

# City of Maple Lake Subdivision Regulations

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## Section 1: Title and Application

### SECTION 1:

- 1.01 Title
- 1.02 Purpose
- 1.03 Platting Authority
- 1.04 Relation to other Laws and Regulations
- 1.05 Policy
- 1.06 Interpretation
- 1.07 Administration
- 1.08 Amendments

- 1.01 Title:** Sections 1 through 12, inclusive, shall be known, cited, and referred to as the "Maple Lake Subdivision Regulations," and will be referred to as "this Ordinance."
- 1.02 Purpose:** The City Council, being aware of the responsibility which they have for the adoption of ordinances, rules, and regulations designed for the protection of public health, safety, and general welfare, deems it necessary to provide regulations for platting and subdividing of property within the City. Piecemeal planning of subdivisions, without correlation to the Comprehensive Plan, can bring a disconnected patchwork of plats, poor traffic circulation, and an undesirable atmosphere. All subdivisions platted within the jurisdiction of the City after the adoption of this Ordinance shall, in all respects, fully comply with the regulations set forth in this Ordinance to assure new subdivisions will contribute toward an attractive, orderly, stable, and wholesome community environment, and be designed with adequate municipal services and efficient movement of traffic.
- 1.03 Platting Authority:** The City Council shall serve as the platting authority of the City in accordance with Minnesota Statute Chapters 462.358, as may be amended. No plat or replat shall be filed or accepted for filing by the Office of the Wright County Recorder or Registrar of Titles unless adopted by the affirmative vote of the majority of the members of the City Council approving such plat or replat. The Building Inspector shall not issue building permits for any structure on a lot in any proposed subdivision that has not been approved by the City Council. The City Council shall not permit any public improvement to be installed unless the preliminary plat is approved. Grading and installation of services may be permitted provided a development agreement is approved by the City Council and the applicant files all financial securities.

## **Section 1: Title and Application**

**1.04 Relation to Other Laws and Regulations:** It shall not be intended by the provisions of this Ordinance to repeal, abrogate, annul or in any way impair or interfere with private restrictions placed upon property by deed, covenant or other private agreements which are equal to or more restrictive, or with restrictive covenants running with the land to which the City is a party except that the most restrictive shall apply. In their interpretation and application, the provisions of this Ordinance shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.

**1.05 Policy:**

**Subd. 1.** It is hereby declared to be the policy of the City to consider the subdivision of land and the subsequent development of the plat as subject to the control of the City pursuant to the Comprehensive Plan for the orderly, planned, efficient, and economical development of the City.

**Subd. 2.** Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health from fire, flood, or other hazard. Land shall not be subdivided unless proper provisions have been made for drainage, stormwater management, wetland protection, potable water, domestic waste water, streets, and capital improvements such as parks, recreation facilities, transportation facilities, stormwater improvements, and any other necessary improvements.

**Subd. 3.** The existing and proposed public improvements shall conform to and be properly related to the Comprehensive Plan and Capital Improvement Plan of the City.

**Subd. 4.** The provisions of this Ordinance are in addition to and not in replacement of provisions of all Building Codes, Airport Zoning Ordinance, and the Zoning Ordinance. Any provision of the Building Code, Airport Zoning Ordinance, and Zoning Ordinance shall remain in full force and effect except as may be contradictory to the provisions hereof. Where any provision conflicts with another provision, the most restrictive provision shall be applied.

**1.06 Interpretation:** In interpreting and applying the provisions of this section, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where the provisions of this

## **Section 1: Title and Application**

Ordinance, state statutes, other ordinances, code provisions, or regulations differ, the provision imposing the greater restriction shall be controlling.

**1.07 Administration:** This section shall be administered by the Zoning Administrator who is appointed by the City Council.

**1.08 Amendments:** The provisions of this section shall be amended by the City Council following a public hearing before the Planning Commission as provided by law (including rules and regulations of any applicable state or federal agency).

## Section 2: Rules and Definitions

### SECTION 2:

2.01 Application of Rules

2.02 Definitions

#### 2.01 Application of Rules:

**Subd. 1.** The language contained in this Ordinance shall be interpreted in accordance with the following rules of construction as applicable:

- A. The singular includes the plural and the plural the singular.
- B. The present includes the past and future tenses, and the future tense includes the present tense.
- C. The masculine gender includes the feminine and the feminine gender includes the masculine.
- D. Whenever a word or term defined hereinafter appears in this Ordinance, its meaning shall be construed as set forth in such definition.
- E. In the event of conflicting provisions, the most restrictive provision shall apply.
- F. The word "shall" is always mandatory and not merely discretionary.
- G. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirement for the promotion of health, safety, and welfare.

**2.02 Definitions:** For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given them solely for the purposes of implementation of this Ordinance:

**Accessory Use or Accessory Structure.** A use or structure in the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

## Section 2: Rules and Definitions

**Alley.** A public or private right-of-way which affords a secondary means of access to abutting property.

**Airport Zoning Ordinance.** The Maple Lake Airport Zoning Ordinance, as may be amended, regulating and restricting the height of structures and objects of natural growth and controlling the use of property in the vicinity of the Maple Lake Airport.

**Applicant.** The owner, the owner's agent, or any other person having legal control, ownership, and/or interest in the land for which the provisions of this Ordinance are being considered or reviewed.

**Area Map.** See Key Map.

**Attorney or City Attorney.** The person designated by the City Council to be the City Attorney for the City of Maple Lake.

**Block.** An area of land within a plat, containing lots, that is entirely bounded by streets, or by a combination of streets, railroad right-of-way, the exterior boundary or boundaries of the subdivision, or the shoreline of the above with a river, stream or lake.

**Best Management Practices (BMPs).** Best management practices as described in the current Minnesota Pollution Control Agency's manual and other sources as approved by the City Council.

**Boulevard.** That portion of the street right-of-way between the curb line or edge of pavement and the property line.

**Boundary Lines.** Lines indicating the bounds or limits of any tract or parcel of land.

**Boxes.** All mailboxes, newspaper boxes, and advertising boxes wherein either mail is distributed, newspapers and magazines are distributed, or advertising is placed for the use of residents of the City.

## Section 2: Rules and Definitions

**Buffer Yard/Zone.** A strip of land utilized to separate, screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights, water quality or other impacts.

**Build Out Plan.** See Ghost Plat.

**Buildable Land.** Contiguous land area occurring within the property lines of a parcel or lot excluding wetlands, water courses, ponds, public waters below the ordinary high water mark, and easements for pipelines and utility transmission lines.

**Building.** A structure having a roof supported by columns or walls. When separated by division walls without openings, each portion of the building shall be deemed a separate building.

**Building Inspector.** The person designated by the City Council to be the Building Inspector for the City of Maple Lake. An authorized representative of the City Council assigned to make any or all necessary inspections of the work performed and materials furnished by a developer.

**Building Line.** Also referred to as a setback line, the line beyond which property owners or others have no legal or vested right to extend a building or any part thereof without special permission and approval of the proper authorities.

**Capital Improvement Plan.** An itemized program setting forth the schedule and details of specific contemplated public improvements by fiscal year, together with their estimated cost, the justification for each improvement, the impact that such improvements will have on the current operating expense of the government, and such other information on capital improvements as may be pertinent.

**Certificate of Survey.** A document prepared by a registered engineer or registered land surveyor which precisely describes the area, dimensions, and location of a parcel or parcels of land.

**City.** The City of Maple Lake, Wright County, Minnesota.

**City Advisory Committee.** Committee that consists of both council members and non-council members such as the Park Board and Airport Commission.

**City Council.** The governing body of the City of Maple Lake.

## Section 2: Rules and Definitions

**City Planner.** The planner employed or retained by the City of Maple Lake, unless otherwise stated.

**Common Open Space.** Any open space including parks, nature areas, playgrounds, trails, recreational buildings and structures owned in common by a group of property owners.

**Comprehensive Plan.** The Maple Lake Comprehensive Plan, as may be amended. The Comprehensive Plan adopted by the City Council, indicating the goals and policies, and interrelated plans for land use, transportation, public utilities, parks and recreation, and community facilities, which constitute the guide for future development in the City.

**Concept Plan.** Written and graphic documents that indicate in a conceptual or minimally detailed form the proposed land uses, design, and overall impact on the subject tract and surrounding lands.

**Consultants.** Professionals hired by the City of Maple Lake, such as the City Attorney, City Engineer, City Planner, and City Development and Finance Advisor.

**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.

**County.** Wright County, Minnesota.

**Crosswalk.** A right-of-way owned by the City or another governmental entity which furnishes access for pedestrians to cross a street to adjacent streets or properties.

**Cul-de-sac.** (See Street)

**Deposit.** The deposition of funds in an account maintained by the City specifically for the purpose of ensuring fulfillment of certain obligations pursuant to this Ordinance.

**Design Standards.** The specifications to landowners or subdividers for the preparation of plats, both preliminary and final, indicating among other things the

## Section 2: Rules and Definitions

optimum, minimum, or maximum dimensions of such items as rights-of-way, lots, blocks, streets, sidewalks, trails, and utilities.

**Developer.** A person who submits an application for the purpose of land subdivision as defined herein. The developer may be the owner or authorized agent of the owner of the land to be subdivided.

**Development.** The act of building structures and installing site improvements.

**Development Agreement.** A written agreement between the City and a developer, drafted by the City Attorney in conjunction with the approval by the City Council of a subdivision.

**Development Rights.** The number of individual dwelling units that can be located on a parcel of land as established through the Zoning Ordinance and Comprehensive Plan.

**Double Frontage Lots.** See Lot.

**Drainage Course.** A water course or indenture for the transmission of surface water.

**Easement.** A grant by a property owner for the use of land for the purpose of constructing and maintaining drives, utilities, and the like, including, but not limited to, wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, storm sewers or storm drainageways, gas lines, sidewalks, and trails.

**Engineer or City Engineer.** The person designated by the City Council to be the City Engineer for the City of Maple Lake.

**Filter Strip.** A linear strip of land along a lake, wetland, river, creek, or stormwater ponding area where vegetation is established and maintained as a means to slow the velocity of stormwater drainage and to filter sediment and pollutants from the stormwater.

**Final Plat.** A drawing or map of a subdivision meeting all of the requirements of the City and in such form as required by the County for the purpose of recording.

## Section 2: Rules and Definitions

**Financial Guarantee.** A financial security posted with the City with the approval of a final plat, guaranteeing compliance with the approved final plat, construction plans, and conditions of approval set forth by the City Council.

**Frontage.** The width of a lot or building site measured on the line separating it from a public street right-of-way.

**Ghost Plat.** A subdivision or resubdivision concept plan illustrating possible future lot layout, street networks, and utility systems for oversized lots, outlots, or undeveloped land adjoining a preliminary plat.

**Grade, Percentage of.** The rise or fall of a street in feet and tenths of a foot for each 100 feet of horizontal distance measured at the center line of the street, or similar ratio of land elevations measured against an established baseline.

**High Water Level.** The water level in a watercourse which could be predicted to occur as a result of the 100 year, 24 hour rainfall event using U.S. Department of Agriculture Soil Conservation Service methodology, as approved by the City Council. In addition, developers shall model the 500 year, 24 hour rainfall event, if determined necessary by the City Engineer.

**Improvement, Public.** Any project designed and constructed by the City.

**Individual Sewage Treatment System (ISTS).** A septic tank, drainfield, or other sewage treatment system approved for private, individual use by the Minnesota Pollution Control Agency.

**Key Map (Area Map).** A map drawn to a comparatively small scale which shows the area proposed to be platted and the areas surrounding it, to a given distance.

**Land Disturbance.** Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural character of the land occurs as a result of the site preparation, grading, building construction, or any other construction activity.

**Lot.** A portion of a subdivision or other parcel of land intended for building development or for transfer of ownership. Lots may be classified as follows:

1. **Lot, Base.** Lots meeting all specifications in the Zoning District prior to being subdivided into a multifamily subdivision.

## Section 2: Rules and Definitions

2. **Lot, Corner.** A lot situated at the intersection of 2 streets.
3. **Lot, Double Frontage.** An interior lot having frontage on 2 streets.
4. **Lot, Interior.** A lot other than a corner lot.

**Lot Depth.** The mean horizontal distance between the front lot line and the rear lot line of a lot (the depth of a corner lot shall be measured from the lot line from which access is gained to the opposite or rear lot line).

**Lot Frontage.** The width of a lot abutting a public right-of-way from which access is gained.

**Lot Width.** The horizontal distance between the side lot lines measured at right angles to the lot depth, at the minimum front building setback line.

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

**Minimum Subdivision Design Standards.** The guidelines, principles, and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary and final plat.

**Minor Subdivision.** Any subdivision containing no more than 2 lots fronting on an existing street which does not require any new street or the creation of any public improvements, and does not adversely affect the remainder of the parcel or adjoining property, and is not in conflict with any provisions of the Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance, Official Map or this Ordinance. This includes one-in-forty lot splits which do not meet the criteria in Minnesota Statutes § 462.358, Subd. 4, as may be amended.

**Natural Water Way.** A natural passageway in the surface of the earth, allowing water to flow from one point to another.

**Normal Water Level.** A level of water in a watercourse when the watercourse is not in the process of receiving or discharging storm water runoff. The normal

## Section 2: Rules and Definitions

water level will typically be the outlet elevation of a pond, lake, or other standing water body.

**Ordinary High Water Level.** Ordinary High Water Level means the boundary of waterbasins, watercourses, public waters, and public waters wetlands. The Ordinary High Water Level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the Ordinary High Water Level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the Ordinary High Water Level is the operating elevation of the normal summer pool.

**Outlot.** A parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example - Outlot A). Outlots are used to designate one of the following: 1) land that is part of the subdivision but is to be final platted into lots and blocks at a later date; or 2) land that is to be used for a specific purpose as designated in a development agreement or other agreement between the City and the developer.

**Owner.** An individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity holding an equitable or legal ownership interest in the land sought to be subdivided.

**Parks.** Public land and open spaces in the City dedicated or reserved for recreational purposes.

**Pedestrian and/or Bicycle Trail.** An easement or land dedication given to the City for the purpose of providing walking and/or bicycling areas to City residents. The trails shall provide recreational opportunity and also access to parks, natural areas, and public land in accordance with the Comprehensive Plan.

**Pedestrian Way.** A public right-of-way or private easement across a block or within a block to provide access for pedestrians, such as sidewalks and trails, and which may be used for the installation of utility lines.

**Person.** Any individual or legal entity.

**Planned Unit Development (PUD).** A type of development characterized by high design standards with a unified site design for a number of dwelling units or dwelling sites on a parcel, or a commercial or industrial development which

## Section 2: Rules and Definitions

contains two or more principal buildings. The units or buildings may be for sale, rent, or lease, and may also involve clustering of the units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units.

**Planning Commission.** The Maple Lake Planning Commission, except when otherwise designated.

**Plat.** The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statute 505, as may be amended.

**Plat, Common Interest Community (CIC).** A common interest community plat pursuant to Minnesota Statutes 515B.2-110, as may be amended. "CIC" means contiguous or noncontiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) issuance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies. Real estate subject to a master association, regardless of when the master association was formed, shall not collectively constitute a separate common interest community unless so stated in the master declaration recorded against the real estate.

**Plat, Final.** The final map or drawings and accompanying material described in Section 8 (Final Plat) of this Ordinance on which the developer's plan or subdivision is presented to the City Council for approval and which, if approved, will be submitted to the Office of the Wright County Recorder or Registrar of Titles for filing.

**Plat, Preliminary.** The preliminary map or drawings and accompanying material described in Section 7 (Preliminary Plat) of this Ordinance indicating the proposed layout of the subdivision to be submitted to the City for their consideration for compliance with the Comprehensive Plan, Zoning Ordinance, the Airport Zoning Ordinance, the Official Map, and this Ordinance along with the required supporting data.

## Section 2: Rules and Definitions

**Playgrounds.** Public land and open spaces in the City dedicated or reserved for recreation purposes. (See also Parks).

**Principal Use or Structure.** The primary or main use of land or buildings as distinguished from subordinate, incidental, or accessory uses or structures.

**Protective Covenants/Restrictive 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 areas which are recorded in the Office of the Wright County Recorder or the Registrar of Titles. Protective covenants are enforced only by the landowners involved and not by the City or other public agency.

**Registered Land Survey.** A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of Registered Land Survey Number.

**Registered Land Surveyor.** A land surveyor licensed and registered in the State of Minnesota.

**Restrictive Covenants.** See Protective Covenants.

**Re-subdivision.** A change in an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved for public use, or any lot line or if it affects any map, or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

**Right-of-Way.** A land corridor occupied or intended to be occupied by a street, pedestrian way, water main, sanitary or storm sewer main, or for another use specifically permitted by the City. The usage of the term right-of-way for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, pedestrian ways, water main, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the recording of the plat on which such right-of-way is established.

**Road Right-of-Way Width.** The horizontal distance between the outside edges of a road right-of-way.

## Section 2: Rules and Definitions

**Roadway.** A land corridor designated for vehicular usage, including the traveled portion of the corridor and curbs, catch basins, culverts, and stormwater pipes, or adjacent ditches and slopes, maintained for drainage purposes.

**Setback.** The minimum horizontal distance between the foundation wall of a structure and the property line, ordinary high water mark of a wetland or stormwater pond nearest thereto; within Shoreland Districts, it shall also mean the minimum horizontal distance between a structure and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line, or other facility.

**Shoreland.** Land located within the following distances from public waters: 1000 feet from the ordinary high water level of a lake, pond, or flowage, and 300 feet from a river or stream or the landward extent of a floodplain on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of Natural Resources.

**Street.** A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, court, way, trail, or however otherwise designated. Private, ingress and egress easements shall not be considered streets. The following are types of streets:

1. **Principal Arterials.** Principal arterials include interstate freeways and other major roadways that provide long distance connections. Connections with other roads are very limited and typically are in the form of ramps to prevent the stoppage of traffic. Interchanges are generally spaced between three and six miles in developing areas and between six and twelve miles in rural or agricultural areas. I-94 and TH 12 are two principal arterials under the jurisdiction of MN/DOT that serve the City, although they are not located within its municipal boundaries.
2. **Minor Arterials.** Minor arterial roadways provide mobility for shorter distances than principal arterials and interconnect arterial roadways with regional business concentrations. They often supplement principal arterials. Access from other roads is limited, with the spacing of intersections generally at one to two mile intervals. State Highway 55 is a minor arterial.

## Section 2: Rules and Definitions

3. **Major Collectors.** Major collectors provide mobility between rural communities on an intra-county basis and provide land access in rural areas. These roads consist of county roads and county state aid highways, and may include some state highways. CSAH 8 and CSAH 37 are the two major collector roadways that serve the City.
4. **Minor Collectors.** Minor collectors connect rural areas to major collectors and minor arterials. These roads serve to funnel traffic from local streets onto major collector or arterial roads for longer trips. CSAH 7, a County road, is the only minor collector running through the City.
5. **Local Streets.** All other roadways in the City are under the jurisdiction of the City and are classified as local streets. Local streets are designed to provide access to individual properties rather than emphasize long distance or direct travel; and speed limits are kept low to ensure safety. As such, the initial construction of local streets often occurs as part of subdivision development and is the responsibility of the developer.
6. **Cul-de-sac.** A minor street with only one outlet and having a safe and convenient turn around.
7. **Service Street (Frontage Road).** A frontage or backage road, marginal access street, or otherwise designated minor street which is parallel and adjacent to an arterial or collector street and which provides access to abutting properties and protection from through traffic.

**Street Width.** The portion of a street right-of-way improved for vehicular travel.

**Subdivision.** The creation of one or more lots under the provisions of this Ordinance or any division of an existing lot. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. Subdivision shall not apply to the creation of cemetery lots or lots resulting from court orders.

**Surveyor.** A land surveyor registered under state law.

**Thoroughfare.** (See Street; Arterial Street or Thoroughfare).

**Tree.** Any of the following types of trees, as each is defined herein:

## Section 2: Rules and Definitions

1. **Coniferous Tree.** A woody plant which, at maturity, is at least 12 feet or more in height, having foliage on the outermost portion of the branches year round.
2. **Deciduous Tree.** A woody plant which, at maturity, is at least 15 feet or more in height, having a defined crown, and which sheds leaves annually.
3. **Overstory Tree.** Large deciduous or evergreen trees such as oak, maple, pine, etc.

**Unit Lot.** A lot created from the subdivision of a two-family dwelling or a multifamily dwelling having different minimum lot size requirements than the conventional base lot within the zoning district.

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

**Watercourse.** Any natural or man-made passageway on the surface of the earth so situated and having such a topographical nature that surface water stands or flows through it from other areas. The term includes ponding areas, drainage channels, swales, waterways, creeks, rivers, lakes, streams, wetland areas, and any other open surface water flow which is the result of storm water or ground water discharge. This term does not include man-made piping systems commonly referred to as storm sewers.

**Zoning Administrator.** The person duly appointed by the City Council as the individual charged with the responsibility of administering and enforcing this Ordinance.

**Zoning District.** An area or areas within the City for which regulations and requirements governing use are uniform as defined by the Zoning Ordinance.

**Zoning Ordinance.** The Maple Lake Zoning Ordinance, as may be amended, controlling the use of land within the City.

### *Flood Related Definitions*

**Accessory Use or Accessory Structure.** A use or structure in the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

## Section 2: Rules and Definitions

**Equal Degree of Encroachment.** A method of determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to flood plain encroachments.

**FEMA.** Federal Emergency Management Agency.

**Flood.** A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

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

**Flood Fringe.** That portion of the flood plain outside of the floodway. Flood Fringe is synonymous with the term "floodway fringe."

**Flood Hazard Areas.** The areas included in the Floodway and Flood Fringe as indicated on the Official Map, the Flood Insurance Study, or the Flood Insurance Rate Map.

**Flood Insurance Rate Map.** The most recent Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for the City, and as applicable and allowed by law, the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for all areas within the City.

**Flood Insurance Study.** The most recent Flood Insurance Study prepared for the City by the Federal Emergency Management Agency and, as applicable and allowed by law, the Flood Insurance Study prepared by the Federal Emergency Management Agency for all areas within the City.

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

**Floodway.** The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study, or in any other officially adopted City flood study.

## Section 2: Rules and Definitions

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

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

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

**Regulatory Flood Protection Elevation.** A point not less than one foot above the water surface profile associated with the 100-year flood as determined by the use of the 100-year flood profile and supporting technical data in the Flood Insurance Study plus any increase in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this chapter are required to be elevated or floodproofed.

### Section 3: General Provisions/Administration

#### SECTION 3:

- 3.01 Compliance with Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance and Official Map
- 3.02 Fees
- 3.03 Acceptance and Recordation Conditions
- 3.04 Conveyance by Metes and Bounds
- 3.05 Building Permits
- 3.06 Variances
- 3.07 Utility Service Area Allocation
- 3.08 Planned Unit Developments (PUD)
- 3.09 Common Interest Community (CIC) Plats

**3.01 Compliance with Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance and Official Map:** No subdivision of land shall conflict with the provisions of the Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance, Official Map, or policies adopted by the City Council, as may be amended.

**3.02 Fees:** The fees for all applications and for all permits shall be established by the City Council by resolution. No application shall be considered complete without payment of established fees. The acceptance of all applications, issuance of permits, or recording of any plat shall not occur until the appropriate fees have been paid.

**3.03 Acceptance and Recordation Conditions:**

**Subd. 1.** Approvals Necessary for Acceptance of Subdivision Plats. Before any plat or subdivision shall be recorded or be of any validity, it shall be referred to the Planning Commission and approved by the City Council as having fulfilled the requirements of this section.

**Subd. 2.** Conditions for Recording. No plat or subdivision shall be entitled to be recorded in the Office of the Wright County Recorder or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this section.

**3.04 Conveyance by Metes and Bounds:** Except in unique situations as may be allowed by the City Council, no division of one or more parcels of conveyed land which is described by metes and bounds shall be made or recorded if the parcels

### Section 3: General Provisions/Administration

described in the conveyance are 5 acres or less in area and 300 feet or less in width, unless the parcel was a separate parcel of record at the effective date hereof. Building permits will be withheld for buildings or tracts which have been subdivided and conveyed by this method. The City may refuse to take over tracts as streets or roads or to improve, repair, or maintain any such tracts. A Certificate of Survey shall be required for conveyances which do not require platting.

**3.05 Building Permits:** No building permit shall be issued by the City for any construction, enlargement, alteration, repair, demolition, or moving of any building or structure on any lot or parcel until all the requirements of this Ordinance and/or the Zoning Ordinance have been fully met or exceptions from this requirement have been formally established by a Development Agreement.

**Subd. 1.** Survey Required. Prior to issuance of any building permit on any lot within a subdivision, the City shall have received a site survey showing proposed grading, drainage, and building pad elevations. The survey must be accompanied by a certification by a registered land surveyor or engineer that the survey is in compliance with the approved subdivision record plans for grading, drainage, storm water, and erosion control.

**Subd. 2.** Final Plat Punch List Items. Unless otherwise stipulated by the City Council in the Development Agreement, building permits shall not be issued for new subdivisions until such time as all of the final plat punch list items have been completed by the developer and accepted by the City.

**Subd. 3.** Model Homes. Building permits for model homes may be granted as provided in the Development Agreement.

*Cross Reference: Section 4.08, Subd. 1 C (Minor Subdivision)  
Section 5.05 Subd. 1 C (Lot Consolidation/Lot Line Adjustment)  
Section 8.06, Subd. 1 C (Final Plat)*

**3.06 Variances:** The City Council may approve variances from the minimum standards of this Ordinance (not procedural provisions) when, in its opinion, exceptional undue hardship may result from strict compliance and the variance will not interfere with the purpose and intent of this Ordinance.

### **Section 3: General Provisions/Administration**

**Subd. 1.** Variance Criteria. In approving any variance, the City Council shall prescribe any conditions that it deems necessary to or desirable to the public interest. In granting its approval, the City Council 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 who will reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. Hardship relating to economic difficulties shall not be considered for the purpose of granting a variance.

A variance shall only be approved when the City Council finds that each and every one of the following apply:

- i. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of land;
- ii. That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the vicinity in which the development site is situated;
- iii. That the granting of the variance will not increase the flood hazard or flood damage potential;
- iv. That the variance results from an extreme physical hardship such as topography, or inadequate access to direct sunlight for solar energy systems;
- v. That the hardship is not a result of an action or actions by the owner, applicant, or any agent thereof; and
- vi. That the granting of the variance will not allow a use not otherwise permitted in the Zoning Ordinance.

**Subd. 2.** Procedure. The procedures for processing variance applications shall comply with Section 506 of the Zoning Ordinance, as may be amended.

### Section 3: General Provisions/Administration

**3.07 Utility Service Area Allocation:** The City shall determine utility service area availability as part of the review of a submitted preliminary plat/phasing plan. City approval of the plan shall constitute a commitment by the City to allocate utility service area at the time of final plat approval according to the phasing plan and Development Agreement. The criteria in Subd. 1. below shall be considered in the review of the preliminary plat/phasing plan.

**Subd. 1.** Utility Service Area Allocation Criteria: The following criteria shall be considered to determine if utility service area will be allocated to a preliminary plat/phasing plan:

- i. A finding is made that the development of the property is not premature;
- ii. The existing or proposed zoning of the property is consistent with the Comprehensive Plan;
- iii. Development of the subdivision will meet State environmental standards, design standards of the this Subdivision Ordinance, and performance standards of the Zoning Ordinance;
- iv. The allocation is applied only to net buildable acreage;
- v. A utility extension can be made to the subject property;
- vi. A roadway extension can be made to the subject property;
- vii. Development of the property shall not adversely affect the public health, safety, and general welfare; and
- viii. The area of the utility service allocation is consistent with the growth management policy established by the City.

**3.08 Planned Unit Development (PUD):** In recognition of changing trends, techniques, and materials in the process of urban development, the Planning Commission and City Council shall provide flexible means to permit development in terms of a PUD. A PUD shall be considered as a conditional use and may involve mixed development of a single parcel based upon the land uses allowed in the Comprehensive Plan. The PUD shall be reviewed and adjudged in accordance

### Section 3: General Provisions/Administration

with an integrated design and coordinated physical development which shall provide for and ensure higher standards of development than a conventional subdivision. 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. Of greatest concern shall be the qualification or eligibility of the PUD and the PUD's relationship to the public health, safety, and general welfare. A conditional use to allow PUD construction shall be granted only if:

- i. 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. No disruption of the natural drainage system shall occur;
- ii. Any PUD flexibility granted shall not violate the intent of the subdivision design standards;
- iii. Utility lines such as power transmission and telephone lines shall be placed underground;
- iv. The PUD meets the standards of Zoning Ordinance Section 404 (Planned Unit Development); and
- v. The request for flexibility under this provision shall be commensurate with evidence of higher standards of site design, site preservation, and overall benefit to the community. Such finding of qualification eligibility as a PUD shall be at the sole discretion of the City Council.

*Cross Reference: Section 9.02 Subd. 6. (Park Land Dedication Requirements)*

**3.09 Common Interest Community (CIC) Plats:** All common interest community plats shall provide a master plan for the project to include building/unit placement for all units within the project, including future phases. All units shall be required to be numbered consecutively throughout the development starting with "Unit 1." Said numbering system shall then continue throughout the development, utilizing the numbering system identified by the master plan, even if certain buildings are constructed out of order.

## Section 4: Minor Subdivision

### SECTION 4:

- 4.01 Purpose
- 4.02 Qualification
- 4.03 Filing and Review of Application
- 4.04 Information Required for Minor Subdivision
- 4.05 Approval or Denial of Minor Subdivision
- 4.06 Deeds
- 4.07 Park Dedication Fee
- 4.08 Recording

**4.01 Purpose:** The Minor Subdivision process allows for the division of certain property described by metes and bounds and is an abbreviated review process in which there are fewer requirements than a normal subdivision. This process is limited to specific situations as set forth in this section.

**4.02 Qualification:**

**Subd. 1.** The following may be considered a Minor Subdivision provided that the parcel of land has not been part of a Minor Subdivision within the last 5 years. In the event circumstances warrant platting of the following Minor Subdivision, the City may require the subdivision to be processed as a plat in accordance with Section 6 (Concept Plan), Section 7 (Preliminary Plat), and Section 8 (Final Plat) of this Ordinance.

- A. Division of land into not more than 2 lots fronting on an existing street which does not:
  - i. Require any new street;
  - ii. Require the creation of any public improvements;
  - iii. Adversely affect the remainder of the parcel or adjoining property; and
  - iv. Conflict with any provisions of the Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance, Official Map, or any other City regulations, including this Ordinance.

#### Section 4: Minor Subdivision

- B. A one-in-forty lot split which does not meet the criteria in Minnesota Statutes § 462.358, Subd. 4b: Newly created lots shall conform to the design and performance standards of the Subdivision and Zoning Ordinances and shall be recorded in the Office of the County Recorder. A deed restriction clarifying future development rights is required on the newly created parcels. Stipulations regarding municipal services may also be imposed.

#### 4.03 Filing and Review of Application:

##### Subd. 1. Procedure.

- A. Application. Before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure on such proposed subdivision shall be granted, the subdividing owner or authorized agent, shall file an application and secure approval of a Minor Subdivision.
- B. Placement on the Planning Commission Agenda. The City must receive an application form and 20 copies of the required information. Upon receipt, the matter will be placed on the next Planning Commission Meeting agenda which is at least 21 days after the date the application was received. The Zoning Administrator shall submit copies of the application and required information to other staff, committees, consultants, or agencies as appropriate who may make written comments to the Planning Commission.
- C. Incomplete Application. The City shall have the authority to request additional information. An application may not be heard by the Planning Commission if incomplete. The Zoning Administrator will notify applicant of missing information. Failure to provide the necessary supportive information may be grounds for denial of the request.
- D. Transportation and Highway Department Review. A Minor Subdivision abutting any existing or proposed trunk highway, county road or highway or county state-aid highway shall be subject to review by the Minnesota Department of Transportation and/or Wright County Highway Department. Written notice and a copy of the proposed Minor Subdivision shall be filed with the Minnesota

## Section 4: Minor Subdivision

Department of Transportation and/or Wright County Highway Department for review and comment. Final action on a Minor Subdivision shall not be taken until the required comments and recommendations have been received or until the minimum 30 day review period has elapsed.

- E. Planning Commission Meeting. The Minor Subdivision application shall be submitted to the Planning Commission for their review and recommendation. The Planning Commission shall review and comment on the subdivision's acceptability in relation to the Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance, Official Map, and this Ordinance. A recommendation may be made at that time or the matter may be tabled to allow further time for review and consideration.
- F. City Council Meeting. The Planning Commission's recommendation will be conveyed to the City Council. The City Council shall review and comment on the subdivision's acceptability in relation to the Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance, Official Map, and this Ordinance. Action may be taken at that time or the matter may be tabled to allow further time for review and consideration. Comments on the Minor Subdivision shall not be considered binding in regard to subsequent plat review.

**Subd. 2.** Attendance at Meetings Mandatory. The applicant, or a representative, is required to attend all meetings with advisory boards and the City Council. Failure of the applicant, or a representative, to attend a meeting may result in the denial of the application.

### 4.04 Information Required for Minor Subdivision:

**Subd. 1.** Number of Copies Required at the Time of Application. The developer shall submit 1 large scale copy and 20 reduced scale (11" x 17") copies of the required information to City Hall.

**Subd. 2.** Required Information.

- A. The following information shall be submitted along with the application for Minor Subdivision:

#### **Section 4: Minor Subdivision**

1. A Certificate of Survey prepared by a registered land surveyor which includes:
  - a. Scale not less than 1 inch equals 100 feet;
  - b. North point indication;
  - c. Original and proposed lot boundaries;
  - d. Existing and resulting parcel legal descriptions;
  - e. The location of existing structures on the site;
  - f. Proposed driveway location;
  - g. Existing easement locations; and
  - h. Environmental constraints of the site.
2. A soil test demonstrating the suitability for an on-site septic system if public sewer is not immediately available.
3. A title search showing any existing deed restrictions.
4. Additional information as outlined in Section 7.03 (Preliminary Plat - Information Required for Preliminary Plat) if deemed necessary and required by the City.

**Subd. 3.** Staking. The existing and proposed lot corners shall be staked at the site in such a manner that they are visible from the road for review by the City.

**Subd. 4.** Design Standards. The Minor Subdivision shall conform to all design standards as specified in Section 10. The City may, at its sole discretion, waive some of the requirements of the design standards.

#### **4.05 Approval or Denial of Minor Subdivision:**

**Subd. 1.** City Council Action. The City Council shall act on the Minor Subdivision by motion within 120 days from the date of application,

#### **Section 4: Minor Subdivision**

unless the applicant agrees to an extension. The motion shall include findings of fact supporting the approval or denial, and shall be entered into the written record of the proceedings of the City Council. A motion to approve that fails for the lack of a simple majority shall be a denial of the requested application.

**Subd. 2.** Denial of Minor Subdivision. The City Council may deny the subdivision if it makes any of the following findings:

- i. That the proposed subdivision is in conflict with adopted applicable general or specific provisions of the Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance, Official Map, or this Ordinance;
- ii. That the physical characteristics of the site, including but not limited to topography, vegetation, percolation rate, soil conditions, 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, design, or use contemplated;
- iii. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage;
- iv. That the design of the subdivision or the type of improvements are likely to cause serious public health problems;
- v. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court;
- vi. That the design of the subdivision does not conform to minimum City standards; and
- vii. That the applicant has failed to provide all documents required by the City in order to adequately evaluate the application.

## Section 4: Minor Subdivision

**4.06 Deeds:** Prior to certification by the City of the approval of the Minor Subdivision, the applicant shall supply the deed(s) granting the City any easements and/or right-of-way required by the City.

**4.07 Park Dedication Fee:** Park Dedication fee as required in Section 9 shall be paid prior to recording the appropriate documents.

### **4.08 Recording:**

#### **Subd. 1.** Procedure and Time Frame.

- A. Deadline. The applicant shall record the appropriate documents in the Office of the Wright County Recorder within 60 days after the date of approval. If not recorded within the 60 day period, the approval shall be considered void.
- B. Copy to City. The applicant shall, immediately upon receipt of the recorded document from the County Recorder, furnish the City Clerk with a copy of the document(s) showing evidence of the recording.
- C. Building Permit. No building permits shall be issued for construction of any structure on any lot in the Minor Subdivision until the City has received evidence of the document(s) being recorded by the County Recorder.

**Subd. 2.** Transportation Departments. When the land for which the Minor Subdivision abuts a state highway, county road, or county highway, a certificate or other evidence showing submission of the Minor Subdivision to the Minnesota Department of Transportation and/or Wright County Highway Department shall be filed with the Office of the Wright County Recorder, with the Minor Subdivision.

**Subd. 3.** DNR. When the land for which the Minor Subdivision is located within a Shoreland District or Floodplain District, the Department of Natural Resources shall be notified of the Minor Subdivision as required by law.

## Section 5: Lot Consolidation/Lot Line Adjustment

### SECTION 5:

- 5.01 Purpose
- 5.02 Qualification
- 5.03 Filing and Review of Application
- 5.04 Information Required for Lot Consolidation/Lot Line Adjustment
- 5.05 Recording

**5.01 Purpose:** The lot consolidation/lot line adjustment process is an administrative review process in which there are limited requirements to combine multiple lots into one parcel or to adjust a common lot line. Parcels resulting from these procedures must be consistent with all Zoning Ordinance requirements and other applicable regulations.

**5.02 Qualification:**

**Subd. 1.** Lot Consolidation. Two or more parcels, whether recorded platted lots or not, may be consolidated into one parcel.

**Subd. 2.** Lot Line Adjustment. A lot line may be adjusted by relocating a common boundary.

**Subd. 3.** Rezoning. If the adjustment or combination would cause one of the parcels to have 2 different zoning classifications, the applicant must rezone the property to achieve a consistent zoning classification for the newly created parcel.

**Subd. 4.** Easements. Any easements that become unnecessary as a result of the combination of parcels must be vacated. In addition, new easements must be established where appropriate.

**5.03 Filing and Review of Application:**

**Subd. 1.** Procedure.

- A. Application. Before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure on such proposed property shall be granted, the owner or authorized agent,

## **Section 5: Lot Consolidation/Lot Line Adjustment**

shall file an application and secure approval of a lot consolidation or lot line adjustment.

- B. The Zoning Administrator shall review the application and required information to determine conformance with the Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance, Official Map, and this Ordinance. The Zoning Administrator shall give final approval. In reviewing the application, the Zoning Administrator may request comments from the Consultants and may refer the matter to the Planning Commission, if necessary. Unless a request for additional review time is requested by the Zoning Administrator, action on the application shall be made within 60 days.
- C. The City Council shall serve as the Board of Adjustment and Appeals if the application for lot combination or lot line adjustment is denied by the Zoning Administrator.

### **5.04 Information Required for Lot Consolidation/Lot Line Adjustment:**

**Subd. 1.** Number of Copies Required at the Time of Application. The developer shall submit 1 large scale copy, and 4 reduced scale (11" x 17") copies of the required information to City Hall.

**Subd. 2.** Required Information.

- A. The following information shall be submitted along with the application for lot consolidation or lot line adjustment:
  - 1. A Certificate of Survey prepared by a registered land surveyor which includes:
    - a. Scale not less than 1 inch equals 100 feet;
    - b. North point indication;
    - c. Original and proposed lot boundaries;
    - d. Existing and resulting parcel legal descriptions;
    - e. The location of existing structures on the site;

## Section 5: Lot Consolidation/Lot Line Adjustment

- f. Proposed driveway location;
  - g. Existing easement locations; and
  - h. Environmental constraints of the site.
2. A soil test demonstrating the suitability for an on-site septic system if public sewer is not immediately available.
  3. A title search showing any existing deed restrictions.
  4. Additional information as outlined in Section 7.03 (Preliminary Plat - Information Required for Preliminary Plat) if deemed necessary and required by the City.
- B. A lot consolidation agreement or lot combination agreement prepared by the City shall be executed by all affected parties and recorded in the Office of the Wright County Recorder.
- Subd. 3.** Staking. The City may require that the existing and proposed lot corners be staked at the site in such a manner that they are visible from the road for review by the City.

### 5.05 Recording:

- Subd. 1.** Procedure and Time Frame.
- A. Deadline. The applicant shall record the appropriate documents in the Office of the Wright County Recorder within 60 days after the date of approval. If not recorded within the 60 day period, the approval shall be considered void.
  - B. Copy to City. The applicant shall, immediately upon receipt of the recorded document from the County Recorder, furnish the City Clerk with a copy of the document(s) showing evidence of the recording.
  - C. Building Permit. No building permits shall be issued for construction of any structure on any affected lot until the City has received evidence of the document(s) being recorded by the County Recorder.

## **Section 5: Lot Consolidation/Lot Line Adjustment**

- Subd. 2.**     Transportation Departments. When the land for which the lot consolidation/lot line adjustment abuts a state highway, county road, or county highway, a certificate or other evidence showing submission of the lot consolidation/lot line adjustment to the Minnesota Department of Transportation and/or Wright County Highway Department shall be filed with the Wright County Recorder's Office, with the lot consolidation/lot line adjustment.
- Subd. 3.**     DNR. When the land for which the lot consolidation/lot line adjustment is located within a Shoreland District or Floodplain District, the Department of Natural Resources shall be notified of the disposition of the lot consolidation/lot line adjustment as required by law.

## Section 6: Concept Plan

### SECTION 6:

- 6.01 Purpose
- 6.02 Filing and Review of Application
- 6.03 Information Required for Concept Plan

**6.01 Purpose:** The preparation and submittal of a Concept Plan shall be required. The purpose of the Concept Plan is to obtain informal review comments prior to filing a formal preliminary plat application. On the basis of the Concept Plan, the City shall informally advise the Developer as promptly as possible of the extent to which the proposed subdivision generally conforms to the design standards of this Ordinance. Comments on the Concept Plan shall not be considered binding in regard to subsequent plat review. Concept Plan review does not convey any legal development rights to the applicant.

### **6.02 Filing and Review of Concept Plan Application:**

#### **Subd. 1. Procedure.**

A. Pre-Development Agreement. The City requires that Developers enter into an agreement with the City in which the Developer agrees to reimburse the City for its costs incurred in considering and reviewing the proposed development. This would include, but not be limited to, administrative fees, legal fees, engineering fees, planning fees, and other Consultants' fees. The agreement also requires that the Developer pre-pay a portion of these fees. The amount required shall be as set forth in the agreement.

B. Consultants' Meeting. Prior to any formal submission and review of a Concept Plan, the Developer shall request and attend a consultants' meeting for staff level review. If possible, the Developer should submit at least 5 reduced scale (11" x 17") copies of the draft Concept Plan to City Hall, and 1 reduced scale (11" x 17") copy directly to both the City Planner and City Engineer, at least 1 week prior to the consultants' meeting. If copies have not been previously submitted, the Developer must bring at least 7 reduced scale (11" x 17") copies of the Concept Plan to the consultants' meeting. Also at this stage, the Consultants shall identify what areas of the property, such as property corners and proposed parks and trails, shall be staked prior to the Planning Commission Meeting to allow

## Section 6: Concept Plan

city staff, board, and commission members and the City Council to view the subject site and areas proposed to be dedicated for public parks, open space, and trails.

- C. Park Board Meeting. A Park Board Meeting shall be held to review the Concept Plan and available comments from the Consultants. The Park Board shall make a preliminary determination as to the park needs and/or location. This preliminary determination shall be forwarded to the Planning Commission for review and consideration.
- D. Application and Placement on the Planning Commission Agenda. The City must receive a concept plan application form, 20 copies of the Concept Plan along with 20 copies of the required accompanying information at City Hall. The Concept Plan (1 large scale copy and 1 reduced scale (11" x 17") copy) and required accompanying information shall be submitted directly to the City Engineer and the City Planner on the same day as materials are submitted to City Hall. Upon receipt, the matter will be placed on the next Planning Commission Meeting agenda which is at least 21 days after the date the application was received. The Zoning Administrator shall submit copies of the Concept Plan and required accompanying information to other staff, committees, Consultants, or agencies, as appropriate, who may make written comments to the Planning Commission. If the Consultants suggest substantial changes to the Concept Plan, it may be advisable to submit a revised Concept Plan to City staff prior to submitting one to the Planning Commission.
- E. Planning Commission Meeting. The Concept Plan shall be submitted to the Planning Commission for their review and recommendation. The Planning Commission shall review and comment on the project's acceptability in relation to the Comprehensive Plan, utility availability, and development regulations. A recommendation may be made at that time or the matter may be tabled to allow further time for review and consideration.
- F. City Council Meeting. The Planning Commission's recommendation will be conveyed to the City Council. The City Council shall review

## Section 6: Concept Plan

and comment on the project's acceptability in relation to the Comprehensive Plan, utility availability, and development regulations. Action may be taken at that time or the matter may be tabled to allow further time for review and consideration. Comments on the Concept Plan shall not be considered binding in regard to subsequent plat review. Concept Plan review does not convey any legal development rights to the applicant.

**Subd. 2.** Attendance at Meetings Mandatory. The applicant, or a representative, is required to attend all meetings with advisory boards and the City Council. Failure of the applicant, or a representative, to attend a meeting may result in the denial of the application.

### 6.03 Information Required for Concept Plan:

**Subd. 1.** Number of Copies Required at the Time of Application.

- A. City Hall. The Developer shall submit 1 large scale copy and 20 reduced scale (11" x 17") copies of the Concept Plan and required accompanying information to City Hall at least 21 days prior to the Planning Commission Meeting.
- B. City Engineer and City Planner. The Concept Plan (1 large scale copy and 1 reduced scale (11" x 17") copy) and required accompanying information shall be submitted directly to the City Engineer and the City Planner on the same day as materials are submitted to City Hall.

**Subd. 2.** Required Accompanying Information.

- A. The required accompanying information shall consist of detailed written materials, plans, and specifications to include the following information:
  - 1. Name and Address of Developer and Owner, if Different.
  - 2. Date of Plan preparation and dates of revision.
  - 3. Scale of Plan.

## **Section 6: Concept Plan**

4. North arrow indication.
5. Property location map illustrating the site location relative to adjoining properties and streets.
6. Scaled drawing illustrating property boundaries.
7. Aerial photo with Concept Plan overlay detailing density, lot layouts, streets, possible park areas, preliminary wetland delineation, and surface waters.
8. Number and type of housing units and/or approximate size and location of commercial and industrial buildings as may be applicable.
9. Street system and trails that interconnect neighborhoods and are consistent with the Comprehensive Plan.
10. Approximate total area of wetlands and uplands on site.
11. Additional information as required by the Zoning Administrator.

## Section 7: Preliminary Plat

### SECTION 7:

- 7.01 Purpose
- 7.02 Filing and Review of Application
- 7.03 Information Required for Preliminary Plat
- 7.04 Approval or Denial of Preliminary Plat

**7.01 Purpose:** An application for a Preliminary Plat shall be filed with the City after the completion of the Concept Plan process. The Preliminary Plat is a plan of how property will be subdivided and developed. The Preliminary Plat stage is when all information pertinent to the proposed development is furnished by the Developer for review by city Staff, Consultants, City Advisory Committees, the City Council, any other applicable agencies, and the public. The information provides a basis for approval or denial of the application. The information submitted in the application shall address both existing conditions and changes that will occur during and after development.

Additional information or modifications may be required by Consultants, city staff, City Advisory Committees, or the City Council. Additional information may also be requested during the review process. In certain cases, some information required by these standards may not be appropriate or may need to be modified in order to provide an adequate basis for making a decision.

### **7.02 Filing and Review of Preliminary Plat Application:**

#### **Subd. 1. Procedure.**

- A. Pre-Application Meeting. Prior to submitting a Preliminary Plat application, the property owner/applicant may meet with city staff to discuss the preliminary plat application process. Through this meeting, the Zoning Administrator may summarize the City's Concept Plan review comments and offer suggestions pertaining to additional information or design changes that may assist in expediting the Preliminary Plat review.
- B. Neighborhood Meeting. On large subdivisions or developments with land uses different from adjacent properties, the City recommends the property owner/applicant hold a neighborhood meeting for informal comment and feedback prior to Preliminary Plat application. Developer is responsible for organizing and conducting

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the meeting. Developer shall give the City notice of the time, place, and location of the meeting.

- C. Consultants' Meeting. Prior to any formal submission and review of a Preliminary Plat, the Developer shall request and attend a consultants' meeting for staff level review. If possible, the Developer should submit at least 5 reduced scale (11" x 17") copies of the draft Preliminary Plat to City Hall, and 1 reduced scale (11" x 17") copy directly to both the City Planner and City Engineer, at least 1 week prior to the consultants' meeting. If copies have not been previously submitted, the Developer must bring at least 7 reduced scale (11" x 17") copies of the Preliminary Plat to the consultants' meeting.
- D. Environmental Review. The Developer shall determine if the proposed plat meets or exceeds the mandatory threshold for an Environmental Assessment Worksheet (EAW) or Environmental Impact Statement (EIS) pursuant to Minnesota Rules, and if necessary, the Developer shall immediately complete those requirements. No further action will be taken by the City until the environmental review process is completed.
- E. Park Board Meeting. A Park Board Meeting shall be held to review the draft Preliminary Plat and available comments from the Consultants. The Park Board shall make an initial determination as to the park needs and/or location. This initial determination shall be forwarded to the Planning Commission for review and consideration.
- F. Advisory Committees. The draft Preliminary Plat may also be reviewed by additional City Advisory Committees. The City Advisory Committees' recommendations will be forwarded to the Planning Commission and City Council for their consideration at a public hearing and public meetings.
- G. Application and Placement on the Planning Commission Agenda. The City must receive a preliminary plat application form, 20 copies of the Preliminary Plat along with 20 copies of the required accompanying information. The Preliminary Plat (1 large scale copy and 1 reduced scale (11" x 17") copy) and required accompanying information shall be submitted directly to the City

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Engineer and City Planner on the same day as materials are submitted to City Hall.

Upon receipt, the matter will be placed on the next Planning Commission Meeting agenda which is at least 21 days after the date the application was received. The Zoning Administrator shall submit copies of the Preliminary Plat and required accompanying information to other staff, committees, Consultants, or agencies, as appropriate, who may make written comments to the Planning Commission. If the Consultants suggest substantial changes to the Preliminary Plat, it may be advisable to submit a revised Preliminary Plat to City staff prior to submitting one to the Planning Commission.

- H. Incomplete Application. The City shall have the authority to request additional information. An application may not be heard by the Planning Commission if incomplete. The Zoning Administrator will notify applicant of missing information. Failure to provide the necessary information may be grounds for denial of the request.
- I. DNR Review. Preliminary Plats located within a Shoreland District or Floodplain District shall be subject to review by the Minnesota Department of Natural Resources.
- J. Transportation and Highway Department Review. A Preliminary Plat abutting any existing or proposed trunk highway, county road or highway or county state-aid highway shall be subject to review of the Minnesota Department of Transportation and/or Wright County Highway Department. Written notice and a copy of the proposed Preliminary Plat shall be filed with the Minnesota Department of Transportation and/or Wright County Highway Department for review and comment. Final action on a Preliminary Plat shall not be taken until the required comments and recommendations have been received or until the minimum 30 day review period has elapsed.
- K. Planning Commission Meeting. The Preliminary Plat shall be submitted to the Planning Commission for their review and recommendation. The Planning Commission shall review and comment on the project's acceptability in relation to the Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance,

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Official Map, and this Ordinance. A recommendation may be made at that time or the matter may be tabled to allow further time for review and consideration.

1. Public Hearing. The Planning Commission shall hold a public hearing on the proposed Preliminary Plat. Notice of the public hearing shall be published in the official newspaper designated by the City Council at least 10 days prior to the hearing. The City shall mail written notification of the public hearing on the proposed Preliminary Plat to property owners located within 350 feet of the subject site at least 10 days prior to the hearing. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.
  2. Recommendation. The Planning Commission shall take public testimony at the public hearing and evaluate the requested Preliminary Plat against the premature subdivision criteria of Section 7.04, subd. 2 of this Ordinance, the Design Standards of this Ordinance, the Zoning Ordinance, and other City requirements. The Planning Commission shall make findings and offer a recommendation for either Preliminary Plat approval, modification or denial. The Planning Commission may offer a recommendation of approval with conditions necessary to satisfy City regulations.
  3. Report. The Zoning Administrator shall prepare a report of the findings and recommendations of the Planning Commission. The findings may include specific conditions of approval or findings related to denial of the plat.
- L. City Council Meeting. The Planning Commission's recommendation will be conveyed to the City Council. The City Council shall review and comment on the project's acceptability in relation to the Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance, Official Map, and this Ordinance. Action may be taken at that time or the matter may be tabled to allow further time for review and consideration.

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1. Council Action. The City Council shall take action on the application within 120 days following delivery of a complete application in accordance with the regulations of this Ordinance, unless an extension is agreed to in writing by the applicant. The City Council may act on the Preliminary Plat if it does not receive a recommendation from the Planning Commission within 60 days of receipt of a complete application. In approving the Preliminary Plat, the City Council may impose conditions it considers necessary to protect the public health, safety, and general welfare.
- 2) City Council Findings. The City Council shall take action on the application which shall include findings of fact, and shall be entered in the proceedings of the City Council and transmitted to the applicant in writing. A motion to approve that fails for the lack of a simple majority shall be a denial of the requested application.

M. Upon recommendation of the City Engineer and submittal of an executed interim development agreement, including all required subdivision fees and financial securities, the City Council may, at its discretion, authorize site grading as a condition of pre-plat approval and allowable activity prior to final plat approval.

**Subd. 2.** Attendance at Meetings Mandatory. The applicant, or a representative, is required to attend all meetings with advisory boards and the City Council. Failure of the applicant, or a representative, to attend a meeting may result in the denial of the application.

### 7.03 Information Required for Preliminary Plat:

**Subd. 1.** Number of Copies Required at the Time of Application.

A. City Hall. The Developer shall submit 1 large scale copy and 20 reduced scale (11" x 17") copies of the Preliminary Plat and required accompanying information to City Hall.

B. City Engineer and City Planner. The Preliminary Plat (1 large scale copy and 1 reduced scale (11" x 17") copy) and required

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accompanying information shall be submitted directly to the City Engineer and the City Planner on the same day as materials are submitted to City Hall.

**Subd. 2.** Contents of the Preliminary Plat and Required Accompanying Information. The Developer shall submit a Preliminary Plat and required accompanying information (Certificate of Survey, Preliminary Grading, Drainage and Erosion Control Plan, Preliminary Utility Plan, and Miscellaneous Information) which shall include, but not be limited to, all of the information outlined below.

A. Preliminary Plat. The Preliminary Plat shall include the following:

1. A north arrow and scale not less than 1 inch equals 100 feet shall be shown on all maps/drawings;
2. The proposed name of the plat, which name shall not duplicate or be substantially similar to a plat previously recorded in the County;
3. Date of application, name, address, phone number, and applicable license or registration number of the owner, developer, agent, applicant, engineer, surveyor, planner, attorney, or other principal involved in the development of the plat;
4. Proof of ownership or legal interest in the property in order to make application;
5. Existing Comprehensive Plan land use and zoning designation within and abutting the proposed plat;
6. Any zoning changes needed, or reference to any zoning or similar land use actions that are pertinent to the proposed development;
7. Total acreage of the land to be subdivided and total upland area (land above the ordinary high water mark of existing wetlands, lakes and rivers);

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8. Boundary line survey and legal description;
9. Existing covenants, liens, or encumbrances;
10. Proposed lot lines, dimensions, the gross acreage, and the acreage net of any wetlands, floodplains, surface waters, and other encumbered areas of all lots. When lots are located on a curve in a road or cul-de-sac, the lot width at the building setback line shall be shown. Lot areas shall consist of buildable land as defined by the Zoning Ordinance and lots which contain water bodies, powerline or pipeline easements shall show the lot area outside of the water body/easement;
11. Proposed lot and block numbers;
12. Building pad, minimum building setbacks shown on each lot indicating dimensions of the setbacks;
13. Layout of streets, showing right-of-way widths, centerline street grades and approximate radii of all curbs, proposed contours within the entire plat, and proposed street names for consideration and acceptance by the City. Access, right-of-way widths, driveways, and street classifications shall be consistent with the Comprehensive Plan;
14. Parks, trails, sidewalks or other areas intended for public use or common ownership;
15. Minimum lot areas, lot widths, and setback dimensions shall be shown and the minimum lot areas, lot widths, and setback areas shall conform with the proposed zoning for the site, unless the subdivision is a PUD;
16. Topography map showing topographic contours at 2 foot intervals;
17. All delineated wetlands, flood plain areas, the ordinary high water level (OWHL) of DNR protected waters, and any encroachments;

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18. Three copies of a wetland replacement plan shall be provided (if applicable);
  19. Tree inventory identifying vegetation of the site, according to general cover type (pasture, woodland, etc.), defining boundaries of woodland areas, and a tree protection plan. Vegetative types shall be classified as generally deciduous, coniferous, or mixed, and described by plant community, relative age, and condition;
  20. Any additional information as requested by the Zoning Administrator;
  21. Utility easements, drainage easements, wetland easements, wetland buffers, and shoreland setback requirements, if applicable; and
  22. Preliminary landscape plans.
- B. Certificate of Survey. A Certificate of Survey prepared by a licensed land surveyor must be submitted which identifies the following:
1. Scale not less than 1 inch equals 100 feet;
  2. North point indication;
  3. Existing parcel boundaries to be platted with dimensions and area;
  4. Existing legal description;
  5. Easements of record;
  6. Delineated wetland boundary, also including the Ordinary High Water Level (OHWL) of any lakes, rivers, or Department of Natural Resources (DNR) waters. Floodplain as shown on the Federal Emergency Management Agency (FEMA) FIRM Map;
  7. All encroachments;

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8. Existing buildings, structures, and improvements within the subject property and those 100 feet outside the boundaries of the subject property; and
9. Location, widths, and names of all existing public streets, rights-of-way or railroad rights-of-way showing type, width, and condition of the improvements, if any, which pass through and/or are within 100 feet.

C. Preliminary Grading, Drainage (Storm Water) and Erosion Control Plan. The Developer 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 by a licensed engineer. The grading plan shall be designed to avoid premature disruption of land and long-term storage of excess materials. The grading plan shall depict the following information:

1. A north arrow and scale not less than 1 inch equals 100 feet shall be shown on all maps/drawings;
2. Location of natural features including, but not limited to, tree lines, delineated wetlands, water courses, ponds, lakes, streams, floodplain, drainage channels, ordinary high water level (OHWL) and 100 year storm elevations, bluffs, steep slopes, etc. If wetlands are proposed to be impacted, a mitigation plan shall also be submitted;
3. Existing contours at 2 foot intervals shown as dashed lines for the subject property and extending 100 feet beyond the outside boundary of the proposed plat;
4. Proposed grade elevations at 2 foot intervals shown as solid lines;
5. Proposed plan for surface water management, ponding, drainage and flood control, including the normal water level and high water level of all ponds and watercourses;
6. Provision for groundwater management including sub-surface drains, disposals, ponding, and flood controls;

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7. Location of all existing storm sewer facilities including pipes, manholes, catch basins, ponds, swales, and drainage channels within 100 feet of the subject property. Existing pipe sizes, grades, rim and invert elevations, and normal and high water elevations must be included;
8. If the subject property is within or adjacent to a 100 year floodplain, flood elevation and locations must be shown;
9. Spot elevations at drainage break points and directional arrows indicating site, swale, and drainage on lots and streets;
10. Lot and block numbers, building style, building pad location and elevations at the lowest floor and garage slab for each lot;
11. Locations, sizes, grades, rim and invert elevations of all proposed storm water facilities, including ponds, proposed to serve the subject property;
12. Phasing of grading;
13. Location and purpose of all oversize, non-typical easements;
14. 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 shall be in accordance with City standards and included on the plan;
15. Soil tests for areas where streets are proposed and other soil information as requested by the City Engineer;
16. All re-vegetation measures proposed for the subject property must be included on the plan, including seed and mulch types and application rates;
17. Drainage plan, including the configuration of drainage areas and calculations for 1 year, 10 year, and 100 year 24-hour storm events and 500 year event may also be required by the City Engineer;

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18. Layout of proposed streets showing centerline gradients, section widths, and typical cross sections; and
  19. Date of plan preparation and dates of all revisions; and
- D. Preliminary Utility Plan. The Developer shall submit a preliminary utility plan utilizing a copy of the current certificate of survey as a base of the site in question, prepared by a licensed engineer, depicting the following information:
1. Scale not larger than 1 inch equals 100 feet;
  2. Location, dimensions, and purpose of all easements;
  3. Location and size of existing sanitary sewers, water mains, culverts, or other underground facilities within the subject property and to a distance of 100 feet beyond the outside boundary of the proposed plat. Data such as grades, invert elevations, and location of catch basins, manholes, and hydrants shall also be shown;
  4. Location and size of proposed sanitary sewers, water mains, culverts and other stormwater facilities, or other underground facilities within the subject project and to a distance of 100 feet beyond the outside boundary of the proposed plat. Data such as grades, invert elevations, and location of catch basins, manholes, and hydrants shall also be shown;
  5. Water mains shall be provided to serve the subdivision by extension of an existing municipal system wherever feasible;
  6. Municipal sanitary sewer trunk facilities, laterals and service connections shall be designed and installed in accordance with the design standards approved by the City Engineer;
  7. The location of proposed hydrants and valves for all proposed water mains;
  8. All other utilities shall be located and designed in accordance with the requirements of the City Engineer; and

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9. Date of plan preparation and dates of all revisions.

E. Miscellaneous Information. The following shall be submitted to the City, if applicable:

1. An evaluation by the applicant that the subdivision would not be determined to be premature pursuant to the criteria outlined by the Comprehensive Plan and this Ordinance.
2. Phasing Plan. All Preliminary Plats that will not be subsequently final platted or improved in its entirety shall include a phasing plan with the following information submitted with the Preliminary Plat:
  - a) The sequence of development and approximate areas, approximate number of lots in each phase, total area and buildable area per phase. Information shall be provided regarding the number of dwelling units, proposed improvements, and common facilities for each. Each phase of a Preliminary Plat shall be consistent with growth management criteria of the City;
  - b) Any trail, sidewalks, and parks within the approved phase of the Preliminary Plat shall be constructed along with streets and utilities and shall be clearly marked on a site map which shall be an attachment to all sales agreements for individual lots;
  - c) A site grading plan that is coordinated with the phasing plan to avoid premature disruption of land or long-term storage of excess materials;
  - d) A Development Agreement that includes a financial security to ensure completion of common facilities, trails, and landscaping shall be provided. A master subdivision development agreement that governs subsequent phases shall also be required; and

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- e) Unless otherwise clearly noted on the phasing plans, all improvements shown within each phase shall be constructed and completed with that particular phase.
  - 3. Documents outlining the content of proposed conservation easements, restrictive covenants, deed restrictions, and establishment of homeowners associations for review. Where the plat is intended to include common open spaces, these documents shall address ownership and long-term maintenance of these open spaces areas.
  - 4. Information or easements showing how public utilities, drainage, and roads can be extended to serve adjacent property.
  - 5. Landscape and screening plans showing landscape plantings for yards and subdivision entrances, and specifying plant locations, varieties, and sizes.
  - 6. Plans showing the elevations of signs and the location, ownership, and maintenance responsibilities of the signs.
  - 7. Examples of building product showing illustrations of building footprint, floor plans, building elevations, and exterior building materials.
- Subd. 3.** Staking. Areas such as property corners, proposed parks and trails identified to be staked by the Consultants during the Concept Plan process shall be staked in the field at least 10 days prior to the Planning Commission Preliminary Plat public hearing to allow city staff, board and commission members and the City Council to view the subject site, and areas proposed to be dedicated for public parks, open space and trails.
- Subd. 4.** Development Agreement. Approval of the Preliminary Plat shall be contingent upon the applicant's entrance into a Development Agreement with the City.
- A. The Developer shall provide an estimate of the project construction cost for review and approval by the City Engineer.

## **Section 7: Preliminary Plat**

- B. The Developer shall meet with the City Attorney to finalize the terms of the Development Agreement.
- C. Upon the finalization of the Development Agreement, the City Clerk shall have the final copy of the agreement approved by the City Council and signed by all appropriate parties. The Development Agreement shall be recorded against the property.
- D. Financial securities shall be posted with the City as outlined in the Development Agreement.
- E. Final grading and utility plans shall be approved by the City Engineer and made a part of the Development Agreement.
  - 1. No grading shall be allowed until the Preliminary Plat has been approved, an interim development agreement has been executed, and the required financial securities are posted with the City.
  - 2. No construction/installation of sanitary sewer or water utilities or streets shall be allowed until approval of a Development Agreement for the sewer, water, and streets and the required financial securities are posted with the City.

### **7.04 Approval or Denial of Preliminary Plat:**

- Subd. 1.** City Council Action. The City Council shall act on the Preliminary Plat by motion. The motion shall include findings of fact supporting the approval or denial, and shall be entered into the written record of the proceedings of the City Council. A motion to approve that fails for the lack of a simple majority shall be a denial of the requested application.
- Subd. 2.** Premature Subdivisions. Any plat of a proposed subdivision deemed premature for development shall be denied by the City Council.
  - A. Conditions Establishing Premature Subdivisions. A subdivision may be deemed premature should any of the conditions set forth in the provisions which follow exist:

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1. Lack of Adequate Drainage.
  - a. A condition of inadequate drainage shall be deemed to exist if:
    - i. Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structures and/or adjacent properties;
    - ii. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land; and
    - iii. The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downstream land.
  - b. 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 municipal water is not available to the plat. With the extension of municipal water, all private wells must be capped in accordance with state statutes.
3. Lack of Adequate Roads or Highways to Serve Subdivision. A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:
  - i. Roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance, and surface condition that an

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increase in traffic volume generated by the proposed subdivision would create a hazard to public health, safety, and general welfare or seriously aggravate an already hazardous condition; and when, with due regard to the advice of the City Engineer, the County, and/or the Minnesota Department of Transportation, the roads are inadequate for the intended use;

- ii. The traffic volume generated by the proposed subdivision would create unreasonable street congestion or unsafe conditions on streets existing at the time of the application or proposed for completion within the next two years; and
  - iii. The roads fail to meet minimum City standards.
4. Lack of Adequate Wastewater Treatment Systems. A proposed subdivision shall be deemed to lack adequate wastewater treatment systems if municipal sanitary sewer is not available to the plat or 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 indicated in the Comprehensive Plan.
  5. Inconsistency with Comprehensive Plan. The proposed subdivision is inconsistent with the purposes, objectives, and recommendations of the Comprehensive Plan.
  6. Providing Public Improvements. Public improvements, such as recreational facilities, or other public facilities reasonably necessitated by the subdivision which must be provided at public expense cannot be reasonably provided for within the next two fiscal years.
  7. Minnesota Environmental Rules. The proposed subdivision is inconsistent with the Minnesota Environmental Review Program, Minnesota Rules Chapter 4410, as may be amended, and could adversely impact critical environmental areas, or potentially disrupt or destroy historic areas which are

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designated or officially recognized by the City Council, in violation of federal and state historical preservation laws.

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

**Subd. 3.** Denial of Preliminary Plat. The City Council may deny the subdivision if it makes any one or more of the following findings:

- i. That the proposed subdivision is in conflict with adopted applicable general or specific provisions of the Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance, Official Map of the City, or this Ordinance;
- ii. That the physical characteristics of the site, including but not limited to topography, vegetation, percolation rate, soil conditions, 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, design, or use contemplated;
- iii. That the site is not physically suitable for the proposed density of development;
- iv. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage;
- v. That the design of the subdivision or the type of improvements are likely to cause serious public health problems;
- vi. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court;
- vii. That the proposed subdivision, its site, or its design, adversely affects the flood-carrying capacity of the flood way, increases flood stages and velocities, or increases flood hazards within the flood way fringe or within other areas of the City;

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- viii. That the proposed subdivision is inconsistent with the policies and standards of the State defined Shoreland Districts or Wetland Overlay Districts;
- ix. That the design of the subdivision does not conform to minimum City standards; and
- x. That the applicant has failed to provide all documents required by the City in order to adequately evaluate the application.

## Section 8: Final Plat

### SECTION 8:

- 8.01 Purpose
- 8.02 Timing of Application
- 8.03 Filing and Review of Application
- 8.04 Information Required for Final Plat
- 8.05 Approval or Denial of Final Plat
- 8.06 Recording
- 8.07 Utilities
- 8.08 Dedication
- 8.09 Record Plans (As-Built Plans)

**8.01 Purpose:** After the Preliminary Plat has been approved, the Final Plat shall be submitted for review as set forth in the subsections that follow. The Final Plat shall conform to all Minnesota platting regulations and shall incorporate all changes, modifications, and revisions required by the City. Otherwise, it shall strictly conform to the approved Preliminary Plat.

#### **8.02 Timing of Final Plat Application:**

**Subd. 1.** Final Plat Approval Within 1 Year after Preliminary Plat Approval. A complete application for Final Plat shall be submitted no later than 1 year after the date of approval of the Preliminary Plat, or a time as provided in the Development Agreement. If the Final Plat application is submitted more than 1 year after the date of approval of the Preliminary Plat or after the time allowed in the Development Agreement, the Preliminary Plat approval shall be considered void, unless an extension is requested in writing and is granted by the City Council for good cause.

**Subd. 2.** Final Plat Approval for Subsequent Phases. The Final Plat applications for subsequent phases, as described by the approved phasing plan, shall be submitted within 1 year of approval of the Final Plat for the previous phase, or as provided in the Development Agreement. An extension may be requested in writing for City Council approval.

#### **8.03 Filing and Review of Final Plat Application:**

**Subd. 1.** Procedure.

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- A. Placement on the Planning Commission Agenda. The City must receive a Final Plat application form, 20 copies of the Final Plat and required information and plans. The Final Plat and required information and plans shall be submitted directly to the City Engineer and City Planner on the same day as materials are submitted to City Hall.

Upon receipt, the matter will be placed on the next Planning Commission Meeting agenda which is at least 21 days after the date the application was received. The Zoning Administrator shall submit copies of the Final Plat and required accompanying information to other staff, committees, Consultants, or agencies as appropriate who may make written comments to the Planning Commission.

- B. Planning Commission Meeting. The Planning Commission shall review and comment on the Final Plat to ensure that it conforms to the approved Preliminary Plat and incorporates any changes, modifications, and revisions required by the City Council as part of the Preliminary Plat approval. A recommendation may be made at that time or the matter may be tabled to allow further time for review and consideration.
- C. Development Agreement. The applicant shall execute a Development Agreement with the City which controls the installation of all required improvements and approval conditions to comply with approved engineering standards and applicable regulations. The Development Agreement shall be approved as a condition of Final Plat approval and shall be recorded prior to plat recording.
- D. Special Assessments.
1. When any existing special assessments which have been levied against the property described are to be divided and allocated to the respective lots in the proposed plat, the City Clerk or Zoning Administrator shall:

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- i) Estimate the administrative cost of preparing a revised assessment roll;
    - ii) File the same with the County Auditor; and
    - iii) Make such division and allocation.
  2. Upon approval by the City Council of all costs associated with the development and filing of the assessment roll, the same shall be paid to the City before Final Plat approval, or as provided in the Development Agreement.
- E. Engineering Specifications. Approval of the engineering specifications required by this Ordinance pertaining to water supply, drainage, domestic waste water, potable water, street lighting, gas and electric service, grading, roadway standards, widths, and surfacing of streets, shall be completed by the City Engineer prior to approval of the Final Plat by the City Council.
- F. Title Review. The City Attorney shall review and approve the status of title and ownership of the property.
- G. City Council Meeting. After review of the Final Plat by the Planning Commission, the Final Plat, together with the recommendations of the Planning Commission and the Development Agreement, shall be submitted to the City Council for consideration. If accepted, the Final Plat and Development Agreement shall be conditionally approved by resolution, which resolution shall provide for the acceptance of all agreements for basic improvements, public dedication, and other requirements as indicated by the City Council. If disapproved, the grounds for any refusal to approve a Final Plat shall be set forth in the written record of the proceedings of the City Council and reported to the applicant in writing. The City Council shall act on the Final Plat within 60 days of receipt of the completed Final Plat application.
- H. Street Addresses. The Developer shall work with the City in regard to the assignment of addresses. With submission of the Final Plat, 8 copies of the plat map showing all addresses correctly labeled in conformance with all applicable city ordinances, code provisions,

## Section 8: Final Plat

and policies shall be supplied to the Zoning Administrator for subsequent distribution to the utility companies, post office, fire department, county, and local school district.

- I. Recording the Final Plat. If the Final Plat and Development Agreement are approved by the City Council, the Developer shall record the Final Plat and Development Agreement in the Office of the County Recorder within 60 days after the date of approval. If not recorded within 60 days after the date of approval, the approval of the Final Plat shall be considered void unless the Developer requests an extension, in writing, and receives approval from the City Council. The Developer shall, immediately upon receipt of the recorded documents from the County Recorder, furnish the City Clerk with a print of the Final Plat showing evidence of the recording. No building permits or improvements, except those specifically permitted by the Development Agreement, shall be issued for construction of any structure on any lot or other construction activities in said plat until the City has received evidence of the plat being recorded by the County Recorder.

- Subd. 2.** Attendance at Meetings Mandatory. The applicant, or a representative, is required to attend all meetings with advisory boards and the City Council. Failure of the applicant, or a representative, to attend a meeting may result in the denial of the application.

### 8.04 Information Required for Final Plat.

- Subd. 1.** Number of Copies Required at the Time of Application.
  - A. City Hall. The Developer shall submit 1 large scale copy and 20 reduced scale (11" x 17") copies of the Final Plat and required information and plans, together with a final grading plan, utility plan, and landscape plan to City Hall.
  - B. City Engineer and City Planner. The Final Plat (1 large scale copy and 1 reduced scale (11" x 17") copy) and required information and plans, including the final grading plan, utility plan, and landscape plan shall be submitted directly to the City Engineer and the City Planner on the same day as materials are submitted to City Hall.

## Section 8: Final Plat

### Subd. 2. Contents of the Final Plat and Required Information and Plans.

- A. Final Plat Preparation, prepared for recording purposes, shall be prepared in accordance with provisions of Minnesota Statutes and County regulations, and such Final Plat or accompanying submittals shall contain the following information:
1. A large scale copy and a 11" x 17" copy of the approved Preliminary Plat and supporting documents illustrating all changes and conditions that were required as part of Preliminary Plat approval. This revised Preliminary Plat will provide the historical record of the subdivision approval by which subsequent Final Plats shall be considered.
  2. The name of the subdivision, which name shall not duplicate or be substantially similar to a plat previously recorded in the County. The name shall be subject to City Council Approval.
    - a) The first phase of development shall be called the "First Addition." Subsequent phases shall be consecutively numbered.
  3. Location by section, township, range, county, and state as well as descriptive boundaries of the subdivision based upon an accurate traverse, giving angular and linear dimensions.
  4. A north arrow and scale not less than 1 inch equals 100 feet shall be shown on all maps/drawings.
  5. The location of monuments, shown and described. The location of 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 and monuments.
  6. The location of all lots, outlots, streets, public highways, alleys, parks, and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to

## **Section 8: Final Plat**

reproduce the plat on the ground. Dimensions shall be shown from all angle points of curve to lot line.

7. Lots shall be numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block.
8. The exact location, widths, and names of all streets to be dedicated.
9. The location and width of all easements to be dedicated.
10. The name, address, and phone number of the surveyor making the plat.
11. Land dedicated as public park shall be labeled as outlot(s) on the Final Plat and the deed for said outlot(s) shall be given to the City with the Final Plat.
12. Documents and information necessary to fulfill the conditions of approval of the Preliminary Plat.
13. A current abstract of title or a registered property certificate, at the option of the City Attorney.
14. A commitment for title insurance (not more than 3 months old) from a title insurance carrier authorized to conduct business in this state.
15. Any title declaration, conservation easements, deed restrictions, restrictive covenants, homeowner's association documents, or common interest community documents.
16. Statement dedicating all streets, alleys, other public right-of-way, and other public areas not previously dedicated, as follows:

Streets, alleys, and other public areas shown on this plat are not heretofore dedicated to public use are hereby so dedicated.

## **Section 8: Final Plat**

17. Statement dedicating all easements as follows:

Easements for installation and maintenance of utilities and drainage facilities are reserved over, under, and along the designated areas marked "drainage and utility easements."
18. Final grading and construction plans shall be prepared and submitted in accordance with City standards.
19. Copies of permits from the Department of Natural Resources (DNR), Corp of Engineers, Minnesota Pollution Control Agency (MPCA), Minnesota Department of Health, and other agencies as applicable. Such permits shall be obtained prior to City approval of the Final Plat.
20. Final wetland report and mitigation plan.
21. Final storm water management plan.
22. Radii, internal angles, points and curvatures, and lengths of all areas.
23. Accurate location of all monuments. Pipes or steel rods shall be placed at the corners of each lot and at the edge of wetlands.
24. Accurate outlines, legal descriptions of any areas to be dedicated or reserved for public use, or for the exclusive use of property owners within the subdivision with the purposes indicated therein.
25. Certification by a registered land surveyor, to the effect that the plat represents a survey made by him and that monuments and markers shown thereof exist as located and that all dimensional geodetic details are correct.
26. Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat, and the dedication of streets and other public areas.

## Section 8: Final Plat

### B. Certificates Required.

1. Certification by a registered land surveyor in the form required by Minnesota Statutes 505.03, as may be amended.
2. The execution of all owners of any interest in the land and holders of a mortgage thereon of the certificates required by Minnesota Statutes 505.03, as may be 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.
3. Space for certificates of approval and review to be filled in and signed by the chairperson of the Planning Commission, the Mayor, and the City Clerk. The form of the certificates for the Planning Commission and the City Council shall as approved by the City. A copy of the approved format shall be available at City Hall.

**Subd. 3.** Monuments. The outside boundary of the subject property is to be clearly marked with survey monuments.

### **Subd. 4.** Development Agreement.

1. Final Plat approval shall be contingent upon the applicant's entrance into a Development Agreement with the City. The agreement shall be prepared by the City and shall ensure development performance based on approvals. The agreement shall address, but not be limited to, the following:
  - i. Financial securities;
  - ii. Warranties;
  - iii. Development time lines; and
  - iv. Remedies for Default.

## **Section 8: Final Plat**

2. The Developer shall meet with the City Attorney to finalize the terms of the Development Agreement.
3. Upon the finalization of the Development Agreement, the City Clerk shall have the final copy of the agreement signed by all appropriate parties. The Development Agreement shall be recorded against the property.
4. Financial securities shall be posted with the City as outlined in the Development Agreement.
5. Final grading and utility plans shall be approved by the City Engineer and made a part of the Development Agreement.
  - a. No grading shall be allowed until the Preliminary Plat has been approved, an interim Development Agreement has been executed, and the required financial securities are posted with the City.
  - b. No construction/installation of sanitary sewer or water facilities or streets shall be allowed until approval of a Development Agreement for the sewer, water, and streets and required financial securities are posted with the City.

### **8.05 Approval or Denial of Final Plat:**

**Subd. 1.** Council Action. The City Council shall act on the Final Plat by motion. The motion shall include findings of fact supporting the approval or denial, and shall be entered into the written record of the proceedings of the City Council. A motion to approve that fails for the lack of a simple majority shall be a denial of the requested application.

**Subd. 2.** Development Agreement. If the City Council moves to approve the Final Plat and the Development Agreement is not yet finalized, the approval shall be contingent upon the following:

## Section 8: Final Plat

- i. A completed and fully executed Development Agreement including all required financial securities and time frame for Final Plat and final grading completion; and
- ii. All fees and charges related to the Preliminary or Final Plat paid in full.

**Subd. 3.** Required Approval. The City Council shall certify final approval within 60 days of an applicant's request for Final Plat approval if the applicant has complied with:

- i. All conditions and requirements of the Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance, Official Map, and this Ordinance; and
- ii. All conditions and requirements upon which the Preliminary Plat approval was expressly conditioned, either through performance or the execution of appropriate agreements assuring such performance.

**Subd. 4.** Denial of Plat. The City Council may deny the subdivision if it makes any one or more of the following findings:

- i. That the proposed subdivision is in conflict with adopted applicable general or specific provisions of the Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance, Official Map, or this Ordinance;
- ii. That the physical characteristics of the site, including but not limited to topography, vegetation, percolation rate, soil conditions, 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, design, or use contemplated;
- iii. That the site is not physically suitable for the proposed density of development;

## Section 8: Final Plat

- iv. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage;
- v. That the design of the subdivision or the type of improvements are likely to cause serious public health problems;
- vi. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court;
- vii. That the proposed subdivision, its site, or its design, adversely affects the flood-carrying capacity of the flood way, increases flood stages and velocities, or increases flood hazards within the flood way fringe or within other areas of the City;
- viii. That the proposed subdivision is inconsistent with the policies and standards of the State defined Shoreland Districts or Wetland Overlay Districts;
- ix. That the design of the subdivision does not conform to minimum City standards; and
- x. That the applicant has failed to provide all documents required by the City in order to adequately evaluate the application.

### 8.06 Recording:

**Subd. 1.** Copies. After approval of the Final Plat by the City Council, the Developer shall submit 3 full size mylar copies of the Final Plat, and 1 - 11" x 17" reduction of the Final Plat and dedication page to City Hall for signature.

**Subd. 2.** Procedure and Time Frame.

- A. Deadline. The Developer shall record the approved Final Plat and Development Agreement in the Office of the Wright County Recorder within 60 days after the date of approval. If not recorded within 60 days after the date of approval, the approval of the Final

## Section 8: Final Plat

Plat shall be considered void unless the Developer requests an extension, in writing, and receives approval from the City Council.

- B. Copy to City. The Developer shall, immediately upon receipt of the recorded document from the County Recorder, furnish the City Clerk with a print of the Final Plat showing evidence of the recording.
- C. Building Permit. No building permits, except model homes specifically permitted by the Development Agreement, shall be issued 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 Recorder.

**Subd. 5.** Transportation Departments. When the land for which the Final Plat abuts a state highway, county road, or county highway, a certificate or other evidence showing submission of the Preliminary Plat to the Minnesota Department of Transportation and/or Wright County Highway Department shall be filed with the Office of the Wright County Recorder, with the Final Plat.

**Subd. 6.** DNR. When the land included in the Final Plat is located within a Shoreland District or Floodplain District, the Department of Natural Resources shall be notified of the disposition of the Final Plat as required by law.

**Subd. 7.** Recording Final Plats of Multi-Phased Plats. Unless otherwise provided in the Development Agreement, a Preliminary Plat that is final platted in phases must be final platted into lots and blocks, not outlots, within 5 years after the Preliminary Plat has been approved by the City Council. Any phase of the Preliminary Plat that is not final platted within the 5 year period shall be void.

### 8.07 Utilities:

**Subd. 1.** Installation. Sewer, water, and streets shall only be installed in the area included in the Final Plat. No construction/installation of sanitary sewer or water facilities or streets shall be allowed until the Final Plat has been approved and the Development Agreement for the sewer, water, and streets has been approved and recorded.

## Section 8: Final Plat

- \_\_\_\_\_ **Subd. 2.**     Commitment of Utility Service Areas. If the Developer is unable to fulfill the schedule of the approved phasing plan, the City Council may consider allocating to a different development project the utility service area that was committed to the next phase of the plat. The subject plat would then wait until the following year for Final Plat or utility service area approval for its next phase.
- 8.08 Dedication.** Parks, drainage, and utility areas, or other public areas that were designated as outlots shall be dedicated to the City.
- 8.09 Record Plans (As-built Plans).** Record plans shall be completed by the design engineer and shall be submitted to the City within 90 days of the installation of the first layer of bituminous on the public streets. Record plans shall include an as-built grading plan. Record plans shall be approved by the City Engineer. Three full size printed copies of the record plans shall be submitted after final approval by the City Engineer. An electronic copy shall be submitted upon request by the City Engineer.

## Section 9: Park Land Dedication Requirements

### SECTION 9:

- 9.01 Purpose
- 9.02 Dedication Requirements
- 9.03 Trails
- 9.04 Determining Land to Be Donated
- 9.05 Calculating Density Requirements

**9.01 Purpose:** All developments or landowners requesting platting or replatting of land shall convey to the City, or dedicate to the public use, a percentage of such proposal for the public use as parks, playgrounds, trails, or open space. The City, at its discretion, may accept cash in lieu of land to be dedicated, or a combination of land and cash dedication.

**9.02 Dedication Requirements:** As a prerequisite to any subdivision approval, and at the sole determination of the City, applicants and/or Developers shall dedicate land for parks, playgrounds, public open spaces, trails, or other public uses and/or shall make a cash contribution to the City's park dedication fund roughly related to the anticipated effect of the subdivision on the City's park and trail system. The amounts listed in this section are the City's best estimate of the dedication or cash contribution needed to offset the effect of the subdivision on the park and trail system. The requirement may also be met with a combination of land and cash or land, cash, and improvements, if approved by the City Council.

#### **Subd. 1. Land Dedication Requirements.**

- A. Residential. In all new residential subdivisions, 10% of the area subdivided shall be dedicated for public space. This 10% shall be calculated on the gross area. In the City's sole discretion, the 10% may be calculated on the net area, which shall be the gross area of the subdivided property minus the area of wetlands, lakes, and rivers below the ordinary high water mark. The land dedicated for public use shall be in addition to property dedicated for streets, alleys, easements, storm water ponding, or other public ways. No areas may be dedicated for public use until such areas have been approved by the City Council as suitable and necessary for the public health, safety, and general welfare.
- B. Non-Residential. In all new commercial or industrial subdivisions, 5% of the area subdivided shall be dedicated for public space. This 5% shall be calculated on the gross area. In the City's sole

## **Section 9: Park Land Dedication Requirements**

discretion, the 5% may be calculated on the net area, which shall be the gross area of the subdivided property minus the area of wetlands, lakes, and rivers below the ordinary high water mark. The land dedicated for public use shall be in addition to property dedicated for streets, alleys, easements, storm water ponding, or other public ways. No areas may be dedicated for public use until such areas have been approved by the City Council as suitable and necessary for the public health, safety, and general welfare.

### **Subd. 2. Cash Requirements.**

- A. Amount of Payment Required. When a subdivision is proposed, at the option of the City, the Developer may pay a cash fee in lieu of such land dedication. The cash fee shall be a payment to the City of a sum equal to the percentage listed in Section 9.02, Subdivision 1 of the undeveloped value of the land to be subdivided. The undeveloped land value shall be the value of the land at the time of Final Plat approval.

The determination of the value of the land for purposes of park dedication shall be determined jointly by the City Council, or its agent, and the Developer. If the City Council and the Developer cannot agree on the land value, then the land values shall be established on the basis of the average of two independent appraisals by professional appraisers. If the City and the Developer cannot agree on the appraisers, the City and the Developer shall each appoint one. The cost of the appraisals shall be paid by the Developer.

- B. Timing of Payment. Cash contributions shall be paid prior to the City's signature of and release of the Final Plat, unless otherwise specified in the Development Agreement. For subdivisions that do not require a Development Agreement, the cash contribution shall be paid before the City releases the signed approval of the subdivision for recording.

*Cross Reference: Section 8 Final Plat*

- Subd. 3. Cash and Land Combination.** The City, upon consideration of a particular type of development, may require that a lesser parcel of land should be dedicated due to particular features of the

**Section 9: Park Land Dedication Requirements**

development. In such cases, a cash contribution shall be required in addition to the land dedication to ensure that compensation is received for the full amount of the impact on the City’s park and trail system. The amount of cash required shall be calculated by determining the percentage of land donated and applying the shortfall to the amount of cash that would have been required had no land been donated.

The formula is outlined as follows:

Percentage of		Total Cash		Balance of
Land <u>Not</u>	x	Contribution for the	=	Cash
Dedicated		Entire Subdivision		Contribution

For example, in a residential subdivision, if only a 6% rather than a 10% land dedication requirement was made, the City would calculate the amount of the cash dedication that would have been required for the entire subdivision and would take 40% of that amount (since 60% of the land dedication requirement was made). If there were 12 acres valued at \$15,000 an acre, the cash requirement (assuming that no land was dedicated) would be \$18,000 (12 acres x \$15,000/acre x 10%). Since 60% of the land dedication requirement was met, the City would require 40% of the cash dedication requirement or \$7,200.00 (\$18,000 x 40%) to make up the difference and fully compensate the City for the impact of the proposed subdivision.

**Subd. 4. Improvement of Land.**

- A. The City shall identify land needed for park uses and such land shall be suitable for park development. In the event dedicated park lands are unsuitable for immediate use because of topographic or other limitations, the Developer shall grade and seed park lands for such suitable use.
- B. In lieu of the full land or full combination of land and cash contribution, the Developer may agree to make certain improvements to the donated land as required and approved by the City, including but not limited to, paving or the installation of park equipment such as playground equipment, basketball courts, tennis courts, etc. in an amount equal to the land or cash required but not contributed. Such improvements shall be included in the Development Agreement.

## **Section 9: Park Land Dedication Requirements**

**Subd. 5.** Credit for Private Open Space. Where private open space for park and recreational purposes is provided in a proposed subdivision, such areas may be used for partial credit, at the discretion of the City Council, against the requirement of dedication for park and recreational purposes, provided the City Council finds it is in the public interest to do so. No credit shall be given unless at least the following minimum factors are satisfied:

- i. The land area must be available for use, without preference, by all of the residents of the proposed subdivision;
- ii. The required setbacks must not be included in the computation of such land area;
- iii. 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;
- iv. 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
- v. The proposed open space must reduce the demand for public recreational facilities to serve the development.

**Subd. 6.** Planned Unit Development (PUD).

- A. A Planned Unit Development with mixed land uses shall make cash and/or land contributions in accordance with this Section based upon the percentage of land devoted to various uses.
- B. Land area conveyed or dedicated shall be in addition to and not in lieu of open space requirements for PUDs.

**Subd. 7.** Different Number of Lots and Units Or Additional Land. If the number of lots or the number of dwelling units is increased, or if land outside of the previously recorded plat is added, then the park land dedication and/or park cash contributions shall be based on the

## Section 9: Park Land Dedication Requirements

additional units/lots and on the additional land being added to the plat.

**Subd. 8.** Minor Subdivision. A park dedication or cash contribution shall be required in the case of a minor subdivision for each vacant lot according to the schedule set forth in Section 9.02, subds. 1 through 4.

**Subd. 9.** Exemption: Same Number of Lots and Units. Where a park dedication or cash contribution has been made, property being replatted with the same number of lots and the same number of dwelling units shall be exempt from all park land dedication requirements.

**9.03 Trails:** The Developer shall be required to construct trails in a manner determined by the City. The Developer shall be required to construct trails on at least every other street of the property to be developed and to connect to existing or planned City trails.

### 9.04 Determining Land to Be Donated:

**Subd. 1.** Land Suitability Factors. Land shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreational areas shall include size, shape, topography, geology, hydrology, tree cover, access and location, and future park needs pursuant to the Comprehensive Plan. Wetlands, ponding areas, and drainage ways shall not be eligible for park dedication credit. Park land to be dedicated shall be above the ordinary high water level. Grades exceeding 12% or areas unsuitable for park development will not be considered for dedication unless specifically accepted by the City Council for an intended public purpose. Land with trash, junk, pollutants, and/or unwanted structures is not acceptable.

**Subd. 2.** Public Land Designated in Comprehensive Plan. When a proposed park, playground, trail, open space, recreation area, school site, or other public ground (i) is shown in the Comprehensive Plan, (ii) is located in whole or in part within a proposed plat, (iii) exceeds the City's land dedication requirements, and (iv) the applicant elects not to dedicate the excess land, the City, Board of Education, or County or State Agency may consider acquiring the excess land through purchase or other means.

## Section 9: Park Land Dedication Requirements

Nothing in this section shall be construed to require the City to accept land shown in the Comprehensive Plan as proposed park or public land, in satisfaction of the land dedication requirements required herein. Land shown on the Comprehensive Plan for park or public use that does not satisfy the land suitability factors required in Section 9.04, subd. 1, shall not count toward the land dedication requirements.

- Subd. 3.** Approval Procedure. The applicant shall confer with city staff, Consultants, and the Park Board at the time of Concept Plan and prior to the Preliminary Plat public hearing to secure a recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds, trails, or other public property. The Preliminary Plat shall show the location and dimensions of all areas to be dedicated in this manner. Such contribution requirement recommendations will be sent to the Planning Commission for review and comment and subsequently to the City Council for approval.

*Cross-Reference: Section 6, Concept Plan  
Section 7, Preliminary Plat*

- 9.05 Calculating Density Requirements:** Land area conveyed or dedicated to the City shall not be used in calculating density requirements of the Zoning Ordinance.

## **Section 10: Design Standards and Required Improvements**

### SECTION 10:

#### 10.01 Purpose

**10.01 Purpose:** All subdivisions shall be required to comply with minimum design standards and shall provide certain basic improvements. The design standards and required basic improvements shall be set by resolution of the City Council and are adopted by reference.

## Section 11: Enforcement

### SECTION 11:

- 11.01 Violations
- 11.02 Penalties
- 11.03 Application to City Personnel
- 11.04 Injunction

**11.01 Violations:** The violation of any provision of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to fine or imprisonment or both, as set forth in Minnesota Statutes plus, in either case, the cost of prosecution.

**Subd. 1.** Sale of Lots from Unrecorded Plats. It shall be a misdemeanor to sell, trade, or otherwise convey any lot or parcel of land as part of, or in conformity with, any plan, plat or replat of any subdivision or area located within the jurisdiction of the City, unless said plan, plat or replat shall have first been recorded in the Office of the Wright County Recorder.

**Subd. 2.** Receiving or Recording Unapproved Plats. It shall be unlawful for a private individual to receive or record in any public office any plans, 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 Ordinance, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.

**Subd. 3.** 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 improvement has not been so constructed, supervised or inspected.

## **Section 11: Enforcement**

- 11.02 Penalties:** Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction may be punished to the maximum extent allowed by law. Each day during which compliance is delayed or such violation continues or occurs shall constitute a separate offense and may be prosecuted as such.
- 11.03 Application to City Personnel:** The failure of any officer or employee of the City to perform any official duty imposed by this Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.
- 11.04 Injunction:** In the event of a violation or the threatened violation of any provision of this Ordinance, or any provision or condition of a permit issued pursuant to this Ordinance, the City, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.

## Section 12: Severability, Supremacy, and Effective Date

### SECTION 12:

- 12.01 Severability
- 12.02 Supremacy
- 12.03 Repealer
- 12.04 Effective Date

#### **12.01 Severability:**

- Subd. 1.** Every section, provision, or part of this Ordinance is declared separable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.
- Subd. 2.** If any court of competent jurisdiction shall judge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect other properties, buildings or structures.

#### **12.02 Supremacy:**

- Subd. 1.** When any condition imposed by a provision of this Ordinance on the use of land or building or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by provision of any City ordinance or regulation, the more restrictive conditions shall prevail. Additionally, the more specific provision shall control over the general.
- Subd. 2.** This Ordinance is not intended to abrogate any easements, restrictions, or covenants relating to the use of land within the City by private declaration or agreement, but where the provisions of this Ordinance are more restrictive than any such easement, restriction, or covenant, or the provision of any private agreement, the provisions of this Ordinance shall prevail.

**12.03 Repealer:** The previous Maple Lake Subdivision Ordinance is repealed upon adoption and publication of this Ordinance.

**12.04 Effective Date:** Adopted by the Maple Lake City Council this 4<sup>th</sup> day of May, 2004 and published the 5<sup>th</sup> day of May, 2004.

## Required Basic Improvements

### SECTION:

- 1.0 Interpretation
- 2.0 Procedure
- 3.0 Installation
- 4.0 Monuments and Survey Requirements
- 5.0 Streets
- 6.0 Water and Sewer
- 7.0 Drainage
- 8.0 Utilities
- 9.0 Trails
- 10.0 Violations
- 11.0 Penalty

**1.0 Interpretation:** All of the required improvements specified in this section shall be constructed in accordance with the state building code and all other applicable city, county, and state regulations.

**2.0 Procedure:**

- A. Before a final plat is approved by the City Council, the owner and Developer of the land covered by the plat shall execute and submit to the City Council an agreement which shall be binding on the owner and Developer, and their heirs, personal representatives, and assigns, in a form approved by the City, stating that the owner and Developer will cause no construction (other than site grading) to be made on the plat nor file or cause to be filed any application or building permit for the construction until all improvements required under this chapter have been made or arranged for in the manner following.
- B. Prior to the making of required improvements, the owner or Developer shall deposit with the City Clerk an amount consistent with that stipulated in the Development Agreement. The deposit shall be either in cash or letter of credit, with sureties satisfactory to the City, conditioned upon the payment of all expenses incurred by the City for engineering, planning, and legal fees and other expenses in connection with the making of such improvements.
- C. With the approval of the Council and in lieu of the obligations imposed by (B.) above, the owner or Developer may be submit a petition

## **Required Basic Improvements**

pursuant to M.S. Chapter 429 with respect to the land to be subdivided, requesting the City to install some or all of the improvements. Upon approval by the Council, the City may cause the improvements to be made and special assessments for all costs of the improvements to be levied on the land, except any land which is or shall be dedicated to the public. Subsequent to approval by the Council and before execution by the City of the final plat or other appropriate forms of City approval, the owner or Developer may be required to submit to the City a letter of credit or cash deposit ("security") which guarantees payment of special assessments levied on account of improvements installed pursuant to this chapter. The amount of the security shall be in an amount consistent with that stipulated in the Feasibility Report prepared by the City Engineer. The security shall be in a form and contain such other provisions and terms as may be required by the City Attorney. The security posted by the owner or Developer may be monitored annually by the City with a pro rata reduction in the amount thereof based upon the number of lots for which assessments have been paid and on the number of approved land transfers.

- D. Whenever public improvements are required to be installed either pursuant to (B) or (C) above, the owner and Developer shall execute a Development Agreement embodying the terms and conditions of the approval given by the City Council including, but not limited to, requirements set forth in this chapter.
- E. No final plat shall be approved by the City Council without first receiving a report from the City Engineer certifying that the proposed improvements described herein, together with the agreements and documents required herein, meet the minimum requirements of all applicable ordinances.
- F. All of the required public improvements to be installed under the provisions of this chapter shall be inspected during the course of their construction by the City Engineer.
- G. Prior to any street or other improvement being accepted by the City as hereinafter provided, the Developer shall post a maintenance bond and/or other security in a form acceptable to the City naming the City as obligee in an amount deemed appropriate by the City Council to insure maintenance of the improvements for a period of at least 24 months from the date of acceptance by the City.

## Required Basic Improvements

### 3.0 Installation:

- A. Improvement Installation. Improvements associated with the subdivision shall be installed in accordance with one of the following methods:
1. Private installation.
    - a. Prior to the installation of any required improvements by the applicant and prior to approval of the final plat, the applicant shall enter into a Development Agreement in writing with the City requiring the applicant/developer to furnish and construct the improvements at their sole cost and in accordance with approved plans and specifications and usual contract conditions. This shall include provision for inspection of the construction of the public improvements by the City Engineer.
    - b. The Agreement shall require the applicant to post a financial security consisting of a deposit, irrevocable letter of credit, certified check, or bond with the City guaranteeing performance in accordance with the terms of the Development Agreement. The type, conditions, and term of the financial security must be reviewed by the City Attorney and approved by the City Council. The amount of the security is to be based on the City Engineer's estimate of the total cost of the improvements to be furnished under the contract, including, but not limited to: sanitary sewers, water mains, on-site storm sewers, streets, grading, and erosion control. The project costs must be reviewed by City staff. The security amount shall be equal to 125% of the project estimate.
    - c. If evidence is presented that the described improvements have been paid for, the amount of the deposit or bond may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance plat of the development.
    - d. The schedule for completion of the work described in the final plat and the Development Agreement shall be

## **Required Basic Improvements**

determined by the City Council, upon recommendation of the Engineer after consultation with the applicant. The schedule shall be reasonable taking into account the work to be done, the seasons of the year, and proper coordination with construction activities in the plat and subdivision.

- e. Improvements shall be constructed only in platted real estate. When determined necessary by the City, utilities and streets shall extend to plat boundaries to provide for future extensions.
- f. No applicant/developer shall be permitted to start work on any subdivision improvements without entering into a Development Agreement and posting a City-approved financial security.

### 2. City Installation.

- a. Any person desiring to have utility and street improvements installed may request the City to install them, if the request is accompanied by a petition of 100% of the landowners and a waiver of assessment appeal. Acceptance of the request shall be discretionary on the part of the City Council, based on benefit to property owners, and subject to the following conditions and as authorized by state law.
- b. If so approved by the City Council, the person requesting the installation of utility and street improvements shall supply a security consisting of an escrow deposit, irrevocable letter of credit, certified check, or bond guaranteeing payment for the installation of the improvements in an amount based on the City Engineer's estimate of the total cost of the improvements to be installed. The type, conditions, and term of the financial security must be reviewed by the City Attorney and approved by the City Council. The security amount shall equal five years of special assessments held until 50 % of the special assessments have been paid. At such time, the City may reduce the amount of security required of the developer in amounts equivalent to subsequent assessments for which payment has been made.

## Required Basic Improvements

- c. Improvements shall be constructed only in platted real estate. When determined necessary by the City, utilities and streets shall extend to plat boundaries to provide for future extensions.
  - d. No applicant/developer shall be permitted to start work on any subdivision improvements without entering into a Development Agreement and posting a city-approved financial security.
- B. Deposit by Developer. In order to cover the legal, engineering and administrative costs and expenses incurred by the City in connection with the approval of the subdivision and in connection with the review by the City Engineer of the plans, specifications and design of the proposed improvements, and the inspection of the actual installation and construction of the improvements, the developer shall, before recording the final plat of the subdivision, deposit with the City a certified check or money order made payable to the City of Maple Lake in an amount equal to 5 % of the Engineer's estimate of the cost of construction of the improvements. If actual costs and expenses incurred by the City exceed the amount of the deposit, the developer shall be liable for the balance owed to the City. The unused portion of the deposit, if any, shall be returned to the developer, without interest, within 30 days after the public Improvements have been installed and accepted by the City.

### 4.0 Monuments and Survey Requirements:

- A. Official monuments, as designated and adopted by the County Surveyor's Office and approved by the County District Court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the City Engineer. The boundary line of the property to be included with the plat to be fully dimensioned; all angles of the boundary excepting the closing angle to be indicated; all monuments and surveyor's irons to be indicated, each angle point of the boundary perimeter to be so monumented.
- B. Proper survey monumentation shall be placed at each lot corner and points of curvature and tangency along street rights-of-way. All United States, State, County, or other official bench marks, monuments, or triangular

## Required Basic Improvements

stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys, shall be shown on the plat. No ditto marks will be permitted in indicating dimensions.

- C. To insure that all irons and monuments are correctly in place following the final grading of a plat, a second monumentation shall be in the form of a surveyor's certificate and this requirement shall additionally be a condition of certificate of occupancy as provided for in the Zoning Ordinance.
- D. All lot corners and survey control monuments shall be set and in place at the time the plat is recorded. An exception to this requirement may be granted for up to one year by the City Council, provided approval is made part of the Development Agreement and a financial guarantee in a form determined by the City Attorney is provided.

### 5.0 Streets:

- A. The full width of the right-of-way shall be graded in accordance with the provisions for construction as outlined in the approved Grading Plan.
- B. All streets shall be improved in accordance with the standards and specifications for street construction as required by the City Council.
- 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 seeded or sodded by the developer. Streets shall be accepted by the City upon the completion of the first lift of bituminous. Until the completion of the first lift and acceptance by the City, occupancy permits shall be withheld. The second lift of bituminous shall be completed not less than one year following completion of the first lift.
- D. Concrete 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. Boulevard sodding shall be planted in conformance with the standards and specifications as required by the City Council.

## Required Basic Improvements

- F. Street signs of the design approved by the City Council shall be installed at each street intersection.
- G. The Planning Commission and/or City Council may require the provision of sidewalks on arterials and collectors and other streets in proximity to public service areas such as parks, schools, or shopping facilities or in other appropriate locations of a similar nature. The design of the sidewalks shall be considered in their relation to existing and planned sidewalks, 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.
- H. Street lighting fixtures as may be required by the City Council shall be installed.

**6.0 Water and Sewer:** Sanitary sewers and water facilities shall be installed in accordance with the standards and specifications as required by the City Council and subject to the approval of the City Engineer.

**7.0 Drainage:**

- A. The grade of drainage requirements for each plat shall be approved by the City Engineer at the expense of the applicant. In an area not having municipal storm sewers, the applicant shall be responsible, before platting, to provide for a storm water disposal plan, without damage to properties outside the platted area, and the storm water disposal 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 storm water disposal plan is presented and approved by the City Council. The use of dry wells for the purpose of storm water disposal is prohibited.
- B. Storm drainage facilities shall be installed in accordance with the standards and specifications as required by the City Council and subject to the approval of the City Engineer. In providing the facilities, specific attention shall be given to culvert locations, trash guards, riprap, and in-place storm drainage facilities.

**8.0 Utilities:** Telephone, electric (including street lights), cable TV, and/or gas service lines are to be placed underground in accordance with the provisions and standard

## Required Basic Improvements

details of all applicable City ordinances and code provisions. All necessary utility easements must be recorded prior to utility installation.

**9.0 Trails:** Trails shall be established in accordance with the requirements set forth in Section 6.0 of the Design Standards. Overland trail corridors shall be established as outlots not less than 20 feet in width. Trailway surfacing shall be not less than eight feet in width and shall make provision for handicap access.

### 10.0 Violations:

- 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 shall have first been recorded in the office of the County Recorder.
- B. Receiving or Recording Unapproved Plats. It shall be unlawful for a private individual to receive or record in any public office any plans or 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 the addition or subdivision or any sewer in the addition or subdivision has been constructed according to the plans and specifications approved by the City Council, or has been supervised or inspected by the City, when the improvements have not been so constructed, supervised, or inspected.

**11.0 Penalty:** Anyone violating any of the provisions of this chapter shall be guilty of a misdemeanor and be punished as provided in Section 11. Each month during which compliance is delayed shall constitute a separate offense.

## Design Standards

### SECTION:

- 1.0 Conformity With Other Standards
- 2.0 Interpretation of Requirements
- 3.0 Land Requirements
- 4.0 Blocks
- 5.0 Lots
- 6.0 Streets and Alleys
- 7.0 Easements
- 8.0 Erosion and Sediment Control
- 9.0 Drainage
- 10.0 Protected Areas
- 11.0 Mail and Paper Box Locations

**1.0 Conformity With Other Standards:** A proposed subdivision shall conform to the Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance, Official Map, and related policies adopted by the City, including lot size, landscaping requirements, and other requirements outlined in the Zoning Ordinance.

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

**3.0 Land Requirements:**

- A. Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for the purposes proposed by reason of potential flooding, topography, or adverse soil, rock formation, or wetlands.
- B. Land subject to hazards to life, health, or property shall not be subdivided until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.
- C. Proposed subdivisions shall be coordinated with surrounding jurisdictions and/or neighborhoods so that the City as a whole may develop efficiently and harmoniously.

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- D. Grading for drainage. Lots shall be graded so as to provide drainage away from building locations and shall conform to the approved final grading plan. Storm water drainage from an improved lot shall not be directed at an adjoining property at a rate above a predevelopment condition except where drainage is directed to a designed drainage easement.
- E. Natural Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic places or similar conditions, which, if preserved, will add attractiveness and stability to the proposed development.
- F. Frontage on Two Streets. Double frontage, or lots with frontage on 2 parallel streets shall not be permitted except where lots back on major collector or arterial streets, City or State highways or where topographic or other conditions render subdividing otherwise unreasonable. Additional lot depth and a minimum 20 foot wide landscaped buffer yard shall be provided for all double frontage lots for accommodate landscaping and/or berms.

### 4.0 Blocks:

- A. Block Length. In general, intersecting streets determining block lengths shall be provided at such intervals so as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions should not exceed 1,000 feet, nor be less than 500 feet in length, except where topography or other conditions justify a departure from this standard. In blocks longer than 1,000 feet, pedestrian ways and/or easements through the block may be required near the center of the block.
- B. Block Width. The width of the block shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

### 5.0 Lots:

- A. Area/Width. The minimum lot area and width shall not be less than that established by the Zoning Ordinance in effect at the time of adoption of the

## **Design Standards**

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. Building Sites. Each lot shall provide an adequate building site at least 18 inches above the top of the adjacent curb unless approved by the City Engineer upon the basis of plans submitted showing alternative, acceptable surface drainage measures.
- E. Setback Lines. Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the Zoning Ordinance.
- F. Watercourses. Watercourses shall be contained within abutting lots. Watercourses shall be protected by easement to the anticipated high water level (as determined by the City). Lots with easements protecting watercourses shall have sufficient dimensions and area above the normal water levels (as determined by the City) to equal or exceed the minimums specified in the zoning chapter for the district in which the lots are located.
- G. Drainage. Lots shall be graded so as to provide drainage away from building locations, subject to the approval of the City Engineer. A grading plan shall be submitted showing all grading and drainage provisions.
- H. 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.
- I. Access to Major Collector Streets. In the case where a proposed plat is adjacent to a major collector street, as defined by the Comprehensive Plan, there shall be no direct vehicular access from individual lots to such streets and roads. In the platting of small tracts of land fronting on limited access highways or major collector streets where there is no other alternative, a temporary access may be granted, subject to terms and conditions defined

## Design Standards

by the City Council and applicable County or state agencies. As neighboring land becomes subdivided and more preferable access arrangements become possible, temporary access permits shall become void. In cases where direct lot access to collector or arterial streets is allowed, special traffic safety measures including, but not limited to, provisions for on-site vehicle turnaround shall be required. In cases where a proposed plat is adjacent to a County or state highway, the plat shall be subject to County and/or state approval.

- J. Outlots. Lot remnants and future subdivision development phases shall be platted as outlots. In cases where outlots are created or exist, their area shall not be utilized in calculating minimums for buildable lot area requirements. Outlots are also prohibited from qualifying for building permits.

### 6.0 Streets and Alleys.

- A. Contiguous Streets. Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of arterials and collector streets shall be considered in their relation to the reasonable circulation of traffic, topographic conditions, runoff of storm water, public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served and in compliance with the Comprehensive Plan.
- B. Local Streets and Dead-end Streets. Local streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but cul-de-sacs shall be permitted where topography or other physical conditions justify their use. Cul-de-sacs shall not be longer than 500 feet, including a terminal turnaround which shall be provided at the closed end, with a right-of-way radius of not less than 50 feet. A 42-foot street surface radius will be required on all cul-de-sacs.
- C. Street Plans for Future Subdivisions. Where the plat to be submitted includes only part of the tract owned or intended for development by the developer, a tentative plan of a proposed future street system for the

## **Design Standards**

unsubdivided portion shall be prepared and submitted by the developer. When determined necessary by the City, the plan shall extend streets and utilities to the property line of the adjacent tract and/or tracts.

- D. Temporary Cul-de-sacs. In those instances where a street is terminated pending future extension in conjunction with future subdivision, a temporary turnaround facility shall be provided at the closed end in conformance with cul-de-sac requirements.
  
- E. Subdivisions Abutting Major Rights-of-Way. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. or state highway or county thoroughfare, provision may be made for a marginal access street approximately parallel and adjacent to the boundary of the right-of-way; provided, that due consideration is given to proper circulation design, or for a street at a distance suitable for the appropriate use of land between the street and right-of-way. The distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, or for lot depths.
  
- F. Trails. Trails shall be established in accordance with the Comprehensive Plan and City policies, and in other areas where trails will serve an important transportation or recreational purpose as recommended and approved by the City Council. Trail corridors shall meet the following minimum requirements unless otherwise permitted by the City Council:
  - 1. Dedicated to the City as outlots or as part of a homeowner's association with a public access easement;
  - 2. Minimum 20-foot wide corridor;
  - 3. Minimum eight-foot wide surface;
  - 4. Handicap accessibility wherever possible;
  - 5. No above-ground utilities (i.e. mailboxes, utility boxes) may be within the trail corridor;
  - 6. A landscape plan, including shrubs and trees, shall be required on trail corridors located in the side yard of residential lots.

## **Design Standards**

7. Due regard shall be shown for trees, wetlands and other environmental features when locating and constructing trails.
  8. Type of Surface: Bituminous or concrete as determined by the City Council.
- G. Compliance with City, County and State Transportation Plans. All subdivisions incorporating streets which are identified in the city, County and State Transportation Plans, as amended, shall comply with the minimum right-of-way, surface width, and design standards as outlined in the plans.
- H. Street Design. Minimum right-of-way widths, paving widths, angles of intersection, curb radii, distances along sides of sight triangles, horizontal alignments, vertical alignments, as well as maximum grades shall be in accordance with the following table:

## Design Standards

<b>Design Element</b>	<b>Major Collector</b>	<b>Minor Collector</b>	<b>Local Streets</b>	<b>Cul-de-Sacs</b>
ROW width	100 ft.	60 ft.	60 ft.	50 ft./50 ft. R
Street width	52 ft.	36 ft.	32 ft.	32 ft./42 ft. R
Maximum grade	7.5%	7.5%	7.5%	7.5%/7.5% R
Minimum grade	0.6%	0.6%	0.6%	0.6%/0.6% R
Cross grade	----- 6 in. Crown -----			
Design section	9 ton	9 ton	7 ton	7 ton
Minimum angle intersection	90	80	70	70
Minimum curb radius	35 ft.	25 ft.	25 ft.	25 ft.
Grades for 25 feet before intersection	3.0%	3.0%	3.0%	3.0%
Site triangles (Distance along sides of ) through st./stop street	500 ft./30 ft.	500 ft./30 ft.	250 ft./25 ft.	250 ft./25 ft.
Horizontal align (min. radius of center line)	600 ft.	450 ft.	215 ft.	75 ft.
Vertical curves (min. sight distance)	475 ft.	325 ft.	200 ft.	100 ft.

NOTE: Right-of-way requirements may be increased for specific thoroughfares if existing or anticipated traffic flow warrants it, or if drainage easements parallel such thoroughfares. Increased width will be set by the City Council upon recommendation of the Planning Commission and City Engineer.

- I. Reverse Curves. Minimum design standards for major collector streets shall comply with Minnesota Department of Transportation State Aid Standards.

## Design Standards

- J. Reserve Strips. Reserve strips controlling access to streets shall be prohibited except under conditions accepted by the City Council.
- K. Private Streets. Private streets, except in the case of planned unit developments, shall generally be discouraged. Private streets, where allowed, shall meet the design requirements of public streets.
- L. Street Intersections. Intersections having more than four corners shall be prohibited. Adequate land for future intersections and interchange construction needs shall be dedicated. Angles formed by the intersection of two streets shall comply with the provisions of division (I.) above.
- M. Street Intersection Offsets. Street intersection jogs with center line offsets of less than 200 feet shall be prohibited.
- N. Center Line Curvature. The minimum horizontal curvature of streets shall be in accordance with the MNDOT Highway Design Manual for the type of street and design speed. The minimum curvature shall be 250 feet radius.
- O. Half Streets. Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted. The probable length of time elapsing before dedication of the remainder shall be considered in this decision. No permanent street improvement shall be permitted within a half street right-of-way. All lots having frontage or access solely from a half street are prohibited from being eligible for building permits.
- P. Dedication. All proposed streets shown on the plat shall be in conformity to City, County, and State plans and standards and be offered for dedication as public streets unless otherwise determined by the City Council.
- Q. Restriction of Access. Access of local streets onto major collector streets shall be discouraged at intervals of less than 500 feet.
- R. Curbs and Gutters. Concrete curbs and gutters shall be required on all streets. The City Council shall designate the type of curb (mountable or other type) for streets at the time the preliminary plat is approved.

## Design Standards

### S. Pavement.

1. The aggregate base course shall consist of the latest Minnesota Department of Transportation approved material, having a thickness of not less than twelve inches. The aggregate base shall be placed over a sand layer having a thickness of at least 12 inches. The City Council shall have the right to determine whether the proposed thickness is adequate for the type of street that has been proposed.
2. Pavement shall be required on all streets. The bituminous shall be placed in two lifts. The first lift shall be a minimum of 2 inches thick. The second lift of bituminous shall be placed at least one year after the first lift and shall be a minimum of 1 ½ inches thick. If the street is constructed with concrete, the proposed pavement design must first be approved by the City Engineer.
3. Street boulevards shall be constructed which are uniformly and thoroughly compacted by rolling and level with the tops of curbs.

### 7.0 Easements:

- A. Width and Location. An easement for drainage and utilities at least ten feet wide shall be provided along front lot lines and centered along shared side and rear lot lines. 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.
- B. Continuous Utility Easement Locations. Drainage and utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without approval of the City Council after a public hearing.

### 8.0 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 siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control erosion.

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- C. Land shall be developed in increments of workable 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.
- D. When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the development agreement.
- E. Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the developed area. Topsoil shall be restored or provided to a depth of three inches 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. Based upon the review and recommendation of the City Engineer, it may be necessary to divert runoff water to a sedimentation basin before being allowed to enter the natural drainage system.

**9.0 Drainage:** All subdivision designs shall incorporate adequate provisions for storm water runoff, shall meet all state and county requirements, and shall be subject to the review and approval of the City Engineer.

### **10.0 Protected Areas:**

- A. Where land proposed for subdivision is deemed environmentally sensitive by the City due to the existence of wetlands, drainageways, watercourses, floodable areas, or steep slopes, the design of the subdivision shall clearly reflect all necessary measures of protection to insure against adverse environmental impact.
- B. Based upon the necessity to control and maintain certain sensitive areas, the City shall determine whether protection will be accomplished through lot enlargement and redesign or dedication or those sensitive areas in the form of easements or outlots.
- C. In general, measures of protection shall include design solutions which allow for construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the developer shall be required to demonstrate that the proposed design will not require construction on slopes over 18%,

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or result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary.

### 11.0 Mail and Paper Box Locations:

- A. Definitions. For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.
1. Boxes. All mail boxes, paper boxes and advertising boxes, wherein either mail is distributed, newspapers and magazines are distributed or advertising placed for the use of residents of the City.
  2. Rural Farm Areas. Homes located on premises within the city limits with at least five acres or more.
- B. Requirements. The placement of all boxes shall comply with the following:
1. The minimum height from the top of the curb to the bottom of the frame holding the box shall be no less than 36 inches;
  2. No newspaper boxes can be below 36 inches from the top of the curb;
  3. The bottom of the mail box shall be approximately 42 inches from the top of the curb;
  4. Boxes shall be allowed to be placed in the boulevard of all City streets except those streets where the curb reaches the sidewalk and there is no boulevard.
- C. Location of Boxes on City Streets.
1. No boxes shall be placed within ten feet of any storm sewer inlet or any fire hydrant.
  2. Where there is more than one house on a City block, boxes shall be located in a cluster. Paper boxes and advertising boxes must be located in the same cluster as the mail boxes. The clusters shall be centrally located in the middle of the homes to be served. The clusters shall be placed on the north or east side of the street on a City street that is not a cul-de-sac, unless the line of travel for postal

## **Design Standards**

delivery requires placement elsewhere as directed by the Post Office.

3. For cul-de sacs, the cluster shall be placed on the left side of the road facing the entrance to the cul-de-sac; and the cluster shall be placed a minimum of ten feet from the beginning of the radius of the cul-de-sac.