetation, cutting, dredging, filling, mining, dumping, grazing livestock, agricultural production, yard waste disposal, or fertilizer application are prohibited within any buffer. Periodic mowing or burning, or the use of fertilizers and pesticides for the purpose of managing and maintaining native vegetation is allowed. Noxious weeds may be removed and mechanical or spot herbicide treatments may be used to control noxious weeds. Aerial or broadcast spraying is prohibited. Prohibited alterations do not include plantings that enhance the natural vegetation or selective clearing or pruning of trees or vegetation that are dead, diseased or pose similar hazards, or as otherwise clarified in section 12.30 subd. 8 letter D5 of this chapter.

5. Alterations Permitted. The following activities may be permitted within any required buffer:

a. The following activities are allowed within both the minimum and average buffer width areas:

(1) Use and maintenance of an unimproved access strip through the buffer, not more than ten feet (10') in width, for recreational access to the major waterway or wetland and the exercise of riparian rights.

(2) Structures that exist when the buffer is created.

(3) Placement, maintenance, repair, or replacement of public roads and utility and drainage systems that exist on creation of the buffer or are required to comply with any subdivision approval or building permit obtained from the city, so long as any adverse impacts of public road, utility, or drainage systems on the function of the buffer have been avoided or minimized to the extent practical.

(4) Clearing, grading, and seeding is allowed if part of an approved wetland replacement plan, or approved stream restoration plan.

(5) Construction of a multipurpose trail, including boardwalks and pedestrian bridges, provided it is constructed to minimize erosion and new impervious surface, and has an undisturbed area of vegetative buffer at least ten feet (10') in width between the trail and the wetland or public waters wetland edge, or the bank of the major waterway; or where needed to cross the major waterway, the minimum impact alignment is used.

(6) The construction of underground utilities such as water, stormwater, and sanitary sewers and pipelines, provided the minimum impact alignment is used and the area is stabilized.

b. The following activities are allowed within those portions of the average buffer width that exceed the minimum buffer width:

(1) Stormwater management facilities, provided the land areas are stabilized.

(2) The area of shallow vegetated infiltration and biofiltration facilities, and stormwater basins not to exceed fifty percent (50%) of the basin area, adjacent to wetlands and major waterways may be included in buffer averaging, provided the facilities do not encroach into the minimum buffer width, and the land areas are stabilized.

E. Conservation Easement/Outlot. A conservation easement or a dedicated outlot is required for all buffer areas as part of platting and subdivision approval, except where the buffer is located in a public transportation right of way. Buffers shall be marked to clearly designate the boundaries of all new buffers within new residential subdivisions. A monument shall consist of a post and a buffer strip sign approved by the City. Property owned by the City of Pine Island shall be exempted from establishing an outlot or conservation easement for required buffer areas.

Subd. 9 Dedication Requirements.

A. Parkland Dedication. The City Council finds that as the City continues to increase in population and in land area, available financial resources to purchase and develop lands for neighborhood park purposes from sources other than the general tax levy have diminished. Appropriate municipal planning and control is needed to ensure that lands suitable for economical neighborhood park development are identified and preserved for public use during the land subdivision process and not developed for other purposes. The provisions by the City of adequate neighborhood park facilities in newly developed residential areas to serve the recreational needs of the residents of these areas, is an important factor in the maintenance of a high quality of life in the City; and contributes to the health and safety of citizens, especially those who are children. In addition, adequate open space land should be reserved to retain the character of the City, protect wildlife habitats, cleanse the air and stormwater runoff, and to provide passive recreation al opportunities. It is therefore in the best interest of all of the citizens of the City to ensure that when new residential development is hereinafter created or made possible by subdivision of lands, that adequate measures are provided in the subdivision process to permit the City to identify land suitable for development as new neighborhood park facilities, and to obtain and develop such lands for the use of the public at a reasonable cost. It also is in the best interest of all the citizens of the City to ensure that adequate open space is dedicated and reserved. ~~The City may require that a reasonable portion of the buildable land of any proposed subdivision, defined as all land except that within street rights of way, wetlands, 100-year flood plains, water bodies, or sustained slopes in excess of 20%, be dedicated to the public or preserved for public use as streets, roads, sewers, electric, gas, and water facilities, storm water drainage and holding areas or ponds and similar utilities and improvements,~~

~~parcs, recreational facilities, playgrounds, trails, wetlands, or open space. The City may accept a cash fee set by ordinance, based on fair market value of the land, in lieu of a requirement that land be dedicated for park purposes. Cash payments will be placed in a special fund to be used only for the purposes the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space based on approved park systems plan, and not for ongoing operation or maintenance.~~

B. Condition of Approval. As a condition of subdivision approval, the subdivider and/or owner shall dedicate a reasonable portion of the buildable land in the proposed subdivision for conservation purposes or for public use as parks/recreational facilities as defined and outlined in Minnesota statutes section 471.191, playgrounds, trails, wetlands, or open space; provided that the City may choose to accept an equivalent amount in cash for part or all of the portion required to be dedicated based on the fair market value of the land at the time of final approval.

C. Density Increase. If there is an increase in density of subdivisions that are replatted, the Planning Commission shall review and shall recommend to the City Council any reconsideration of park land and/or cash contribution requirements.

~~**2. Scope.** The provisions of this Ordinance shall apply to a person who applies, pursuant to this Chapter, for a subdivision or resubdivision (where the resubdivision causes an increased demand on parks) of lands that are classified pursuant to this code as being located in a residential zoning district; or, for a subdivision of lands that are classified as being in a nonresidential district at the time of such application, but are intended to be developed following their subdivision in a manner requiring their designation as a residential zoning district.~~

D. Exemption. Property being subdivided without an increase in the number of lots shall be exempt from park and trail dedication requirements if similar requirements were satisfied in conjunction with an earlier subdivision. If the number of lots is increased, then the dedication shall be based on the additional lots created.

~~**3. Neighborhood Park Defined.** For the purposes of this ordinance, the term "neighborhood park" shall mean a public recreation facility designed to give residents of nearby residential areas the opportunity for the enjoyment of open space, and which may also provide for the use of the residents, playground equipment, picnic areas and areas suitable for use as ball fields, tennis and basketball courts and skating rinks, but not including lighted baseball or softball diamonds. Trail corridors providing access from residential areas to neighborhood park facilities may be considered part of the neighborhood park.~~

E. Land Suitability. Land to be dedicated shall in a location and of a character consistent with and suitable for meeting the needs identified by the comprehensive plan or other pertinent study adopted by the City Council. In evaluating the adequacy of proposed park and recreation areas, the City shall consider factors including size, shape, topography, geology, hydrology, tree cover, access and location. Generally land located within wetlands, flood plain areas, drainage ways and pond areas shall not be accepted to meet dedication requirements, except at the discretion of the City Council. At least fifty percent (50%) of the gross area of the land required to be dedicated, pursuant to the above paragraph 4, shall have a natural slope of four percent (4%) or less, be largely clear of forest vegetation, and shall not be located in an existing watercourse, a 100 year floodway, drainage easement or water ponding area unless otherwise approved by the City Council. In addition, that portion of the land must have a cover of six inches (6") or more of topsoil suitable for the seeding and cultivation of grass. If land proposed to be dedicated has a natural slope in excess of that required by this section, but may be engineered to provide for a slope that meets the requirements imposed therein, the City Council may permit such land to be dedicated to satisfy the requirements of section.

5. Minimum Standards of Land Dedicated; General Requirements. At least fifty percent (50%) of the gross area of the land required to be dedicated pursuant to the above paragraph 4, shall have a natural slope of four percent (4%) or less, be largely clear of forest vegetation, and shall not be located in an existing watercourse, a 100 year floodway, drainage easement or water ponding area. In addition, that portion of the land must have a cover of six inches (6") or more of topsoil suitable for the seeding and cultivation of grass.

F. Dedication of Steep Land. If land proposed to be dedicated has a natural slope in excess of that required by the above paragraph 5, but may be engineered to provide for a slope that meets the requirements imposed therein, the City Council may, upon the favorable recommendation of the superintendent of the public works department permit such land to be dedicated to satisfy the requirements of the above paragraph 4.

F. Contribution Recommendation. The Planning Commission shall recommend to the City Council the land and/or cash contribution requirements for proposed subdivisions.

G. Conveyance; Purchase. When a proposed park, playground, recreation area or other public ground has been indicated in the City's official map or comprehensive plan and is located in whole or in part within a proposed subdivision, it shall be conveyed to the City. If the subdivider and/or owner elects not to dedicate an area in excess of the land required hereunder for such proposed public site, the City may consider acquiring the site through purchase or condemnation.

Subd. 9 Parks, Open Space and Public Use.

Where a proposed park, playground, school site, or other public site shown on an adopted Comprehensive Plan or official map is embraced in part or in whole by a boundary of a proposed subdivision, and such public ground shall be shown as reserved land on the Preliminary Plat to allow the Council, Board of Education or County and State agencies the opportunity to consider and take action toward acquisition of such public ground or park or school site by purchase or other means prior to approval of the Final Plat.

H. Amount of Land Required to be Dedicated; Residential Subdivision. - Minimum Quantity. A person requesting a subdivision or resubdivision (where the resubdivision causes an increased demand on parks) of lands under Chapter 12 shall be required, as a precondition of approval of said subdivision request, to dedicate to the use of the public for neighborhood park, recreation or open space purposes, eight (8) acres per 1,000 projected residents within the subdivision after full development, which is: 0.008 multiplied by the number of persons per dwelling unit, multiplied by the number of dwelling units allowed in the subdivision. The number of persons per dwelling unit shall be based on the following table. The City Council shall periodically review and adjust these assumption as necessary.

Population Density	
Density in Dwelling Units per Gross Acre of Residential Land Area (dwelling units per acre)	Estimated Number of Persons Per Dwelling Unit
0 to 5.99	3.05
6 to 11.99	2.22
Over 12	1.98

I. Amount of Land Required to be Dedicated; Commercial, Industrial and Institutional Subdivisions. In commercial, industrial or institutional subdivisions where a land dedication is required

the following formula will be used to determine the dedication: Two percent (2%) of the buildable land being subdivided.

J. Terms of Dedication. Dedication of land for public use shall be without restrictions or reservations and shall be designated as an outlot on the plat. The developer shall be responsible to grade the land to the contours shown on the approved preliminary plat and to leave the dedicated land in a condition suitable to the City.

K. Private Open Space. Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas may be used for credit, at the discretion of the City Council, against the land or cash dedication requirement for park and recreation purposes, provided the City Council finds it is in the public interest to do so.

L. Marketability of Title. Prior to such dedication, a person proposing to subdivide the land shall deliver to the City Attorney for examination, an up to date abstract of title or registered property certificate for examination, or the City Attorney may require a title opinion by a person licensed to practice law in Minnesota. If the examination of title by the City Attorney or the title opinion indicates that title is not marketable, no subdivision of the land shall occur until such steps are taken by the subdivider **and/or owner** to permit marketable title to be conveyed to the City by dedication upon the land subdivision or by a subsequent separate conveyance.

M. Cash Payment in Lieu of Land Dedication. If in the judgement of the City Council the quantity **and quality** of land to be subdivided is of a size or configuration that dedication of a portion thereof:

1. Is not feasible or practical;
2. Will not create a parcel suitable for ~~neighborhood~~ park development or for usable open space or trail thoroughfares; or
3. The land is adjacent or readily accessible to already existing public park and recreation facilities, or publicly maintained open space.

the requirement of dedication imposed by **section 12.30 subd. 9 letter H of this chapter**, ~~by the above paragraph 4 of this Ordinance~~ may be satisfied by a payment of cash **in lieu of park land dedication** by the subdivider **and/or owner** to the City or suitable provision in a development **contract agreement**, which may include fees for land acquisition, preparation and all other purposes. ~~and uses defined in the above paragraph 3.~~ **Cash contributions are to be calculated at the time of final subdivision approval.** Said payment shall be made prior to **the City releasing the final plat of the subdivision for recording** ~~recording the Final Plat of the subdivision~~ in an amount equivalent to the fair market value of land which would otherwise be required to be dedicated. **The City Council may require the payment at a later time under terms agreed upon in the development contract. Delayed payment shall include interest at a rate set by the City.** The calculation of the amount of the cash payment required shall be computed on the following basis. ~~Will be value of land to be dedicated or be a market appraisal of average cost of platted lot within the development or by direct agreement between developer and City.~~

4. Fair Market Value. "Fair market value" shall be determined as of the time of final subdivision approval in accordance with the following:

- a. The City and the developer may agree as to the fair market value, or

b. The fair market value may be based upon a current appraisal submitted to the City by the subdivider and/or owner at the subdivider and/or owner's expense.

c. If the City disputes such appraisal the City may, at the subdivider and/or owner's expense, obtain an appraisal of the property by a qualified real estate appraiser, which appraisal shall be conclusive evidence of the fair market value of the land.

N. Contribution Combination. The City may elect to receive a combination of cash, land and development of the land. The fair market value of the land the City wants and the value of the development of the land shall be calculated. That amount shall be subtracted from the cash contribution required by section 12.30 subd. 9 letter M of this chapter. The remainder shall be the cash contribution requirement.

O. Planned Unit Developments. Planned unit developments with mixed land uses shall make cash and/or land contributions in accordance with this subdivision based upon the percentage of land devoted to the various uses.

P. Park Dedication Fund. Funds Established. All payments collected pursuant to section 12.30 subd. 9 of this chapter ~~above paragraph 8~~, shall be placed in a neighborhood park acquisition and development fund established for the City, and may only be disbursed for purposes consistent with the acquisition and development of neighborhood parks as the City Council may, from time to time, direct.

Q. Specialized Housing Uses.

1. Independent living facilities for age restricted senior residents shall be considered the same as multiple-family residential dwellings for the purpose of park dedication requirements based on the number of proposed units at the time of final plat approval.

2. Facilities with a combination of senior independent living and/or various levels of housing with services shall make cash and/or land contributions in accordance with this subdivision based upon the number of units designated for the various uses.

~~**10. Effective Date/Credits.** In the event that subsequent to the effective date of this Ordinance, Section 12.31, Subd. 1, F, a landowner has dedicated lands to the City meeting the standards set forth in this Ordinance for park purposes, or made available to the City, at a price less than fair market value, land for that purpose, the City Council may permit the owner to apply the lands previously dedicated or sold to be applied as a credit against any requirements imposed by this Ordinance; provided that said credit shall be available with respect to land sold, only in the amount equal to the difference between the purchase price and the fair market value.~~

Subd. 10 Minimum Design Features.

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

Subd. 11 Zoning Ordinance and Official Map Consistency.

Subdivisions and preliminary and final plats may only be approved if they are consistent with the City's zoning ordinance, comprehensive plan and official maps.

SEC. 12.31 REQUIRED IMPROVEMENTS FOR ALL SUBDIVISIONS.

~~Subd. 1 General Improvements Required for All Subdivisions.~~

~~The subdivider developer shall be required to provide the following improvements to residential subdivisions unless the Council elects to do so under special assessments.~~

Subd. 1 General Provisions.

A. Before a final plat is signed by the City, the subdivider and/or owner shall pay all applicable fees and enter into a development contract setting forth the conditions under which the plat is approved.

B. Before a final plat is signed by the City, the subdivider and/or owner shall also furnish the City financial security in the form of a cash escrow or irrevocable letter of credit. Letters of credit must be from a state or federally chartered bank or savings and loan association, insured by the Federal Deposit Insurance Corporation, that has an office in the state of Minnesota or a subsidiary of such bank or savings association with an office in the state of Minnesota. If the subdivider and/or owner fails to perform any obligations under the development contract, the City may apply the security to cure the default.

1. If the developer is going to install the public improvements, the required security shall be the sum of the following fixed or estimated costs:

- a.** Utilities including but not limited to water, sanitary sewer and storm sewer.
- b.** Sanitary sewer lift stations.
- c.** Streets.
- d.** Streetlights.
- e.** Erosion control.
- f.** Engineering, to include developer's design, surveying and construction observation.
- g.** Landscaping.
- h.** Principal amount of special assessments previously levied against the property together with one year of interest.
- i.** Real estate tax for one year, if there are special assessments.
- j.** City engineering fees.
- k.** City inspection fees.
- l.** Wetland mitigation.
- m.** Custom graded lots.
- n.** Removal of buildings, encroachments and temporary improvements as required.

- o.** Lot corners/iron monuments.
- p.** Retaining walls.
- q.** Site restoration.
- r.** Private signage and pavement markings.
- s.** Record drawings.
- t.** Grading certification.
- u.** Stormwater basins.
- v.** City legal expenses.
- w.** Abandonment of any wells or septic systems.
- x.** Undergrounding of utilities including but not limited to electric, gas, telephone and cable.
- y.** City planning expenses.

2. If the City is going to install the public improvements, the required security shall be the sum of the following fixed or estimated costs:

- a.** Principal amount of special assessments for public improvements to be installed together with one year of interest.
- b.** Streetlights.
- c.** Erosion control.
- d.** Landscaping.
- e.** Real estate tax for one year.

C. No final plat shall be approved by the City Council without first receiving a report from the City Engineer that the improvements described therein together with the agreements and documents required under this section, meet the requirements of the City.

The City Administrator shall also certify that all fees required to be paid to the City in connection with the plat have been paid or that satisfactory arrangements have been made for payment.

D. The City shall require of a subdivider and/or owner submission of a warranty/maintenance bond in the amount equal to the original cost of the improvements or such lesser amount as agreed to by the City Engineer. The required warranty period for materials and workmanship from the contractor installing public sewer, water mains, storm sewer and stormwater retention ponds shall be two (2) years from the date of final acceptance by City Council or one year following final acceptance by City Council of the final bituminous wearing surface for City streets as approved by the City Engineer. The required warranty period for materials and workmanship from the street contractor installing public streets shall be

one year from the date of final acceptance by City Council of the final bituminous wearing course. The required period for sod, trees and landscaping shall be two (2) years.

E. The subdivider and/or owner is required to submit the final plat in electronic format. The electronic format shall be either AutoCAD.DWG file or a .DXF file. All construction record drawings (e.g., grading, utilities, streets) shall be in electronic format in accordance with standard city specifications. The subdivider and/or owner shall also submit one complete set of reproducible construction plans.

F. All of the required improvements to be installed under the provisions of this chapter shall be approved by and subject to the inspection of the City Engineer. All of the City's expenses incurred as the result of the requirement improvements shall be paid either directly, indirectly or by reimbursement to the City by the subdivider and/or owner.

G. Prior to the release of the portion of the required security related to grading, a record drawing shall be submitted to verify that the final as built grades and elevations of the lot and building and building setbacks are consistent with the approved grading plan for the development and amendments as approved by the City Engineer and that all required property monuments are in place.

Subd. 2 Monuments.

A. Official monuments, as designated and adopted by the county surveyor's office and approved by the county district court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the City Engineer. The boundary line of the property to be included with the plat shall be fully dimensioned with direction and distance, all monuments and surveyor's irons to be indicated and each angle point of the boundary perimeter to be so monumented.

B. Pipes or steel rods with surveyor's identification shall be placed at each lot corner. All United States, state, county or other official bench marks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary direction and distance pertaining to the lots and blocks, as an aid to future surveys shall be shown on the plat. No ditto marks will be permitted in indicating dimensions.

C. To ensure that all irons and monuments are correctly in place following the final grading of a plat and construction of utilities, financial security will be required as determined by the City Engineer. Proof of the second monumentation shall be in the form of a surveyor's certificate.

~~A. **Monuments.** Steel monuments shall be placed within six inches of final elevation at all lot corners, block corners, angle points, points of curves in streets and at intermediate points as shown on the Final Plat. Such installation shall be the subdivider's expense and responsibility. All U.S., State, County or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.~~

Subd. 3 Streets.

~~B. Streets.~~

~~A. The full width of the right of way shall be graded in accordance with the provisions for construction as outlined in section 12.30 of this chapter.~~

B. All streets shall be improved in accordance with the City standards and specifications for street construction as required by the City Engineer.

C. All streets to be surfaced shall be of an overall width in accordance with the standards and specifications for construction as approved by the City Council. The portion of the right of way outside the area surfaced shall be sodded or seeded by the developer as deemed necessary by the City Engineer.

D. Where required, the curb and gutter shall be constructed in accordance to the standards and specifications for street construction as set forth and approved by the City Council.

E. The grading and drainage requirements for each plat shall be approved by the City Engineer at the expense of the applicant. Every plat presented for final signature shall be accompanied by a report from the City Engineer that the grading and drainage requirements have been met. In an area not having municipal storm sewer trunk, the applicant shall be responsible, before platting, to provide for a stormwater management plan, without damage to properties outside the platted area, and said stormwater management plan shall be submitted to the City Engineer, who shall report to the City Council on the feasibility of the plan presented. No plat shall be approved before an adequate stormwater management plan is presented and approved by the City Engineer and City Council.

F. Trees and boulevard sodding or seeding shall be installed in conformance with the standards and specifications as required by the City Council.

G. Street signs of the design approved by the City Council shall be installed.

H. Driveway aprons and sidewalks of standard design or pedestrian pathways as may be required by the City Council shall be installed.

I. Street lighting fixtures as may be required by the City Council shall be installed.

~~————— 1. Grading. Streets shall be graded to the full width of the right of way in accordance with street grades submitted to and approved by the City Engineer. All street grading and gravel base construction shall be in accordance with specifications on file in the City Engineer's office. Grading shall be complete prior to installation of applicable underground utilities, either private or public in nature. Gravel base construction shall be undertaken after completion of the installation of underground utilities.~~

~~————— 2. Surfacing. Following the City Engineer's approval of street grading and after utility installation, streets shall be surfaced and provided with concrete curbs and gutters in accordance with the latest recommended plans and specifications prepared by the City Engineer, and approved by the Council.~~

Subd. 4 Future Street Improvements.

As a condition of plat approval, when property being platted is adjacent to an existing collector road, highway, or substandard streets which need improvement, the developer shall dedicate land for the widening or improvement and shall post a cash escrow acceptable to the City for the cost of the improvement. This provision shall only apply when the need for the improvement is caused by the plat or surrounding development.

Subd. 5 Municipal Utilities.

A. Sanitary Sewer. Sanitary sewer facilities adequate to serve the subdivision shall be installed in accordance with the latest plans and specifications of the City Engineer and shall meet the requirements of the **sanitary sewer** master plan for sanitary sewer extensions **and improvements** of the

City. All new construction shall be connected to the City sewer system. **The use of sanitary sewer ejector pumps for service to individual lots shall not be allowed unless approved by the City Engineer as a private utility fixture prior to installation.**

B. Water Facilities. ~~Lines.~~ Water facilities adequate to serve the subdivision shall be installed in accordance with the latest plans and specifications of the City Engineer and shall meet the requirements ~~of~~ **of** the **water facilities** master plan for watermain extensions **and improvements** of the City. All new construction shall be connected to the City water system.

C. Stormwater Facilities. Storm sewer and/or other surface drainage facilities shall be installed as determined to be necessary by the City Engineer for the proper drainage of surface waters.

D. Where City sanitary sewer and water facilities are not available for extension to service existing properties, the City Council may permit the use of individual water and sewer systems in accordance with all appropriate state and local regulations.

~~D. Utilities.~~

~~1. Sanitary Sewer. Sanitary sewer facilities adequate to serve the subdivision shall be installed in accordance with the latest plans and specifications of the City Engineer and shall meet the requirements of the master plan for sanitary sewer extensions of the City. All new construction shall be connected to the City sewer system. (Amended, Ord. No. 84, 2-20-07)~~

~~2. Stormwater Facilities. Storm sewer and/or other surface drainage facilities shall be installed as determined to be necessary by the City Engineer for the proper drainage of surface waters.~~

~~3. Water Lines. Water facilities adequate to serve the subdivision shall be installed in accordance with the latest plans and specifications of the City Engineer and shall meet the requirement so the master plan for watermain extensions of the City. All new construction shall be connected to the City water system. (Added, Ord. No. 84, 2-20-07)~~

Subd. 6 Public Utilities.

Telephone, electric, communication cable, and/or gas service lines are to be placed underground in accordance with the provisions of all applicable City ordinances.

Subd. 7 Election by City to Install Improvements.

It is the subdivider and/or owner's responsibility to install all required improvements except that the City reserves the right to elect to install all or any part of the improvements required under the provisions of this chapter pursuant to Minnesota statutes chapter 429, as amended. If the City elects to install the improvements the City may require the developer to post a cash escrow or irrevocable letter of credit guaranteeing payment of the assessments.

Subd. 8 Sidewalks and Driveways.

Driveways shall be constructed from the curb and gutter to the property line or property side of sidewalk. In cases where driveways are constructed after curbing and sidewalks are in place, the sidewalk shall be reconstructed in accordance with driveway specifications to the width of the driveway. *(to be provided)*

Subd. 9 Specifications and Inspections.

Unless otherwise stated, all of the required improvements shall conform to engineering standards and specifications as required by the City Council and **City Engineer**. Such improvements shall be subject to inspection and approval by, and shall be made in sequence as determined by the City Engineer.

SEC. 12.32 - 12.39 RESERVED FOR FUTURE EXPANSION.

~~(Sections 12.32 through 12.39, inclusive, reserved for future expansion.)~~

SEC. 12.40 PAYMENT FOR INSTALLATION OF IMPROVEMENTS.

Subd. 1 Payment for the Installation of Improvements.

~~A. All the required public improvements for new subdivisions as required listed in this chapter are to be furnished and installed at the sole expense of the subdivider and/or owner or at the option of the City Council by the City through an agreement for special assessments. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement (representing the benefit to such lands) to be allocated in accordance with City policies and shall be outlined in the development contract. Further provisions may be made for the City to pay through a general tax levy or other means any portion of the project cost which in the opinion of the Council do or may provide substantial benefit to land beyond the boundaries of the subdivision. In such instances the subdivider and/or owner will be required to pay or agree to special assessments for only such portion of the cost which represent benefit to property within the subdivision.~~

Subd. 2 Agreement for Providing the Installation of Improvements.

~~A. Prior to installation of any required improvements by the subdivider and/or owner and prior to approval of the final plat, the subdivider and/or owner shall enter into a development contract and provide cash escrow, irrevocable letter of credit, or similar guarantees to the City related to performance, and/or for installation of public improvements, and/or subdivider and/or owner to install improvements. Prior to the installation of any required improvements and, generally, prior to the acceptance of a Final Plat, the subdivider shall enter into an agreement with the City to have such improvements constructed or to have the City construct such.~~

~~B. The subdivider and/or owner shall furnish and construct improvements at the subdivider and/or owner sole cost and in accordance with plans and specifications and usual development contract conditions. This shall include provision for supervision of details of construction by the City Engineer and shall grant to the City Engineer authority to work with contractors to complete the improvements to be done under said development contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the City in the vicinity. The agreement shall require all public and private utility material standards and installation requirements to be met and shall be approved by the City Engineer.~~

~~C. Owner to Construct. If the improvements are to be constructed by the subdivider and/or owner, the agreement shall require the subdivider and/or owner to make an escrow deposit or furnish an irrevocable letter of credit as required by this section and as determined by the City. The amount of the escrow deposit or irrevocable letter of credit is to be based on the City Engineer's estimate of the total cost of the improvements to be furnished and installed by the subdivider and/or owner under the development contract, including the cost of inspection as required by the City. The amount of the escrow deposit or irrevocable letter of credit shall be equal to one hundred and twenty-five percent (125%) of the City Engineer's estimate. such agreement between the owner and City shall include a requirement for an escrow deposit or performance bond equal to 125% of the City Engineer's estimate of the cost. The Council may, however, at its option reduce said amount to 100% of the cost.~~

~~D. On request of the subdivider and/or owner, but at the sole discretion of the City, the development contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat. In such event, and if evidence is presented that the described work and improvements have been paid for, the amount of the deposit may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat.~~

E. Required improvements shall be completed by the subdivider and/or owner within the time specified within the approved development contract; provided that the City Council for good cause may extend the period of time in which the improvements must be installed.

F. If the required improvements are not completed within the specified time period or a period approved by the City Council as hereinabove provided, all financial securities shall be turned over to the City and applied toward the cost of the required improvements. Any balance after the improvements have been made shall be returned to the subdivider and/or owner upon written request.

G. No subdivider and/or owner shall be permitted to start work on any other subdivision improvements without special written approval of the City Council.

H. City to Construct. If the City has agreed to construct said improvements, an agreement for special assessments must be entered ~~into~~. Such agreement shall require the ~~subdivider~~ **subdivider and/or owner** to provide an escrow deposit or irrevocable letter of credit to the City **according to section 12.31 subd. 1 letter B2 of this chapter.** ~~for not less than twenty five (25%) nor more than fifty percent (50%) of the total assessable cost of the improvement.~~

1. By providing such escrow **deposit or irrevocable** letter of credit the **subdivider and/or owner** expressly understands that any amount, up to one hundred percent (100%) of the amount, shall be forfeited by **the subdivider and/or owner** ~~him~~ should any annual assessment for one or more parcels still owned by the subdivider **and/or owner** become delinquent per the **subdivider and/or owner's** tax statement(s).

2. The City may, at its option, from time to time reduce the escrow **deposit** or amount of the irrevocable letter of credit as the **subdivider and/or owner** ~~developer~~ constructs houses and sells such to private third parties who have assumed responsibility for such assessments. The subdivider **and/or owner** shall be responsible for providing proof of sale and assumption of such assessments.

3. Waiver of Hearing. By entering into a special agreement with the City, the subdivider **and/or owner** waives all right to an assessment hearing and subsequent rights of appeal for any default costs associated with a project covered by agreement.

Subd. 3 Financial Guarantees.

The development contract requires the subdivider and/or owner to make an escrow deposit or provide a certified check or irrevocable letter of credit as determined by the City. The escrow deposit or irrevocable letter of credit shall conform to the requirements of this section. ~~The agreements referenced in Subdivisions 1 and 2, above, require financial guarantees by the subdivider. These guarantees shall conform to the following requirements.~~

A. Escrow Deposit.

1. If an escrow deposit is required, the escrow deposit shall be made with the City Administrator in an amount based on the City Engineer's estimate as required in this section.

2. The City shall be entitled to reimburse itself out of said escrow deposit or for any cost and expense incurred by the City for completion of the work in case of default of the subdivider and/or owner under said development contract, and for any damages sustained on account of any breach thereof.

3. Upon completion of the work and termination of any liability, the balance remaining in said escrow deposit shall be refunded to the subdivider and/or owner.

4. Interest on Escrow Deposits. ~~Accounts.~~ Any interest earned from escrow accounts or funds in irrevocable letter of credits shall be paid to the subdivider and/or owner.

~~A. Escrow Deposits are to be made with the City Treasurer or a designated depository of the City in the amount specified in the agreement. The City shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by it for completion of the work in case of default by the subdivider for damages sustained and/or for failure of the developer to pay special assessments.~~

~~B. Performance Bonds may be used in lieu of an escrow deposit. The bond shall be a surety bond with the City as named insured. The form of the bond shall be approved by the City Attorney and shall be filed with the City Clerk.~~

B. Irrevocable Letter of Credit.

1. If the subdivider and/or owner is required to furnish an irrevocable letter of credit, the sum shall be payable to the order of the City and delivered to the City in an amount based on the City Engineer's estimate as required in this section.

2. The irrevocable letter of credit shall be approved as to form by the City Attorney and filed with the City Administrator.

3. The City shall be entitled to reimburse itself out of said irrevocable letter of credit for any cost and expense incurred by the City for completion of work (including legal fees) in case of default of the applicant under said development contract, and for any damages sustained on account of any breach thereof.

~~C. Letter of Credit may be used if such is irrevocable in form and so approved by the Council.~~

C. Default. In the event the subdivider and/or owner shall defaults on in the terms of the development contract with the City, the City may complete such improvements or pay for such assessments and collect such claims together with damages and reasonable fees from the instrument of guarantee. Should the default result in costs to the City beyond the limits of financial guarantee, the City may assess those excess costs against the property being subdivided and collect such as if it were any other special assessment levied by the City against real property.

Subd. 4 Construction Plans and Inspection.

A. Construction Plans and Specifications: A minimum of four (4) full size copies, one 11-inch by 17-inch copy, and one electronic copy of the construction plans shall be furnished to the City Engineer for review and approval. Additional copies may be required by the City. Construction plans for the required improvements shall conform in all respects with all applicable ordinances and standards of the City. Construction documents shall be prepared, at the expense of the subdivider and/or owner, by a professional engineer who is registered in the state of Minnesota, and said plans shall contain professional certification. Such plans, together with the quantities of construction items, shall be submitted to the City Engineer for approval and for an estimate of the total cost of the required improvements. Upon approval, they shall become a part of the development contract. ~~Construction plans for the required improvements conforming in all respects with the standards and City Code provisions shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota, and said plans shall contain his certificate. Such plans together with the quantities of construction items shall be submitted to the City Engineer for his approval and for his estimate of the total costs of the required improvement. Upon approval, such plans shall become a part of the required contract. The tracings of~~

~~the plans approved by the City Engineer plus two (2) prints shall be furnished to the City to be filed as a public record.~~

B. All required improvements on the site that are to be installed under the provisions of this ~~chapter regulation~~ shall be inspected during the course of construction by the City Engineer at the subdivider ~~and/or owner's~~ expense, and acceptance by the City shall be subject to the City Engineer's certificate of compliance with the development contract.

C. Warranty: The subdivider and/or owner shall provide to the City a written warranty that all required improvements on the site meet or exceed all City standards and that such improvements have been inspected and tested in regard to the City standards. The subdivider and/or owner is responsible for having all such inspections and testing completed at the subdivider and/or owner's expense.

~~Subd. 6 Improvements Completed Prior to Approval of the Plan.~~

~~Improvements within a subdivision which have been completed prior to application for approval of the plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements only if the engineer shall certify that he is satisfied that the existing improvements conform to applicable standards.~~

Subd. 5 Development Contract.

A. Prior to commencing grading or the installation of any required improvements and prior to approval of the final plat, the subdivider and/or owner shall enter into a written development contract with the City requiring the subdivider and/or owner to furnish, construct, and complete said grading and improvements in accordance with plans and specifications and usual agreement conditions and/or pay appropriate costs for improvements or other costs associated with the plat. Further, the development contract shall provide for the development of any restrictions, covenants, easements, signage, park or open space requirements, or other conditions of the approved preliminary plat, and provide for proper execution, recording, and other action required. Approval of the development contract shall be by City Council resolution.

B. For a project involving a phasing plan, the initial development contract shall allow for grading, wetland mitigation, and installation of stormwater management facilities on the entire site included in the approved preliminary plat. Such work may begin after approval of the preliminary plat but only after approval, execution, and recording of the development contract and payment of financial securities. Such work shall comply with the approved grading plan.

C. The construction of streets, facilities for sanitary sewer and water, and other improvements beyond grading, wetland, and stormwater facilities shall not begin until approval of a final plat. Each subsequent phase shall require a separate development contract for improvements beyond those covered in previous development contracts. Improvements in each phase shall not begin until the final plat for that phase is approved and the development contract for the phase is approved, executed, and recorded.

D. The initial development contract (for grading) may address construction of streets and facilities for sanitary sewer and water for the first phase and list the financial securities and other requirements. However, the development contract shall stipulate that the work on these improvements shall not begin until approval of the final plat for the first phase and the provision of all financial securities by the subdivider and/or owner.

E. Each approved and executed development contract shall be recorded. Each development contract shall state that it is binding upon the subdivider and/or owner, his/her or their heirs, personal representative, and assigns. It shall stipulate that:

1. All improvements called for in the plat, or in any supplementary development contracts, shall be complete within the time specified by the City.

2. No private construction shall be conducted on any lots in the plat or filing of applications for building permits for construction on said lots until all improvements required under City regulations for the proposed subdivision have been made or arranged in a manner provided in this section.

F. The development contract shall include provisions for construction work inspection by the City and assurance that the subdivider and/or owner will conform with current testing requirements and quality control procedures of the City. The subdivider and/or owner shall provide documentation from a qualified testing laboratory and/or registered professional engineer that all improvements have been constructed in accordance with the requirements of the approved plans and specifications.

G. The development contract shall require the subdivider and/or owner to provide a certification from a land surveyor or engineer that the land included in the plat has been graded in conformance with the approved grading plan prior to the issuance of building permits.

H. The development contract shall require the subdivider and/or owner to provide a financial security to ensure payment of fees related to the subdivision and completion of all improvements.

I. A time schedule for completion of the work shall be determined by the City upon recommendation of the City Engineer after consultation with the subdivider and/or owner and shall be reasonable in relation to the work to be done, the seasons of the year, and proper coordination with construction activity in the subdivision.

J. The development contract shall include action remedies in the event of default including:

1. The City may complete the improvements by contract or force and obtain reimbursement of its costs from the posted security deposit.

2. The City reserves the right to withhold building permits for violation of any terms of the development contract.

Subd. 6 Improvements Completed Prior to Approval of the Final Plat.

Improvements within a subdivision which have been completed prior to application for approval of the final plat, or execution of the contract for installation of the required improvements, shall be accepted as equivalent improvements in compliance with these requirements only if the City Engineer certifies that the existing improvements conform to applicable standards and is evidence of payment for the work that has been completed and has been presented in such form(s) reasonably required by the City.

Subd. 7 Trunk Facilities.

Where a larger size water main, sanitary sewer, storm drain or similar facility is required to serve areas outside the subdivision, the larger facility required shall be constructed. Additional costs shall be allocated as outlined in the development contract.

Subd. 8 Alternate Installation.

The City may elect to install any or all of the required improvements pursuant to a special assessment agreement along with an escrow deposit or irrevocable letter of credit or other financial arrangements with the subdivider and/or owner.

Subd. 9 Certificate of Occupancy.

A. No certificate of occupancy shall be issued by the building official for any building in the subdivision prior to all improvements outlined in the development contract having been installed. Exceptions to this provision may be granted by the City Council at their discretion as part of the development contract.

B. Prior to issuance of a temporary certificate of occupancy, the property owner and prospective buyer, under a purchase agreement for the property, shall execute a right of access for City erosion control inspection in a form provided by the City.

Subd.10 Maintenance of Improvements.

The subdivider and/or owner shall be required to maintain all improvements in the subdivision or on the individual subdivided lots and provide for snow removal and maintenance of streets, if required, until acceptance of said improvements by the City Council in coordination with the development contract.

SEC. 12.41 ADMINISTRATION AND ENFORCEMENT.

~~Subd. 1 Building Permits.~~

~~No building permit shall be issued for any construction, enlargement, alteration or repair, demolition or moving of any building or structure on any lot or parcel until all the requirements of these regulations have been fully met. (Moved to Section 12.05)~~

Subd. 1 Violations and Penalty.

A. Sale of Lots from Unrecorded Plats. It shall be a misdemeanor 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 recorder of Goodhue and Olmsted Counties.

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

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

D. Penalty. Every person violates a section, subdivision, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. **Each month during which compliance is delayed shall constitute a separate offense.**

~~Subd. 1 Unlawful Act.~~

~~It is unlawful for any person to violate any of the provisions of these regulations, or to sell, lease or offer for sale or lease lots, blocks or tracts of land herewith regulated before all the requirements of these regulation have been complied with.~~

~~Source: Ordinance No. 259 Effective Date: 7-29-87~~

Subd. 2 Variances, Planning Commission Recommendations and Standards.

A. Findings.

The Planning Commission may recommend a variance from the minimum standards of this chapter (not procedural provisions) when, in its opinion, practical difficulties may exist on the property. In recommending any variance, the Planning Commission shall prescribe any conditions that it deems necessary to or desirable for the public interest. In making its recommendations, the Planning Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect

of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be recommended when the Planning Commission finds:

1. Variances shall only be permitted when they are in harmony with the general purposes and intent of this zoning code.

2. Variances shall only be permitted when consistent with the comprehensive plan.

3. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning code.

a. "Practical difficulties" shall mean that the property owner proposes to use the property in a reasonable manner not permitted by the zoning code; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.

b. Economic considerations alone do not constitute practical difficulties.

After considerations of the Planning Commission recommendations, the City Council may grant variances, subject to subsections 1, 2 and 3 of this section.

B. Application and Procedures. The application and procedures for processing a variance shall be in accordance with section 11.19, subd. 4 of chapter 11 Land Use Regulation (Zoning) of the City Code.

Subd. 3 Registered Land Surveys.

A. Registered Land Surveys. All registered land surveys in the city shall be presented to the planning commission in the form of a preliminary plat in accordance with the standards set forth in this chapter for preliminary plats and the planning commission shall first approve the arrangement, sizes and relationships of proposed tracts in such registered land surveys, and tracts to be conveyed for public purposes should be so indicated. Unless a recommendation and approval have been obtained from the planning commission and city council respectively, in accordance with the standards set forth in this chapter, building permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys and the city may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts unless so approved.

B. Review and Approval. Registered land surveys shall not be used to avoid the requirements of the subdivision regulations. A registered land survey for parcels of less than five (5) acres in size or three hundred feet (300') in width shall be reviewed by the planning commission and approved by the city council in the same manner as a subdivision plat. Such approval shall be attached to the survey.

C. Preparation. All registered land surveys shall be prepared in conformance with Minnesota statutes 508.47, subdivision 4, which is incorporated herein for reference.

D. Land for Public Purposes. Prior to approval of a registered land survey, the City Council reserves the right to require the conveyance of tracts of land for public purposes.

Subd. 4 Restrictions on Filing and Recording Conveyances.

A. Except for approved administrative subdivisions, all subdivisions must be platted or be approved by a registered land surveyor. No conveyance of land in which the land conveyed is described

by metes and bounds or by reference to an unapproved registered land survey or to an unapproved plat made after *(insert original date of approval)*, ~~these regulations become effective~~ shall be made or recorded unless the parcel described in the conveyance:

1. Was a separate parcel of record prior to *(insert original date of approval)* ~~at the effective date of this Chapter.~~
2. Was the subject of a written agreement to convey entered into prior to such time.
3. Was a separate parcel of not less than two and one-half acres in area and **one hundred and fifty feet** (150') ~~feet~~ in width as of January 1, 1966.
4. Was a separate parcel of not less than five (5) acres in area and **three hundred feet** (300') in width on the *effective date of this Chapter.*

~~**B.** In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the platting authority may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded. It is unlawful for any owner or agent of the owner of land to convey a lot or parcel in violation of the provisions of this section. The City may enjoin such conveyance or may institute civil action in any court of competent jurisdiction.~~

~~**B.** These subdivision regulations shall be applicable to any parcels which are taken from existing parcels of record by metes and bounds description and the City **may withhold building permits for buildings or tracts that have been subdivided and conveyed by this method, and the City may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts.** ~~may deny the issuance of building permits to any parcels so divided, pending compliance with the subdivision regulations.~~ *(moved from section 12.03)*~~

~~**Subd. 5 Disclosure by Seller; Purchaser's Actions for Damages.**~~

~~A person conveying a new parcel of land which, or the plat for which, has not previously been filed or recorded, and which is part of or would constitute a subdivision to which adopted subdivision regulations apply, shall attach to the instrument of conveyance either:~~

~~**A.** Recordable certification by the City Clerk that the subdivision regulations do not apply, or that the subdivision has been approved by the City Council or that the restrictions on the division of taxes and filing and recording have been waived by resolution of the Council in this case because compliance will create an unnecessary hardship and failure to comply will not interfere with the purpose of the regulations.~~

~~**B.** A statement which names and identifies the location of the appropriate City offices and advises the grantee that subdivision and zoning regulations may restrict the use or restrict or prohibit the development of the parcel, or construction of it, and that the division of taxes and the filing or recording of the conveyance may be prohibited without prior recordable certification of approval, non-applicability, or waiver from the City. In any action commenced by a buyer of such a parcel against the seller thereof, the misrepresentation of or the failure to disclose material facts in accordance with this Subdivision shall be grounds for damages. If the buyer establishes his right to damages, a District Court hearing the matter may in its discretion also award to the buyer an amount sufficient to pay all or any part of the costs incurred in maintaining the action, including reasonable attorney fees, and an amount for punitive damages not exceeding 5% of the purchase price of the land.~~

SEC. 12.42 OTHER PROVISIONS.

Subd. 1 Modifications, Exceptions and Variances.

~~A. Hardship. The Council may grant a variance upon receiving a report from the Planning Commission in any particular case where the subdivider can show by reason of exceptional topography or any other physical conditions that strict compliance with these regulations would cause exceptional and undue hardship provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of these regulations. The Planning Commission may recommend variations from the requirements of this Chapter in specifics which, in its opinion, do not affect the Comprehensive Plan or the intent of this Chapter. Any modifications thus recommended shall be entered in the minutes of the Planning Commission in setting forth the reasons which justify the modifications. The Council may approve variances from these requirements in specific cases which in its opinion meets the above requirements and do not adversely affect the purposes of this Chapter. (moved to section 12.41 subd. 2)~~

Subd. 1 Planned Unit Developments.

~~Upon receiving a report from the Planning Commission, the Council may grant a variance from the provisions of these regulations in the case of a planned unit development, as defined in the Zoning Chapter, provided that the Council shall find that the proposed development is fully consistent with the purposes and intent of these regulations. This provision is intended to provide the necessary flexibility for new land planning and land development trends and techniques. (moved to section 12.41 subd. 2 letter c)~~

Subd. 2 Minor Subdivisions.

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

~~B. In the case of a request to divide a lot which is a part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot or to create two lots and the newly created property line will not cause the other remaining portion of the lot to be in violation with these regulations or the Zoning Chapter, the division may be approved by the Council after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision. (Moved to section 12.20 subd.7 administrative subdivisions)~~

SEC. 12.42 - 12.99 RESERVED FOR FUTURE EXPANSION.

~~(Sections 12.43 through 12.98, inclusive, reserved for future expansion.)~~

~~SEC. 12.99 VIOLATION A MISDEMEANOR.~~

~~Every person violates a section, subdivision, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. *(moved to section 12.41 subd. 1 letter D)*~~

~~Source: Ordinance No. 259 Effective Date: 7-29-87~~

SEC. 7.09 STREET LIGHTING.

Subd. 1 Installation.

Streetlights shall be installed at all intersections or points designated by the City Engineer in the development of new subdivisions. *(types, LED lights, etc.??)*

The City Council may also determine by resolution the streets, alleys or other public or private areas on which the City shall install and operate street lighting systems. Before any such service is furnished pursuant to such resolutions, the City Clerk shall, under the Council's direction, publish notice that the Council will meet to consider such projects. Such notice shall be published in the official newspaper at least once no less than ten (10) days prior to such meeting of the Council and shall state the date, time and place of such meeting, the streets, alleys or other public and private areas affected and the particular projects proposed, and the estimated cost of each project. At such hearing or at any adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed projects. The Council shall thereupon adopt a resolution rejecting or confirming the original projects with such modifications as it considers desirable.

Subd. 2 Costs.

The costs of installation of streetlights in new subdivisions shall be the responsibility of the developer. The cost of installation of streetlights on existing streets, alleys or other public or private areas shall be assigned at the direction of the City Council.

Subd. 3 Maintenance.

The maintenance of streetlights shall be the responsibility of the City Public Works department. Cost for energy and maintenance of streetlights will be a part of the Public Works department's operating expenses.

Subd. 4 Charges.

A. Charges for street lighting shall be made against all property benefited by the streetlights. Rates shall be established in accordance with charges to the City. Such rates shall be established by resolution from time to time and may be amended from time to time by resolution of the City Council.

B. The street lighting charge shall be made with the water and sewer bill.

C. The City Clerk shall list the total unpaid charges for the service against each separate lot or parcel to which they are attributable under this chapter. The City Council may then spread the charges against property benefited as a special assessment under Minnesota statutes section 429.101.