

CHAPTER 151: SUBDIVISION ORDINANCE

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CHAPTER 151: SUBDIVISION ORDINANCE

SECTION 151.01 TITLE AND CONTENTS.

This ordinance shall be known as the Subdivision Ordinance of the City of Annandale, Wright County, Minnesota.

SECTION 151.02 PURPOSE.

Pursuant to the authority contained in Minn. Stat. § 462.358, this Ordinance, as amended, is adopted for the following purposes:

Subd. 1. Assure that new additions will harmonize with overall development objectives of the community and preserve and enhance the overall quality of life unique to Annandale.

Subd. 2. Encourage well planned subdivisions by establishing optimum development standards.

Subd. 3. Secure the rights of the general public with respect to public land and water.

Subd. 4. Improve land records by establishing standards for surveys and plats.

Subd. 5. Place the costs of improvements against those benefitting therefrom.

Subd. 6. Assure that public improvements such as streets, utilities and drainage are constructed to satisfactory standards.

Subd. 7. Provide common grounds of understanding between prospective subdividers-developers and City officials.

SECTION 151.03 JURISDICTION, APPLICATION, COMPLIANCE AND VALIDITY

Subd. 1. Jurisdiction. The regulations governing plats and subdivision of lands shall apply within the corporate limits of the City and other land as permitted by Minnesota State Statutes and as approved by the City of Annandale.

Subd. 2. Application. All subdivisions in the City must be platted. Any Plat made for each subdivision or each part of it lying within the jurisdiction of this Ordinance, shall be prepared, presented for approval, and recorded as prescribed in this Ordinance. These regulations shall apply to the subdivision of a lot, tract or parcel of land into two or more lots, tracts, or development, whether immediate or future, including the re-subdivision or re-platting of land or lots. The City Council may exempt the division of a single previously platted lot from the application of the Ordinance and condition the division upon Council approval only, where the Council finds that full compliance with the platting procedures is not necessary to meet the purposes of this Ordinance.

Subd. 3. Compliance. No Plat of any subdivision shall be entitled to record in the County Recorder's Office or have any validity until it has been prepared, approved and acknowledged in the manner prescribed by this Ordinance. No building permits will be issued by the City for the construction of any building, structure or improvement to the land or to any lot in a subdivision, until all requirements of this Ordinance have been fully complied with.

Subd. 4. Validity. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 151.04 DEFINITIONS.

Subd. 1. "Alley" means a public right-of-way usually 20 feet or less affording a secondary means of vehicular access to abutting property.

Subd. 2. "Block" means an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

Subd. 3. "City" is the City of Annandale, Wright County, Minnesota, and also means City Council.

Subd. 4. “City Council” is the governing body of the City of Annandale.

Subd. 5. “Comprehensive Plan” refers to the groups of maps, charts and text that make up the City's comprehensive long-range plan.

Subd. 6. “Cul-de-sac” means a terminal for the safe and convenient reversal of traffic movement.

Subd. 7. “Detention Basin” means a facility designed to temporarily store runoff from rainfall or snow melt, releasing the stored water at a controlled rate until the basin is empty. The outlet or control structure is located at the bottom of the facility so that the basin is dry after the runoff event. (See also Detention Pond, Retention Basin, and Retention Pond).

Subd. 8. “Detention Pond” means a facility designed to temporarily store runoff from rainfall or snow melt, releasing the stored water at a controlled rate until the water has been brought down to a predetermined level. The outlet or control structure is located in such a way that some water remains in the facility. The bottom of the facility is usually below water table, or is otherwise constructed in such a way that standing water remains in the pond year round (See also Detention Basin, Retention Basin and Retention Pond).

Subd. 9. “Design Standards” are the specifications to land owners or subdividers governing the preparation of plats, both preliminary and final, and the standards for public improvements to be provided in conjunction with the plat.

Subd. 10. “Easement” means a grant by a property owner for the use of a defined piece of land, either on a temporary or a perpetual basis for the purpose of access, surface drainage, storm water or snow melt detention, snow storage, or the construction and maintenance of utilities including, but not limited to, sanitary and storm sewers, water mains, storm drainage ways, gas lines, electric lines, and cable t.v. lines.

Subd. 11. “Final Plat” means a drawing or map of a subdivision, meeting all the requirements of a City and in a form the County requires for purposes of recording.

Subd. 12. “Lot” means a portion of a subdivision or other parcel of land intended for building development or for transfer of ownership.

Subd. 13. “Owner” includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm, association, public or quasi-public corporation, private corporation, or a combination of any of them.

Subd. 14. “Parks” and “Playgrounds” are public lands and open spaces in the City dedicated or reserved for and usable for recreation purposes.

Subd. 15. “Percentage of Grade” on street centerline means the distance

vertically (up or down) from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.

Subd. 16. “Pedestrian Way” is a public or private right-of-way across a block or with a block to provide access, to be used by pedestrians and which may be used for the installation of utility lines.

Subd. 17. “Planning Commission” is the Planning Commission of the City of Annandale.

Subd. 18. “Preliminary Plat” means a tentative drawing or map of a proposed subdivision meeting the requirements enumerated in this Ordinance.

Subd. 19. “Protective Covenants” are 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.

Subd. 20. “Retention Basin” means a facility designed to store runoff from rainfall or snow melt with no outlet. The stored water is allowed to percolate into the ground. (See also Detention Basin, Detention Pond, and Retention Pond).

Subd. 21. “Retention Pond” means a facility designed to store runoff from rainfall or snow melt with no outlet. The bottom of the facility is usually below water table, or is otherwise constructed in such a way that standing water remains in the pond year round. (See also Detention Basin, Detention Pond, and Retention Basin).

Subd. 22. “Rural Design” means a street design where adjacent property and right-of-way are graded to form a ditch section along the shoulder of the road. Surface drainage is primarily carried by the ditch section.

Subd. 23. “Street” means a public right-of-way affording primary access by pedestrians and vehicles to and through property within and adjacent to the community. Streets are divided into functional classifications according to the character of service they provide:

- A. Principal Arterial. Carries the major portion of trips entering and leaving the community, as well as the majority of through movement. Serves the major centers of activity, the longest trips, and carries a high proportion of urban travel on minimum mileage. Emphasizes mobility and is usually characterized by restricted access to abutting property.
- B. Minor Arterial. Carries the largest percentage of intracommunity travel interconnecting with and augmenting the principal arterial system. Serves smaller centers of activity, but ideally should not penetrate identifiable neighborhoods. Serves trips of moderate length and provides a lower level of mobility. Access to abutting property is usually not restricted.

- C. Collector. Carries traffic from the arterial systems to local street destinations, and vice versa. Provides traffic circulation within neighborhoods, and within commercial and industrial areas.
- D. Local. Primary purposes to provide direct access to abutting property. Offers the lowest level of mobility and through traffic movement is deliberately discouraged.
- E. Frontage road. A street directly adjacent to a principal arterial used to control access to the arterial while also serving adjoining property. Serves to segregate local traffic from higher speed through traffic and intercept driveways of residences and commercial establishments along the arterial. Can carry a functional classification of collector or local street depending on projected use. Also, a street directly adjacent to railroad right-of-way where access to abutting property is only necessary on one side.

Subd. 24. “Street Width” means the shortest distance between lines of lots delineating the street right-of-way.

Subd. 25. “Subdivision” means a described tract of land which is to be or has been divided into two (2) or more lots or parcels, for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term includes re-subdivision and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided.

Subd. 26. “Urban Design” means a street design where adjacent property and right-of-way are graded to the edge of pavement or to the top of a curb without need for ditch construction. Surface drainage is primarily carried by the paved street section.

SECTION 151.05 GENERAL REQUIREMENTS.

Subd. 1. Established Monuments. All Federal, State, County and other official monuments, bench marks, triangulation points, and stations shall be preserved in their precise location. The subdivider-developer must insure that these markers are maintained in good condition during construction and development. All section, quarter section, and sixteenth section covers shall be duly described and tied.

Subd. 2. Preservation of Natural Features. The Planning Commission may dedicate or establish any existing natural features to preserve any trees, groves, water courses and falls, beaches, historic sites, vistas and similar irreplaceable assets which add value to all developments and to the City as a whole.

Subd. 3. Land Subject to Flooding. No plat shall be approved for any subdivision which covers an area subject to periodic flooding or which is otherwise poorly drained unless the subdivider-developer agrees to make improvements which will, in the opinion

of the City Council, make the area completely safe for occupancy, and provide adequate street and lot drainage and conform to applicable regulations of other agencies such as the U.S. Corps of Engineers and the Department of Natural Resources. In addition, such plats may not be approved if the cost of providing essential services to protect the flood plain area would impose an unreasonable economic burden upon the City.

Subd. 4. Inconsistent Zoning. The Council may deny a plat or subdivision of land which will result in lots or parcels being created which are inconsistent with the property's current zoning.

Subd. 5. Conveyance by Metes and Bounds. No conveyance of land in which the land conveyed is described by metes and bounds, or by reference to an unapproved registered land survey shall be made or recorded unless the parcel described in the conveyance:

- A. Was a separate parcel of record at the office of the County Recorder as of September 20, 1976, or
- B. Was the subject of a written recorded agreement to convey that which was entered into prior to September 20, 1976, and the instrument showing the agreement to convey was recorded in the office of the County Recorder within one year thereafter, or
- C. Was a separate parcel of not less than 2 ½ acres in area or 150 feet in width prior to September 20, 1976, or
- D. Was a separate parcel of not less than 5 acres in area and 300 feet in width prior to April 20, 1981.

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

Subd. 6. Variances. Whenever it is found that the land included in a subdivision plat, presented for approval, is of such size or shape or is subject to, or is affected by such topographical location or conditions, or is to be devoted to such usage that full conformity to the provisions of this Ordinance is impossible or impractical, the City Council may authorize variations or conditional exceptions in the final plat so that substantial justice may be done and the public interest secured.

In making variations or conditional exceptions, the City Council shall find the following.

- A. That there are special circumstances or conditions affecting the property.
- B. That the variation or exception is necessary for reasonable and acceptable development of the property in question.

- C. That the granting of the variation or conditional exception will not be detrimental to the public welfare or injurious to other property in the vicinity in which the particular property is situated.
- D. The variation or exception does not adversely affect the Comprehensive Plan.

SECTION 151.06 PLATTING PROCEDURES

Subd. 1. Pre-Application Meeting. Before submitting any plat of 4 or more lots for consideration by the Planning Commission and City Council, the subdivider-developer shall meet with the City staff to learn the City's expectations and determine the relationship of the proposed subdivision with the Policy or Land Use Plan for the affected area. After this initial staff meeting, the subdivider-developer is encouraged to submit fifteen (15) copies of a general sketch plan of the proposed subdivision and preliminary proposals for essential services to the City Clerk for review and comment by the Planning Commission and City Council prior to submission of a preliminary plat application. The sketch plan should be presented in simple form showing any zoning changes which would be required, and showing that consideration has been given to existing community facilities that would serve it, to neighboring subdivisions and development, to the topographs of the area, and to plans for the area. The subdivider-developer is urged to seek the advice and assistance of the City Clerk and City staff at this point in order to save time and effort and facilitate approval of the preliminary plat.

Subd. 2. Preliminary Plat Approval.

- A. The subdivider-developer shall pay cash fee in an amount established by the Ordinance Establishing Fees and Charges adopted pursuant to this Code, as that ordinance may be amended from time to time, to be used for expenses in connection with approval or disapproval of the plat and any final plat which may later be submitted.
- B. The subdivider-developer shall engage a qualified land planner, registered land surveyor, or engineer to prepare a preliminary plat of the area to be subdivided.
- C. The subdivider-developer shall review proposed utility easements with utility companies and submit letters thereof from each utility company.
- D. The subdivider-developer shall submit fifteen (15) copies of the Preliminary Plat to the Clerk at least thirty (30) days before the public hearing considering the Preliminary Plat. The subdivider-developer shall include a written statement along with the Preliminary Plat describing the proposed subdivision, including the anticipated development schedule, a table showing the total number of lots and sizes, utilization of existing

natural features and vegetation, etc.

- E. If a subdivider-developer submits a Preliminary Plat to the City that this Ordinance does not apply to, the City Clerk shall within ten (10) days after receiving the plat certify that the City's subdivision regulations do not apply to the particular division.
- F. The Clerk shall submit copies of the Preliminary Plat to the Planning Commission, one copy to the City Engineer, and copies to other City consultants and public officials as required.
- G. All agencies, persons or bodies receiving copies of the Preliminary Plat shall transmit a report of their reaction together with any supporting material to the City Council at least seven (7) days before the meeting at which the Plat is to be considered. The subdivider-developer shall pay the cost of the services.
- H. The City Council may require qualified technical and staff services such as economic, engineering and legal review of the Preliminary Plat to advise on its suitability regarding general planning, conformity with plans of other private and public organizations and agencies, adequacy of proposed water supply, sewage disposal, drainage and flood control, special assessment procedures and other features. The subdivider-developer may be required to pay the cost of such services.
- I. The Planning Commission shall hold a public hearing on the preliminary plat and the Clerk will publish notice of the hearing's time and place in the official newspaper. At the public hearing, the subdivider-developer and all interested persons shall have the opportunity to be heard.
- J. Following its review and study, the Planning Commission shall prepare a report recommending approval, disapproval, or approval with conditions of the Preliminary Plat and submit it to the City Council.
- K. After receiving the Planning Commission recommendation, the City Council shall consider the application and shall approve or disapprove the application with any changes or conditions as it deems appropriate. The subdivider-developer may proceed with the final plat upon approval by the City Council.
- L. If the City Council disapproves the Preliminary Plat, the City Council will notify the subdivider-developer of the reasons for the action and what requirements will be necessary to meet the City Council's approval. The approval of the Preliminary Plat does not constitute an acceptance of the subdivision, but is merely an authorization to proceed with preparing the final plat. This approval of the Preliminary Plat shall be effective for a

period of one (1) year, unless an extension is granted by the City Council. If the final plat has not been submitted for approval within this period, a Preliminary Plat must again be submitted to the City Council for approval.

- M. The City Council may require an escrow deposit for a subdivision application for technical and legal review of the proposed plat based upon the anticipated cost of review. The escrow deposit when required will be over and above the fee required in Subdivision 2(a) above. Escrow amounts indicated may not limit the City's analysis of the proposed plat or the subdivider-developer's liability to pay for each technical or legal review.

Subd. 3. Preliminary Plat Requirements. The Preliminary Plat shall contain the following information.

- A. Proposed names of subdivisions shall not duplicate or too closely resemble names of existing subdivisions.
- B. Location of boundary lines in relation to section, quarter section or quarter-quarter section lines and any adjacent corporate boundaries, comprising a legal description of the property.
- C. Names and addresses of the developer and the designer making the Plat.
- D. Scale of Plat, not less than one inch to 100 feet. Scale of Plat (the scale to be shown graphically and in feet per inch).
- E. Date and north point.
- F. Existing conditions.
 - (i) Location, width and name of each existing or platted street or other public way, railroad and utility right-of-ways, public and private easements, parks and other public open spaces, and permanent buildings, within and adjacent to the proposed subdivision. Where a street is improved, the location, type, and width of the improved section shall be shown.
 - (ii) All existing utilities, both overhead and underground within and adjacent to the plat.
 - (iii) Sanitary sewers, storm sewers and culverts, including manhole invert and top casting elevations, culvert entrance and outlet elevations, and pipe sizes and locations. Water mains including hydrant locations and pipe sizes.

- (iv) Overhead and underground electrical, telephone, and gas lines. Manholes, pedestals, and similar appurtenances shall be shown.
- (v) Names of adjacent subdivisions and owners of adjacent parcels of unsubdivided land.
- (vi) Topography with contour intervals of not more than two feet related to USGS Datum. Topographic maps developed from aerial topography shall be verified with spot elevations taken in the field; a minimum of four spot elevations taken at the outer limits of the plat (four corners) shall be required along with one additional elevation for each five acres of area to be covered by the plat. Topography shall include the location and limits of water courses, marshes, low wet areas, drainage ways, bodies of open water including the highest known water level, ravines, quarries, bridges, culverts and other surface structures, wooden areas, rock out crops, and other natural features as may be pertinent to the subdivision.

The City may require additional topographic data on the area to be platted or on surrounding properties where necessary to properly evaluate drainage considerations.

G. Proposed Development.

- (i) The location and width of proposed streets, roadways, alleys, pedestrian ways and easements.
- (ii) The location and character of all proposed public utility lines including gas lines, power lines and telephone lines.
- (iii) Layout numbers and approximate dimensions of lots and a number or letter of each block.
- (iv) Location and size of proposed parks, playgrounds, churches, or school sites or other special uses of land to be considered for dedication to public use, or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions or such dedication or reservation.
- (v) Building set-back lines with dimensions.
- (vi) Indication of any lots on which use other than residential is proposed by the subdivider.
- (vii) The zoning districts, if any, on and adjacent to the tract.

- H. Supplementary Requirements. Two (2) copies of each of the following submittals shall accompany the Preliminary Plat.
- (i) Typical sections for each different street type. Sections shall show the width of the paved surface (distance between gutter lines where concrete curb and gutter is to be provided), street crown, boulevard width and slope in cut and fill sections, and back slopes in cut and fill sections. The full section shall show grading to each property line.
 - (ii) A "drainage and utility plan" showing the approximate location and proposed size of sanitary sewers, water mains, and facilities for handling surface runoff (storm sewers, detention or retention facilities, ditches or swayles, culverts, etc.). The plan shall be drawn on a reproducible copy (mylar) of the Preliminary Plat complete with all topographic information. Proposed manhole inverts shall be shown for sanitary and storm sewers along with the invert elevations of culvert entrances and outlets. Where detention or retention facilities are contemplated, their location and approximate size shall be shown on the plan; before the final plat is accepted, a detailed preliminary design must be provided for the ponds or basin as set forth elsewhere herein.
 - (iii) A vicinity map at a legible scale (one inch equals 1,000 feet or larger) shall be provided separately or inset on the Preliminary Plat. The map shall show the surrounding area within one-half mile of the proposed plat in all directions, shall show the arterial and collector streets near the proposed plat, and shall show utility connections too remote to be shown on the Preliminary Plat.
 - (iv) Additional data may be required when, in the opinion of the City, it is necessary to make a proper determination of site suitability for the type of development intended, or when the City or property owners outside of the area to be platted may incur costs for improvements generated by development. Such additional data may include, but not be limited to: soil surveys and borings, water table determinations, location of flood plain or flood fringe areas, additional drainage analyses, estimates of costs for proposed improvements, and other data as the City may require.
 - (v) Landscape Plan. Each lot in the plat shall be planted with 2 trees in the front yard. Deciduous trees must be a minimum of 2 ½ inch caliper as measured 3 feet from the ground and all evergreens must be a minimum of six feet in height.

- (vi) Location of wetlands lying within the proposed plat.
- (vii) Any necessary applications for variances from the provisions of this Ordinance and the City of Annandale Zoning Ordinance.

Subd. 4. Final Plat Approval.

- A. The owner shall engage a registered land surveyor to prepare a Final Plat which shall constitute that portion of the Preliminary Plat which the owners propose to record and develop at the time. The scale of the Final Plat shall be not less than one inch to 100 feet.
- B. The owner shall submit fifteen (15) or more copies of the Final Plat to the City Clerk at least fourteen (14) days before the City Council meeting to consider the Plat. The Final Plat shall be submitted within one (1) year of Preliminary Plat approval or the approval shall become null and void. The owner shall also submit a title opinion disclosing title to the property and any interests of other parties in the property.
- C. The Clerk shall transmit one (1) copy of the Final Plat to each member of the City Council, one copy to the City Engineer, and copies to such other officials and consultants as deemed necessary.
- D. The City Engineer and such other officials shall review the Final Plat and transmit a report of their opinions to the City Council members at or before the meeting at which the Plat is to be considered.
- E. The City Council shall study the Final Plat, considering the reports of the City Engineer and other departments and/or employees and then act upon the Final Plat, whereupon the Clerk shall notify the owner of the City Council's action.
- F. The owner shall file the approved Final Plat with the County Recorder within sixty (60) days of Final Plat approval, or the approval shall be considered null and void. In addition to the above requirements, the owner shall file with the City Clerk one (1) full-sized completely executed mylar of the Final Plat, one (1) full-sized blue line copy of the Final Plat, and one (1) reduced mylar of the lot and block layout at a size of eleven inches by seventeen inches (11" x 17").

Subd. 5. Final Plat Requirements. The Final Plat shall contain the following information:

- A. The Final Plat prepared for recording purposes shall be prepared in accordance with provisions of state statutes and county regulations.

- B. Name of subdivision (not to duplicate or too closely approximate the name of any existing subdivision).
- C. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a Final Plat shall be one foot in five thousand feet.
- D. The location of monuments shall be shown and described on the Final Plat. Locations of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments. Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency on street lines, and at each angle point on the boundary of the subdivision. A permanent marker shall be deemed to be a steel rod or pipe, one-half inch or larger in diameter extending at least three feet below the finished grade. In situations where conditions prohibit the placing of markers in the locations prescribed above, off-set markers will be permitted. The exact location of all markers shall be shown on the Final Plat, together with accurate interior angles, bearings and distances. Permanent monuments shall be placed at all quarter section points within the subdivision or on its perimeter.
- E. 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. Dimensions shall be shown from all angle points and points of curve to lot lines.
- F. Lots shall be numbered clearly and legibly. If blocks are to be numbered or lettered, these should be shown clearly in the center of the block. A tabulation showing the computed area in square feet of each lot, outlot, and park area shall be shown on the plat.
- G. The exact locations, widths, and names of all streets to be dedicated.
- H. Location and width of all easements to be dedicated.
- I. Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.
- J. Building set-back lines on front and side streets with dimensions.
- K. Name and address of developer and surveyor making the Plat.

- L. Scale of Plat (the scale to be shown graphically and in feet per inch) date and north point.
- M. 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 "utility easements," "drainage easements," or "drainage and utility easements."
- N. 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.
- O. Statement establishing building set-back lines as follows: Building set-back lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be built between this line and a street line.
- P. Certification required on Final Plats.
 - (i) Notarized and certification by a registered land surveyor, to the effect that the Plat represents a survey made by him and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are tracted.
 - (ii) Certification showing that all taxes and special assessments due on the property have been paid in full.
 - (iii) Space for Certificates of Approval to be filled in by the signatures of the Chairperson of the Planning Commission and the Mayor and Clerk of the City Council.
- Q. Supplementary documents and information.
 - (i) Copies of any private restrictions affecting the subdivision or any part thereof.
 - (ii) Development Agreement covering proposed improvements.
 - (iii) A preliminary design shall be submitted for any storm - water detention basin or pond contemplated in the subdivision. The submittal shall include the design criteria used, a watershed map, approximate size of inlet and outlet pipes, volume of water to be stored, normal ground and water elevation and enough typical sections to enable the City to determine what the facility will look

like, what the effect on adjacent property will be and to insure that enough land has been set aside.

- (iv) Revised street, utility and drainage layout.
- (v) Grading plan.

SECTION 151.07 MINIMUM DESIGN STANDARDS.

Subd. 1. General Standards.

- A. Design standards shall assure that the layout of the subdivision is in harmony with the existing adopted plans affecting the development of its surroundings and shall be in harmony with existing development unless the proposed development is part of a larger redevelopment plan. All subdivisions shall be consistent with the City's Official Map, Zoning Ordinance and Comprehensive Plan.
- B. Land which the City Council finds to be unsuitable for a subdivision or a development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the subdivider-developer and approved by the City Council to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.
- C. The rigid rectangular grid iron street pattern need not necessarily be adhered to, and the use of curvilinear streets and U-shaped streets, typical of cluster type subdivision layout shall be encouraged where such use will result in a more desirable and efficient use of the land.

Subd. 2. Blocks.

- A. Block Length. In general, intersecting streets, determining block lengths, shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions shall normally not exceed 1,300 feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than 800 feet, pedestrian ways and/or easements through the block may be required near the center of the block. Blocks for business or industrial use should normally not exceed 600 feet in length.

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

Subd. 3. Streets and Alleys.

- A. Arrangements of Arterials and Collectors. The arrangement of arterial and collector streets shall conform as nearly as possible to the Annandale Comprehensive Plan. Except for cul-de-sacs, streets normally shall connect with streets already dedicated and 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 run-off of storm water, to public convenience and safety and in their appropriate relation to the proposed uses of the area to be served.
- B. Arrangement of Local Streets. Local streets should be so planned as to discourage their use by non-local traffic. Dead end streets are prohibited, but cul-de-sacs will be permitted where topography or other conditions justify their use. Jogs at intersections shall be avoided wherever possible.
- C. Future Street System. Where the Plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portions shall be prepared and submitted by the subdivider.
- D. Outlots and Oversized Lots. 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 opening of future streets and appropriate subdivision, with provision for adequate utility connections for such resubdivision.
- E. Intersections. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations.
- F. Arrangement of Frontage Roads. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a railroad or a limited access arterial, provision shall be made for a frontage road adjacent to and more or less parallel with said right-of-way, or for a street at a distance suitable for the appropriate use of land between the street and said right-of-way.

The frontage road shall be designed with due consideration for outer pavement separation, traffic storage at cross streets, and approach connections to future grade separations.

- G. Arrangement of Alleys. Alleys shall be provided in commercial and industrial districts, except that this requirement may be waived where other definite and assured provision is made for service access, such as 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. Dead end alleys shall be avoided wherever possible, but if unavoidable, such dead end alleys may be approved if adequate turn around facilities are provided at the closed end.
- H. Half Streets. Dedication of half streets will not be allowed.
- I. General Design Standards. The following design standards shall be observed as minimum requirements. Where in the opinion of the Planning Commission sound engineering judgment dictates more stringent requirements in a given situation, the minimum requirements shall be adjusted accordingly.

- (i) Right-of-Way. The following minimum right-of-way dimensions shall be observed:

<u>Street</u>	<u>Feet Required</u>
Principal Arterial	Special Design
Minor Arterial	100
Collector	80
Local	60
Frontage	50
Alley	20
Pedestrian Way	10

- (ii) Cul-de-sacs. Cul-de-sacs shall normally not be longer than 500 feet measured along the street centerline from the intersection of origin to the center point of the turn-around. The turn-around shall have a minimum curb radius of 50 feet and a minimum right-of-way radius of 60 feet.
- (iii) Intersections. The minimum angle of intersection of streets shall be 80 degrees. Street intersection jogs with an off-set of less than 125 feet shall be prohibited.
- (iv) Street Grades. The grades on streets in the proposed subdivision

shall fall within the following range:

<u>Street</u>	<u>Minimum</u>	<u>Maximum</u>
Principal Arterial	0.4%	5%
Minor Arterial	0.4%	5%
Collector	0.4%	8%
Local	0.4%	8%
Frontage	0.4%	8%
Alley	0.4%	8%
Pedestrian Way	0.4%	5%

Street grades exceeding 2% will not be allowed within a distance of 50 feet from the near curb line or pavement edge of any intersection.

- (v) Horizontal Radii. Where existing buildings do not restrict site distance and design speed is 30 miles per hour or less, the following minimums for centerline radius shall apply:

<u>Street</u>	<u>Minimum</u>
Principal Arterial	Special Design
Minor Arterial	Special Design
Collector	375
Local	200
Frontage	200

Centerline radii design considerations for all arterials and for other streets where design speeds exceed 30 miles per hour shall include proper site distance and superelevation.

- (vi) Vertical Curves. Vertical Curves shall be designed based on proper site distance. In no case will centerline vertical curves shorter than 50 feet be allowed.
- (vii) Storm Sewers, Culverts, Ditches. Storm sewers, culverts and ditches shall be designed to accommodate at least a three year frequency storm. At low points in the collection system or where damage potential warrants, the design frequency shall be increased as necessary.
- (viii) Detention or Retention Facilities. Detention ponds or basins shall, as a minimum, be designed to accommodate the critical duration 100 year frequency rainfall event. Retention ponds or basins shall, as a minimum, be designed to accommodate the critical duration 100 year runoff event whether it be from rainfall, snow melt, or a

combination thereof. All ponds or basins shall have a one foot freeboard located entirely within the outlot set aside for the pond or basin. Where additional protection is warranted, the above frequencies or freeboard shall be increased as the Engineer designing the facilities deems necessary.

Irregular shapes for ponds or basins are desirable and encouraged. Basin bottoms shall have at least a 2 percent slope to the outlet. Pond or basin side slopes shall not be steeper than 6:1 (six horizontal to one vertical) except that slopes adjacent to permanent standing water shall not be steeper than 10:1 (ten horizontal to one vertical) for a minimum distance of 20 feet from the edge of the standing water. Ponds or basins deeper than six feet (depth to dry bottom or permanent standing water) shall be terraced with 20 foot wide surfaces no steeper than 10:1 (ten horizontal to one vertical). A 20 foot access easement shall be provided from a near street to the pond area for maintenance purposes. Ponds shall have a normal water depth of at least 4 feet and shall have enough surface area to ensure good water quality year round.

- J. All proposed streets shall be offered for dedication as public streets. No private streets will be allowed.

Subd. 4. Lots.

- A. Corner Lots. Corner Lots for residential use shall have sufficient width to permit appropriate building set back from both streets.
- B. Side Lines. Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
- C. Double Frontage Lots. Double frontage lots shall be avoided except where lots back on a thoroughfare or other arterial streets, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least 20 feet in order to allow space for screen planting along the back lot line.
- D. Required Frontage. Every lot must have at least the minimum required frontage on a public dedicated street other than an alley.
- E. Building Lines. Set-back or building lines shall be shown on all lots intended for residential use and shall not be less than the set-back required by the Zoning Ordinance. On those lots which are intended for business use, the set-back shall be at least that required by the Zoning Ordinance.

- F. Natural Features. In the subdivision of land, due regard shall be shown for all natural features which, if preserved, will add attractiveness and stability to the proposed development and which may alter normal lot planning.
- G. Lots Along Arterial Streets/Railroads. Residential lots shall be separated from highways, arterial streets and railroad right-of-ways by a 15 foot buffer strip, which may be in the form of added depth or width of lots backing on or siding on the arterials or railroad right-of-ways.
- H. Lot Remnants. Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the subdivider-developer can show plans for the future use of such remnant.
- I. Buildable Lots. Buildable Lots are those lots that are multiples of the minimum lot. As such building sites should be located on buildable lots such that at a later date the buildable lot may be broken into minimum lots that contain suitable building sites.

Subd. 5. Easements.

- A. General Requirements. Perpetual Easements shall be provided in such a way as to provide continuity of alignment from block to block. The subdivider shall provide temporary construction easements where determined necessary by the City. Perpetual Easements shall be kept free of vegetation or structures which would interfere with the free movement of utility service vehicles. Where easements are provided for city utilities (sanitary sewer, water main, storm sewer, and related service connections) or for watercourses, the size of lots on which the easements are placed shall be increased so that minimum dimension and area requirements are met exclusive of the easement areas.
- B. Utility Companies. Easements for Telephone, Gas, Electric Power, Cable Television, and related utilities shall be provided where necessary to accommodate the existing subdivision, and to provide for future growth. Easements along side or rear lot lines shall be at least 20 feet wide and shall be centered on the lot lines; where the side or rear lot lines abut the edge of the plat, half of the easement, or 10 feet shall be provided, with the additional 10 feet projected to come from future development of the adjacent land, unless the City determines that the entire 20 foot easement must be provided on the current plat. Where necessary, additional utility easements 10 feet wide shall be provided adjacent to street rights-of-way.
- C. City Utilities. Easements for sanitary sewer, water main, storm sewer, and for related service connections shall be provided as determined necessary by the City. Minimum easement requirements for a single utility are as

follows:

<u>Depth of Utility</u>	<u>Required Easement Width</u>
0 - 10 feet	20 feet
10 - 15 feet	30 feet
15 - 20 feet	40 feet

Where two or more utilities are to be installed in the same easement area, a determination of width shall be made by the City.

D. Watercourses. When a subdivision is traversed by a watercourse, ditch, swayle, drainageway, channel, or stream, a drainage easement shall be provided conforming substantially with the lines of such watercourse. The easement shall be of sufficient width to permit free flow of anticipated surface water, with additional room required for access by maintenance vehicles. Where determined necessary by the City, additional easement width shall be provided to accommodate surface water anticipated from future development adjacent to or otherwise upstream of the current subdivision.

E. Detention or Retention Facilities. Where the subdivider proposes to use a pond or basin to control storm water runoff, the following requirements shall be met:

(i) The area containing the pond or basin shall be platted as an outlet and dedicated to the public for drainage purposes. The outlet shall include the area necessary to accommodate the anticipated storm water runoff including one foot of freeboard, a 20 foot wide access easement from a near street, and such area as may be determined necessary to provide an emergency overflow to an established outlet.

(ii) On lots surrounding the pond or basin, a drainage easement shall be provided to include all lot area within one foot of vertical elevation from the edge of the outlet.

SECTION 151.08 REQUIRED IMPROVEMENTS.

Prior to approval of a Final Plat, the subdivider-developer shall be required to provide the following improvements for subdivisions unless the City elects to give approval upon being presented with financial guarantees as set forth in this section.

Subd. 1. Monuments. Steel monuments shall be placed at all 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-developer's expense and responsibility. All U.S.,

State, County or other official bench marks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.

Subd. 2. Street Improvements.

- A. The full width of the right-of-way shall be graded, including the sub-grade of the areas to be paved, in accordance with standards and specifications for street construction as approved by the City Council.
- B. All streets shall be improved with pavement in accordance with the standards and specifications for construction as approved by the City Council.
- C. All streets to be paved shall be of an over-all width in accordance with the standards and specifications for construction as approved by the City Council.
- D. Concrete curb and gutter shall be provided and shall be constructed in accordance with standards and specifications for street construction as approved by the City Council.
- E. Storm sewers, culverts, storm water inlets and other drainage facilities will be required where, in the opinion of the City they are necessary to insure adequate storm water drainage for the subdivision. Where required, the drainage facilities shall be constructed in accordance with the standards and specifications for drainage and street construction as approved by the City Council. The City may require installation of oversized drainage facilities in order to accommodate the needs of future developments in the area. To the extent that the required improvements benefit lands beyond the boundaries of the subdivision, the City Council may make a provision for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same, of the City Council may choose to pay the increased cost and assess for improvements when future development takes place. In such case the developer will be required only to pay for such portions of the whole cost of said improvements as will represent the benefit to the property within the subdivision.
- F. Complete plans for any proposed street and drainage improvements shall be submitted for the approval of the City Council before construction.
- G. Sidewalks and pedestrian trails, street lighting, street and traffic control signs, and civil defense sirens, to be installed within the subdivision as directed and approved by the City.

Subd. 3. Sanitary Sewer Improvements. Sanitary sewers shall be installed as

required by standards and specifications as approved by the City Council. Complete plans for any proposed sewer system shall be submitted for the approval of the City Council before construction. The City may require installation of oversized sanitary sewer facilities in order to accommodate the needs of future development in the area. To the extent that the required improvements benefit lands beyond the boundaries of the subdivision, the City Council may make a provision for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same, or the City Council may choose to pay the increased cost and assess for improvements when future development takes place. In such case the developer will be required only to pay for such portions of the whole cost of said improvements as will represent the benefit to the property within the subdivision.

Subd. 4. Water Supply Improvements. Water distribution facilities, including pipe fittings, hydrants, etc., shall be installed in accordance with the standards and specifications for such construction as approved by the City Council. Complete plans for these systems shall be submitted to the City Council for approval. The City may require installation of oversized water supply facilities in order to accommodate the needs of future developments in the area. To the extent that the required improvements benefit lands beyond the boundaries of the subdivision, the City Council may make a provision for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same, or the City Council may choose to pay the increased cost and assess for improvements when future development takes place. In such case the developer will be required only to pay for such portions of the whole cost of said improvements as will represent the benefit to the property within the subdivision.

Subd. 5. Public Utilities.

- A. All public utilities shall be underground.
- B. Where telephone, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such a manner so as not to conflict with other underground services. All drainage and other underground utility installation which traverse privately owned property shall be protected by easements.
- C. Where telephone, electric, and/or gas service lines are to be placed underground in dedicated public streets or alleys which are to receive concrete or bituminous surfacing, said service lines shall be installed prior to installation of the concrete or bituminous surfacing. The Public Utility may, at its option, defer installation of service lines provided it installs casings at proposed crossing locations prior to installation of the concrete or bituminous surfacing. All casings shall be buried with a minimum of two feet of cover, and shall extend to a point at least four feet beyond the edge of pavement or back of curb. Casing materials shall be approved by the City.

Subd. 6. Specifications/Inspections. Unless otherwise stated, all the required improvements shall conform to engineering standards and specifications as required by the City Council. Such improvements shall be subject to inspection and approval by, and shall be made in sequence as determined by the City.

Subd. 7. Review and Inspection. The subdivider-developer shall pay for all costs incurred by the City for subdivision review and inspection. This would include preparation and review of plans and specifications by technical assistants and costs incurred by the Attorney, as well as other costs of similar nature.

Subd. 8. Financing. The subdivider-developer shall be required to pay for all or a portion of the above required improvements according to the following schedule:

- A. Sanitary Sewers. Benefit rates will be based on the total cost of constructing the sanitary sewer necessary to serve the development site together with any area or district-wide benefits of prior construction.
- B. Water Mains. Benefit rates will be based on the total costs of constructing water mains to serve the development site together with any area or district-wide benefits of prior construction.
- C. Storm Drainage. Benefit rates will be as specified by City policy or resolution. Where a larger watershed or drainage area can be determined and when the area will benefit from the installation of storm sewer, the City Council will determine the benefit rates.

Subd. 9. Payment City/Development Agreement, Financial Guaranty.

- A. Payment. The required improvements to be furnished and installed by the subdivider-developer, which are listed and described in this Section; are to be furnished and installed at the sole expense of the subdivider-developer and at no expense to the public. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the City Council may make a provision for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same, or the City Council may choose to pay the increased cost and assess for improvements when future development takes place. In such case the subdivider-developer will be required only to pay for such portions of the whole cost of said improvements as it will represent the benefit to the property within the subdivision.
- B. City/Developer Agreement. Prior to the installation of required improvements and prior to approval of the Final Plat, the subdivider-developer shall enter into a development agreement with the

City requiring that the subdivider-developer furnish and construct said improvements at his or her expense and in accordance with plans and specifications to be approved by the City Engineer. The City/Developer contract shall stipulate the type and extent of the improvements to be constructed, the cost of construction, the construction time schedule, the City's authority to inspect the construction and the amount of the escrow deposit performance bond, warranty bond and labor and materialman bond to be furnished.

As an alternative to paragraph (a) above, the owner of the property included in a Preliminary Plat may petition the City to install certain improvements required within and/or to the Plat. Said petition shall be in accordance with Minnesota Statutes Chapter 429. The City Council reserves the right to reject a petition and refuse to order the project through the City. Any petitioner for improvements to the City must be received by January 1st each year for improvements requested during the year. Otherwise, the City may refuse to construct said improvements until the following year.

- C. Financial Guarantees. With the execution of the Development Agreement, providing that the developer will construct the required improvements for the Plat at his expense, the owner or developer, as the case may require, shall furnish a corporate completion bond, with good and sufficient sureties thereon, or a cashier's check, escrow account or irrevocable letter of credit in favor of the City in an amount equal to 125% of all costs, to include construction, engineering, legal, fiscal and administrative, as estimated by the City, of providing and installing all required improvements. Such bond, escrow, or letter of credit shall be in the form approved by the City Attorney, shall be conditioned upon the approval of the Final Plat and shall be further conditioned as to guarantee the actual completion and installation of such required improvements within a specified period of time from the date of Final Plat approval. In order to guarantee and secure the correction of any defect in material or workmanship furnished for such improvements, latent in character, and not discernible at the time of final inspection or acceptance by the City or any damage to such improvements by reason of a settling of the ground, base or foundation thereof, the City will require that for a period of twelve (12) months after final acceptance of the required improvements by the City, the proponent shall maintain a bond, escrow account or irrevocable letter of credit, in the amount of 100% of the construction costs of the in-place improvements which will be owned and maintained by the City. If during that 12 month period any such defects develop, the deposit in escrow, bond, or letter of credit may be applied by the City for any amounts incurred to correct such defects.

- D. Additional Escrow. The subdivider-developer shall be required to deposit with the City a cash escrow in an amount determined by the City to ensure that the subdivider-developer will keep public streets and property free from soil, earth or debris resulting from the construction work by the subdivider-developer during the course of construction in the development. The subdivider-developer shall also be required to deposit a cash escrow in an amount determined by the City to ensure compliance with the protective covenants. The City may draw down the cash escrows as needed to recover any costs incurred due to the subdivider-developer's default.

Subd. 10. Construction Plans and As-Builts.

- A. Construction plans for the required improvements conforming in all respects to the standards of the City and the applicable Ordinances, shall be prepared at the subdivider-developer expense by a professional engineer who is registered in the State of Minnesota. Such plans together with a quantity of construction items shall be submitted to the City Engineer for approval.
- B. Upon the engineer's Certificate of Compliance, the subdivider-developer shall be required to furnish the City with as-built drawings prepared by a Registered Engineer showing the improvements as-built or in-place. As-built drawings shall be provided on reproducible mylar media.

Subd. 11. Pedestrian Transportation System.

In every plat, re-plat or subdivision of land allowing for development for residential purposes and in every rezoning of previously platted land from a non-residential zone to a zone allowing for development for residential purposes, the developer or subdivider must provide for a pedestrian transportation system which does or can be connected to the City's existing sidewalk and trail system. Such proposed pedestrian system shall be submitted to the Planning Commission and City Council for review and approval as a part of the platting process, and shall consist of concrete walkways not less than 5 feet in width on at least one side of each residential street in the subdivision or an alternative off-street system of bituminous paths not less than 8 feet in width. Such system shall be in addition to and not in lieu of the park dedication requirements of the City's subdivision ordinance.

SECTION 151.09 PUBLIC LAND DEDICATION.

Subd. 1. Reservation of Land. Where a proposed park, playground, school site or other public site shown on an adopted plan or official map is embraced in part or in whole by a boundary of a proposed subdivision, and such public sites are not dedicated to the County or Board of Education, such public grounds shall be shown as reserved land

on the Preliminary Plat to allow the County-State Agency or the Board of Education 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.

Subd. 2. Dedication Required. In every plat, re-plat, or subdivision (including minor subdivisions) of land allowing for development for residential purposes and in every rezoning of previously platted land from a non-residential zone to a zone allowing for development for residential purposes, a reasonable portion of the property shall be dedicated to the public or preserved for conservation purposes or for public use as parks, recreational facilities, playgrounds, trails, wetlands, or open space as determined by resolution of the City Council. The City Council will initially examine each plat, re-plat, subdivision or rezoning in terms of the following formula which will then be adjusted if the unique characteristics and uses of the land dictate such adjustment:

600 square feet per single family residential lot or per unit in a multiple residential development

Subd. 3. Individual Analysis of Development. The above formula will serve as the starting point for the Planning Commission and the City Council in determining the amount of property required to be dedicated by each individual applicant. The City Council will, if requested by the applicant, or may upon a recommendation of the Planning Commission, complete an analysis of the dedication requirements as they pertain to an individual development, and the City may increase or decrease the amount of the property required to be dedicated or set aside based upon such analysis. Any reasonable expenses incurred by the City, whether as a result of the request of the applicant or the City's own initiative, in studying the proposed development's impact on the City's parks and open space will be passed through as an expense of the development to the applicant. The expenses to be passed through to the applicant will only be those associated with the affects of the applicant's proposed project and not costs arising from the study of other development within the City.

Subd. 4. Council Decision as to Dedication Type. The City Council will, after reviewing the recommendation of the Planning Commission, decide the form of the dedication, the location, and the type of use, whether for conservation purposes or for public use as parks, recreation facilities, playgrounds, trails, wetlands, or open space. The land to be dedicated or set aside shall be suitable for public uses as parks, playgrounds or such other purposes as determined by the City Council, and the City will not be required to accept property which is not usable for such purposes as determined by the City or which would require significant expenditures to make them usable for such purposes. The City Council may take into consideration, size, shape, topography, hydrology, geology, tree cover, access and location, among other factors, when determining whether property is acceptable for dedication. It is the intent of the City that park land or set aside land not be selected based solely on its non-usability to the applicant because of wetland classification or other impediments to development.

Subd. 5. Cash in Lieu of Property.

- A. The City Council may, after reviewing the recommendation of the Planning Commission, require that the applicant provide for a cash payment in lieu of property dedication. The City Council, in making this decision, may take the following factors into consideration: (a) whether the land to be dedicated is of sufficient size to provide adequate park facilities; (b) whether the land to be dedicated is needed in the immediate location; (c) whether pre-existing facilities would be better served with additional improvements; (d) whether the cash payment would be more beneficial to the overall park system which will be impacted by development; (e) maintenance considerations; (f) suitability of the land for the intended use; and/or (g) the location of the property.
- B. The City Council may decide to accept all or a portion of the property required to be dedicated. If the City decides to accept only a portion of the property required to be dedicated, the applicant will be required to make a cash payment in lieu of dedication for the amount of land not accepted for dedication by the City.
- C. If the City elects to receive a cash payment in lieu of property dedication, the applicant must pay the City the amount as determined by resolution of the City. The amount will be based upon the fair market value of the property which would otherwise be required to be dedicated or set aside. The fair market value of the land is defined as that amount which a willing buyer would pay and a willing seller would accept for the property as of the date of the final approval of the plat. A determination of the fair market value of the property shall be initially made by the City Assessor who shall make a recommendation to the City Council for final determination. The City Council will, by resolution, set base values for vacant residential property in the City from which the City would make adjustments for individual developments depending on the unique characteristics of the property.
- D. Cash payments made to the City in lieu of dedication or set aside shall be placed in a special fund and used, throughout the City, only for the purposes for which the money was obtained.

Subd. 6. In Addition to Other Dedication Requirements. The dedications required by this Section are in addition to, and not in lieu of, dedications required 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.

Subd. 7. Credit for Private Open Space. Where a private open space for park or recreation purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, the City Council will give consideration to allowing partial credit for such space toward the

dedication required by this Section. All of the following minimum factors will be required to be satisfied before such credit will be considered:

- A. The land area must be available for the use, without preference, of all of the residents of the proposed subdivision;
- B. The required setbacks must not be included in the computation of such land area;
- C. The use of the private open space must be restricted for park and recreational purposes by recorded covenants or declarations which run with the land in favor of the owners of the property within the subdivision and cannot be eliminated without the prior approval of the City Council;
- D. The proposed private open space must be of sufficient size, shape, location, and topography for park and recreational purposes or must contain unique natural features that are important to be preserved; and
- E. The proposed open space must reduce the demand for public recreational facilities to serve the development.

Subd. 8. Re-platted and Later Development at a Higher Density. Where formerly platted residential property is either re-platted or developed at a higher density than was anticipated by the City at the time of the original platting, the developer will provide the additional dedication amount at the time of the re-plat or site plan approval, and the value of the land shall be determined as of the final approval of the re-plat or site plan less the value of improvements. Such developer shall receive a credit in the amount of the pre-existing dedication received by the City for such property.

Subd. 9. Payment. If cash in lieu of dedication is called for by the City, the applicant may either pay such amount upon final approval of the plat or subdivision, or may sign an agreement and waiver providing for such amount to become part of the total assessments levied against the property platted or subdivided and be paid in accord with the terms of such assessment as determined by resolution of the City Council and in accord with Minnesota Statutes Chapter 429.

Subd. 10. Dedication not used in Calculating Density. Land dedicated or set aside for public use or private land accepted by the City as an alternative to public dedication or set aside will not be used in calculating density for requirements of the City's Zoning Ordinance.

SECTION 151.10 ADMINISTRATION AND ENFORCEMENT.

Subd. 1. Responsible Official. The City Council shall enforce this Ordinance.

Subd. 2. Building Permit. No building permit shall be issued by the Building

Inspector for the construction of any buildings, structures, or improvements on land subdivided until all applicable requirements of this Ordinance have been fully complied with.

Subd. 3. Minor Subdivisions. In the case of a subdivision which is one (1) acre or less, and situated in a locality where conditions are well defined, and where there will be no street improvements, the City Council may exempt the subdivider-developer from complying with some of the procedural requirements stipulated in this Ordinance. In the case of a request to divide a lot which 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 this Ordinance or the Zoning Ordinance, the division may be approved by the City Council after submission of a survey by a Registered Land Surveyor showing the original lot and proposed division.

Subd. 4. Violation. Any person violating of this Ordinance shall be guilty of a misdemeanor..