

**CHAPTER 155 SUBDIVISIONS**  
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**GENERAL PROVISIONS**

**§ 155.001 TITLE**

This chapter shall be known as the “Subdivision Ordinance of the City of Cambridge,” and will be referred to herein as “this chapter.”

**§ 155.002 PURPOSE**

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

**§ 155.003 EFFECT OF PROVISIONS ON OTHER PERMITS AND AGREEMENTS**

(A) *Building permits.* No building permits shall be considered for issuance by the City for the construction of any building, structure, or improvement to the land or to any lot in a subdivision as defined herein until all requirements of this chapter have been fully complied with.

(B) *Private agreements.* This chapter is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this chapter are more restrictive or

impose higher standards or requirements on an easement, covenant, or other private agreement, the requirements of this chapter shall govern.

#### **§ 155.004 INTERPRETATION**

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where the provisions of this chapter impose greater restrictions than those of any other ordinance, code provision, or regulation, the provisions of this chapter shall be controlling. Where the provisions of any statute, other ordinance or code provision, or regulation impose greater restrictions than this chapter, the provisions of the statute, other ordinance or code provision, or regulation shall be controlling.

#### **§ 155.005 DEFINITIONS**

(A) *Rules of interpretation.* For the purpose of this chapter, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word “lot” shall include the word “plat”; and the word “shall” is mandatory and not discretionary.

(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Except for those words and phrases defined below, the words and phrases used in this chapter shall be interpreted to be given the meaning in common usage, so as to give this chapter its most reasonable application.

(1) *General definitions.*

**ALLEY.** A public right-of-way which affords access to abutting property.

**APPLICANT.** The owner, the owner’s agent, or any other person having legal control, ownership, and/or interest in the land proposed to be subdivided.

**BLOCK.** That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or railroad right-of-way or unsubdivided acreage.

**BOULEVARD.** The portion of a street right-of-way not occupied by pavement.

**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.

**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 Cambridge.

**CITY ATTORNEY.** The attorney employed or retained by the City, unless otherwise stated.

**CITY COUNCIL.** The governing body of the City of Cambridge.

**CITY ENGINEER.** The engineer employed or retained by the City, unless otherwise stated.

**CITY PLANNER.** The planner employed or retained by the City, unless otherwise stated.

**COMPREHENSIVE PLAN.** A Comprehensive Plan prepared and approved by the City including a compilation of policy statements, goals, standards, fiscal guidelines, and maps indicating various functional classes of land use, places, and structures, and for the general development of the City, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

**CONDOMINIUM.** Multiple family dwelling or development containing individually owned dwelling units jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the Minnesota Condominium Law and Common Interest Ownership Law, Minnesota Statutes Chapters 515-515B.

**COUNTY.** Isanti County, Minnesota.

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

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

**DEVELOPMENT AGREEMENT.** A written agreement between City and a subdivider, drafted by the City Attorney in conjunction with the approval by City of a subdivision.

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

**DWELLING.** A building or portion thereof designed or used exclusively for residential occupancy, including one family, two family and multiple family dwelling units; efficiency units; manufactured homes; and townhomes, but not including hotels/motels or rooming/boarding houses.

**DWELLING, ATTACHED.** A dwelling joined to one or more other dwellings by party wall or walls. See **DWELLING, TWO FAMILY** and **TOWNHOUSE** for related definitions.

**DWELLING, DETACHED.** A dwelling entirely surrounded by open space, the open space being on the same zoning lot as the dwelling.

**DWELLING, MULTIPLE FAMILY.** A dwelling containing three or more dwelling units, designed with more than one dwelling unit connecting to a common corridor or entranceway, originally constructed for the purposes and not including converted dwellings or attached dwellings (party wall type) as defined herein.

**EASEMENT.** A grant by a property owner for the use of a strip of land and for the purpose of constructing and maintaining drives, utilities, wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, storm sewers or storm drainageways, gas lines, sidewalks and trails, and the like.

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

**FRONTAGE ROAD.** (See Street; Marginal Access Street)

**INDIVIDUAL SEWAGE DISPOSAL SYSTEM.** A septic tank, seepage tile sewage disposal system, or any other sewage treatment device.

**INSPECTOR.** An authorized representative of the City assigned to make any or all necessary inspections of the work performed and materials furnished by a developer.

**LOT.** A portion of a subdivision or other parcel of land intended for building development or for transfer of ownership.

**BASE LOT.** A lot meeting all the specifications within its zoning district prior to being divided into a two-family or townhouse or condominium subdivision.

**CORNER LOT.** A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

**DOUBLE FRONTAGE LOT.** An interior lot having frontage on two streets.

**LOT BOX.** A lot created from the subdivision of a two-family dwelling or a townhouse (attached or detached) having different minimum lot size requirements than the conventional base lot within the zoning district.

**LOT DEPTH.** The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

**LOT IMPROVEMENT.** Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated, constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

**LOT OF RECORD.** Any lot which is part of a subdivision the plat of which has been recorded in the County Recorder's Office, or a lot described by metes and bounds the deed to which has been recorded in the County Recorder's Office, at the time this chapter becomes effective.

**LOT WIDTH.** The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building 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 delineating a fractional portion of the section, lot, or area by described lines or portions thereof.

**NATURAL WATERWAY.** A natural passageway on the surface of the earth so situated and having such a topographical nature that surface water flows through.

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

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

**PARCEL.** An individual lot or tract of land.

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

**PARKS, TRAILS AND RECREATION COMMISSION.** The Cambridge Parks, Trails and Recreation Commission.

**PEDESTRIAN WAY.** A public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lines.

**PERSON.** Any individual or legal entity.

**PLANNING COMMISSION.** The Cambridge Planning Commission.

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

**PRELIMINARY PLAT.** A detailed drawing or map of a proposed subdivision meeting the requirements herein enumerated, and submitted to the City for its consideration in compliance with the Comprehensive Plan, along with the required supporting data.

**PROTECTIVE COVENANTS.** Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

**PUBLIC IMPROVEMENT.** Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume

the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

**RIGHT-OF-WAY.** Land acquired or dedicated and intended for public use, and intended to be occupied or which is occupied by a street, a trail, a railroad, utility lines, an oil or gas pipeline, a water line, a sanitary sewer, a storm sewer, or other similar uses.

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

**SETBACK.** The mean horizontal distance between the property line and the line of the building or the allowable building line as defined by the yard regulations of this chapter.

**SKETCH PLAN.** A drawing showing the proposed subdivision of property. This plan shall be drawn to scale and dimensioned, however, exact accuracy is not a requirement.

**STREET.** A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designed as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

**ARTERIAL STREET** or **THOROUGHFARE.** A street carrying larger volumes of traffic and serving as a link between various sub-areas of the community. **THOROUGHFARES** or **ARTERIAL STREETS** are intended to provide for collection and distribution of traffic between highways and collector streets; hence regulation of direct access to property is critical.

**COLLECTOR STREET.** A street which carries traffic from local streets to the major system of arterial streets and highways. **COLLECTOR STREETS** primarily provide principal access to residential neighborhoods, including, to a lesser degree, direct land access.

**CUL-DE-SAC STREET.** A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**LOCAL STREET.** A street which is used primarily for access to abutting properties and for local traffic movement.

**MARGINAL ACCESS STREET (FRONTAGE ROAD).** A local street which is parallel and adjacent to thoroughfares and highways and which provides access to abutting properties and protection from through traffic.

**SUBDIVIDER.** Any individual, firm, association, syndicate, copartnership, corporation, trust, or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

**SUBDIVISION.** The separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leaseholds. **SUBDIVISION** shall apply as outlined herein except for these separations:

- (1) Where the resulting parcels, tracts, lots, or interests will be 40 acres or larger in size;
- (2) Creating cemetery lots;
- (3) Resulting from court orders.

**MAJOR SUBDIVISION.** Any subdivision not classified as a minor subdivision, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new street or extension of city utilities or the creation of any public improvements.

**MINOR SUBDIVISION.** Any subdivision containing no more than four lots fronting on an existing street which does not require any new street, the extension of city utilities, 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, Official Map, Zoning Ordinance, or this chapter. This includes lot line adjustments by the relocation of a common boundary, the combination of recorded lots, and one-in-forty lot splits.

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

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

**TOWNHOUSE.** A single structure consisting of three or more dwelling units having the first story at or near the ground level with no other dwelling unit connected to the other dwelling unit, except by a party wall with no openings.

**TWO-FAMILY DWELLING.** A dwelling designed exclusively for occupancy by two families living independently of each other.

**VARIANCE.** Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unusual hardship.

**ZONING ORDINANCE.** The Zoning Ordinance or resolution controlling the use of land as adopted by the City.

(2) *Flood-related definitions.*

**ACCESSORY USE or ACCESSORY STRUCTURE.** A use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

**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 of a watercourse.



**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” used in the Flood Insurance Study for the City.

**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 of Cambridge.

**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 of Cambridge.

**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.

**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 projecting 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 flood study.

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

**REGULATORY FLOOD PROTECTION ELEVATION.** 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.

## **ADMINISTRATION**

### **§ 155.015 ADMINISTRATION**

This chapter shall be administered by the City Planner who is appointed by the City Council.

### **§ 155.016 AMENDMENTS**

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

### **§ 155.017 ACCEPTANCE AND RECORDATION CONDITIONS**

(A) *Approvals necessary for acceptance of subdivision plats.* Before any plat or subdivision shall be recorded or be of any validity, with the exception of Minor Subdivisions here defined, it shall be referred to the City Planning Commission and approved by the City Council as having fulfilled the requirements of this chapter.

(B) *Conditions for recording.* No plat or subdivision shall be entitled to be recorded in the County Recorder's Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this chapter.

### **§ 155.018 FEES**

A subdivision application shall be accompanied by a fee set by the City Council from time to time. Any and all expenses incurred by the city for engineering, planning, legal, or other services related to the review and processing of the subdivision application that exceeds the established application fee shall be collected from the applicant.

### **§ 155.019 REGISTERED LAND SURVEYS**

All registered land surveys in the City shall be presented to the Planning Commission in the form of a preliminary plat, with the exception of Minor Subdivisions herein defined, in accordance with the standards set forth in this chapter for preliminary plats, and the Planning Commission shall first approve the arrangement, sizes, and relationships of proposed tracts in such registered land surveys, and tracts to be used as easements or roads shall be so dedicated. Unless recommendation and approval have been obtained from the Planning Commission and City Council respectively, in accordance with the standards set forth in this section, building permits will be withheld for buildings on tracts which have been so subdivided, and the City may refuse to take over tracts as streets or roads or to improve, repair, or maintain any such tracts unless so approved.

## **§ 155.020 CONVEYANCE BY METES AND BOUNDS**

Except for Minor Subdivisions, no division of one or more parcels in which the land conveyed is described by metes and bounds shall be made or recorded if the parcels described in the conveyance are 2½ acres or less in area and 150 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 and the City may refuse to take over tracts as streets or roads or to improve, repair, or maintain any such tracts.

## **MINOR SUBDIVISIONS**

### **§ 155.035 APPLICABILITY OF PROVISIONS**

This subchapter shall apply to the following applications:

(A) Division of already platted land into no more than four lots fronting on an existing street which does not require any new street, the extension of City utilities, 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, Official Map, Zoning Ordinance, or this chapter. The division must be created with a simple fractional part of an existing City approved plat, Auditors Subdivision, or Registered Land Survey. Any subdivision that cannot be described by a fractional part of a larger parcel (i.e. requires complex descriptions commonly known as metes and bounds shall be platted). All subdivisions which create 5 or more lots or parcels must be platted.

(B) Adjustment of a lot line by the relocation of a common boundary or the combination of adjacent recorded platted lots. If the lot line adjustment would cause one of the parcels to have two different zoning classifications, the applicant must rezone the property to achieve a consistent zoning classification for the newly created parcel. Any easements that become unnecessary as a result of the combination of recorded platted lots must be vacated. A public hearing must be held for easement vacations. Notice of the hearing must be published in the newspaper two weeks prior to the hearing, and written notice of the hearing must be mailed to each property owner within 350 feet of the proposed easement vacation at least 10 days before the hearing. In addition, new easements must be established where appropriate;

(C) A one-in-forty lot split. Newly created lots shall conform to the design and performance standards of the City Subdivision and Zoning Ordinances and shall be recorded with the county;

(D) In the case of a request to divide a base lot upon which a two-family dwelling, townhouse, or a condominium which is a part of a recorded plat, where the division is to permit individual private ownership of a single dwelling unit within such a structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of this chapter or the City Zoning Ordinance or the Minnesota State Building code.

### **§ 155.036 APPLICATION REQUIREMENTS**

The following information shall be submitted along with the application for Minor Subdivisions:

- (A) A survey prepared and signed by a registered land surveyor which includes:
  - (1) Original and proposed lot boundaries;
  - (2) Original and proposed legal descriptions;
  - (3) The location of existing structures on the site;
  - (4) Existing easement locations;
  - (5) Environmental constraints of the site.
- (B) A soil test demonstrating the suitability for an on-site septic system if a public sewer is not immediately available.
- (C) A title search showing any existing deed restrictions.
- (D) Additional information if required by the City Planner.

**§ 155.037 PROCESSING.**

The following process shall be followed for all Minor Subdivisions:

(A) The City Planner shall review the application and required informational submissions to determine conformance with the zoning and subdivision ordinances. The City Planner shall give final approval. The Planning Commission shall serve as the Board of Adjustment and Appeals if the application for Minor Subdivision is denied by the City Planner. The City Planner shall notify Isanti County of the approved Minor Subdivision. The applicant or owner is responsible for filing and recording the minor subdivision survey in the Isanti County Recorder's office.

**§ 155.038 DESIGN STANDARDS.**

The Minor Subdivision shall conform to all design standards as specified in this chapter. Any proposed deviation from the standards shall require the processing of a variance request.

***PLAT APPROVAL PROCEDURE***

**§ 155.051 PRELIMINARY PLAT.**

(A) *Filing.*

(1) The applicant for a Major Subdivision shall file a request for preliminary plat approval accompanied by a fee as set by the City Fee Schedule adopted by the City annually. After the City has received the request for a plat approval, it shall inform the applicant within ten days whether the submittal was complete. If complete, the request will be placed on the Planning Commission agenda. If deemed not complete, the applicant will be informed of needed material or information to be

made complete. If no notification of completion is made by the City within fifteen business days, the request will be placed on the Planning Commission agenda for consideration.

(2) The application shall be accompanied by four large scale copies, one 11 by 17 inch reduced scale copy and one 8½ by 11 inch reduced scale copy of a preliminary plat and supportive information in conformity with requirements of this chapter. Where appropriate, the city staff will meet with the applicant to discuss the request and related information. Upon receipt of all the required information, the City Planner may forward the application and required information to the appropriate City staff/consultants and City commissions for review and technical reports.

(3) The applicant shall supply proof of title in a form approved by the City Attorney and the legal description of the property for which the subdivision is requested and, as applicable, supply documented authorization from the owner(s) of the property in question to proceed with the requested subdivision.

(4) The preliminary plat shall be considered as being officially submitted only when all of the information requirements are complied with and the appropriate fees paid.

(B) *Hearing.* Upon receipt of the application and all informational requirements, the City Planner shall schedule a public hearing for public review of the preliminary plat. The hearing shall be held after adequate time has been allowed for staff and advisory body review of the plat. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council. Notice of the hearing shall consist of a legal property description and a description of the request and shall be published in the official newspaper at least ten days prior to the hearing. Written notification of the hearing shall be mailed at least ten days prior to all owners of land within 350 feet of the boundary of the property in question. Failure of a property owner to receive the notice shall not invalidate any such proceedings as set forth within this chapter, provided a bona fide attempt has been made to comply with the notice requirements of this chapter.

(C) *Technical assistance reports.* The City Planner shall instruct the appropriate staff to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the City Council.

(D) *Review by other commissions or jurisdictions.* The City Planner shall refer copies of the preliminary plat to the Parks, Trails and Recreation Commission and/or county, state, or other public jurisdictions for their review and comment, where appropriate and when required.

(E) *Planning Commission action.* The applicant or a designated representative thereof shall appear before the Planning Commission at the public hearing in order to answer questions concerning the proposed request. The Planning Commission shall make a recommendation to the City Council following the close of the public hearing.

(F) *City Council action.*

(1) Upon completion of the report and recommendation of the Planning Commission, the request shall be placed on the agenda of the City Council. The report and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

(2) Upon receiving the report and recommendation of the Planning Commission and City staff, the City Council shall have the option to take action based on Planning Commission recommendation. The City Council may impose any conditions it considers necessary to protect the public health, safety, and welfare.

(3) The Council shall approve or disapprove the preliminary plat within 60 days following delivery of an application completed in compliance with this chapter. The City may extend the 60 days by written notice to the applicant, and the Council may impose conditions and restrictions which are deemed appropriate.

(4) If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the Council. If the preliminary plat is approved, the approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this chapter to be indicated on the final plat. The City Council may require such revisions in the preliminary plat and final plat as it deems necessary for the health, safety, general welfare, and convenience of the city.

(5) The City Council reserves the right to decline approval of a preliminary plat if due regard is not shown for the preservation of all natural features, such as topography, trees, watercourses, scenic points, prehistoric and historical spots, and similar community assets, which, if preserved, will add attractiveness and stability to the proposed development of the property.

(6) Approval of a preliminary plat shall be null and void unless within 365 days after receiving the last required approval of the preliminary plat there shall be submitted to the City Planner a final plat or plats for all or a portion of the approved preliminary plat in accordance with the conditions upon which approval was granted by the Council. An extension from this requirement may be granted by the City Council upon the reception of a request for extension. An extension shall be requested in writing and filed with the city at least 14 days before the voidance of the approved preliminary plat. There shall be no charge for the filing of such a petition. The request for extension shall state facts showing a good faith attempt was made to meet the final plat submission requirement. Such petition shall be presented to the City Council for a decision.

(7) All preliminary plats must be final platted into lots, blocks, and outlots within one year of preliminary plat approval. All outlots slated for development must be platted into lots and blocks when developed.

(8) In the event of changes to city, county, state, and federal development regulations, the City may require a preliminary plat to be amended to incorporate applicable changes.

(9) Should the applicant desire to amend a preliminary plat as approved, an amended preliminary plat may be submitted. The City may require the applicant to follow the same procedure as a new preliminary plat. No public hearing will be required for the amendment if the opinion of the City is that the scope of the changes does not constitute a new preliminary plat. A filing fee, as established by the City, shall be charged for amendment processing.

(10) Approval of the preliminary plat shall not be considered binding in regard to subsequent final plat contemplation.

#### **§ 155.052 FINAL PLAT.**

(A) *Filing.* After the preliminary plat has been approved, the final plat shall be submitted for review as set forth in the subsections which follow. The city may agree to review the preliminary and final plat simultaneously. The final plat shall incorporate all changes, modifications, and revisions required by the city. Otherwise, it shall strictly conform to the approved preliminary plat.

(B) *Approval of the Planning Commission.* Four large scale copies, one 11 by 17 inch reduced scale copy and one 8½ by 11 inch reduced scale copy of the final plat shall be submitted to the City Planner for distribution to the Planning Commission, the City Council, and appropriate City staff. The City staff shall examine the final plat and prepare a recommendation to the Planning Commission. The nature of Planning Commission recommendation for approval, disapproval, or any delay in decision of the final plat will be conveyed to the subdivider within ten days after the meeting of the City Planning Commission at which such plat was considered.

(C) *Development agreement.* Prior to recording or registering a final plat, the applicant shall have executed a development agreement with the City which controls the installation of all required improvements and assures compliance with all conditions of approval, if needed. The development agreement shall require all improvements and approval conditions to comply with approved engineering standards and applicable regulations.

(D) *Approval of the City Council.* 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 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 plat shall be set forth in the proceedings of the Council and reported to the person or persons applying for such approval.

(E) *Street addresses.* The applicant shall work with the City Planner in regard to the assignment of addresses.

(F) *Recording final plat.* If the final plat and development agreement are approved by the City Council, the subdivider shall record them with the County Recorder within 120 days after the approval or approval of the final plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council. The subdivider shall, immediately upon recording, furnish

the City Planner with a print and reproducible tracing of the final plat showing evidence of the recording. No building permits shall be issued for construction of any structure on any lot in the plat until the City has received evidence of the plat and development agreement being recorded by the county and the provisions of the subdivision's development agreement have been satisfactorily met.

### **§ 155.053 DENIAL OF PLATS.**

(A) *Premature subdivisions.* Any preliminary or final plat of a proposed Subdivision deemed premature for development shall be denied by the City.

(1) *Conditions establishing premature subdivisions.* A Subdivision may be deemed premature should any of the conditions set forth in the provisions which follow exist:

(a) *Lack of adequate drainage.* A condition of inadequate drainage exists.

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

a. 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;

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

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

2. 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.

(b) *Lack of adequate water supply.* There is a 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.

(c) *Lack of adequate roads or highways to serve subdivision.* There is a lack of adequate roads or highways to serve the Subdivision. A proposed Subdivision shall be deemed to lack adequate roads or highways to serve the Subdivision when:

1. Roads which serve the proposed Subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance, and surface condition that an increase in traffic volume generated by the proposed Subdivision would create a hazard to public safety and general welfare or seriously aggravate an already hazardous condition; and when, with due regard to the advice of the City Engineer, the county, and/or the Minnesota Department of Transportation, the roads are inadequate for the intended use;



2. 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;

3. The roads fail to meet minimum City standards.

(d) *Lack of adequate waste disposal systems.* There is a lack of adequate waste disposal systems. A proposed Subdivision shall be deemed to lack adequate waste disposal 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.

(e) *Inconsistency with Comprehensive Plan.* The proposed Subdivision is inconsistent with the purposes, objectives, and recommendations of the duly adopted City Comprehensive Plan, as may be amended.

(f) *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.

(g) *Minnesota Environmental Quality Board (MEQB) policies.* The proposed Subdivision is inconsistent with the policies of MEQB 25, as may be amended, and could adversely impact critical environmental areas, or potentially disrupt or destroy historic areas which are designated or officially recognized by the City Council, in violation of federal and state historical preservation laws.

(2) *Burden of establishing.* The burden shall be upon the applicant to show that the proposed Subdivision is not premature.

(B) *Denial of plat.* The Planning Commission may recommend denial and the Council may deny the Subdivision if it makes any one or more of the following findings:

(1) That the proposed Subdivision is in conflict with adopted applicable general and specific comprehensive plans of the City;

(2) That the physical characteristics of this site, including but not limited to topography, 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;

(3) That the site is not physically suitable for the proposed density of development;

(4) That the design of the Subdivision or the proposed improvements are likely to cause environmental damage;

(5) That the design of the Subdivision or the type of improvements are likely to cause public health problems;

(6) 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;

(7) That the proposed Subdivision, its site, or its design adversely affects the flood-carrying capacity of the floodway, increases flood stages and velocities, or increases flood hazards within the floodway fringe or within other areas of the City;

(8) The proposed Subdivision is inconsistent with the policies and standards of the state-defined Shoreland, Floodplain, and Wetland Districts;

(9) The City Council deems the Subdivision to be premature;

(10) The design of the subdivision does not conform to minimum city standards.

### ***PLAT CONTENTS***

#### **§ 155.066 PRELIMINARY PLAT CONTENTS.**

The applicant shall prepare and submit a preliminary plat, together with a preliminary grading plan, a preliminary utility plan, a preliminary landscape plan, a preliminary lighting plan, and any other necessary supplementary information.

(A) *General information.* The preliminary plat, together with the preliminary grading plan and preliminary utility plan, shall contain the information set forth in the subsections which follow.

(B) *General requirements.*

(1) The proposed name of the plat, the name not duplicating or too closely resembling names of existing plats;

(2) The location of boundary lines in relation to known section, quarter section, or quarter-quarter section lines comprising a legal description of the property;

(3) The names and addresses of all persons having property interests, and the developer, designer, and surveyor together with his or her registration number;

(4) A graphic scale or plat, not less than one inch to 100 feet;

(5) A North arrow;

(6) The date of preparation.

(C) *Preliminary plat.* The preliminary plat shall contain the information set forth in the subsections which follow:

(1) *Existing conditions.*

- (a) The boundary line and total acreage of the proposed plat, clearly indicated;
- (b) The existing zoning classifications for land within and abutting the plat;
- (c) The location, widths, and names of all existing or previously platted streets or other public ways, showing the type, width, and condition of improvements, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements, and section and corporate lines within the tract and to a distance of 350 feet beyond the tract;
- (d) Boundary lines of adjoining unsubdivided or subdivided land within 350 feet identified by name and ownership, including all contiguous land owned and controlled by the subdivider;
- (e) The delineation of all wetlands in accordance with criteria established by the Wetlands Conservation Act 1991, the Army Corps of Engineers, and/or the Minnesota Department of Natural Resources. Wetland delineations shall be performed by the Army Corps of Engineers, the Minnesota Department of Natural Resources, or persons recognized as qualified by such agencies.

(2) *Proposed design features.*

- (a) The layout of proposed streets showing the right-of-way and street widths, and the proposed names of streets in conformance with City and county street identification policies;
- (b) The location and widths of proposed alleys and pedestrian ways;
- (c) The location, dimensions, and purpose of all easements;
- (d) The layout, numbers, lot areas, and preliminary dimensions of lots, blocks, and outlots;
- (e) Minimum front and side street building setback lines;
- (f) When lots are located on curves, the width of the lot at the building setback line;
- (g) Areas, other than streets, alleys, pedestrian ways, and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

(3) *Supplementary information.* Any or all of the supplementary information requirements set forth in this section shall be submitted when deemed necessary by the City staff, consultants, advisory bodies, and/or City Council:

- (a) Proposed protective covenants;
- (b) A statement of the proposed use of lots, stating the type of buildings with the number of proposed dwelling units or types of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population. The City may require the

applicant to have formal traffic or other studies performed to the City's satisfaction which show the effect of the proposed development on traffic, fire hazards, congestion, or other matters of public concern;

(c) If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. Such proposed zoning plan shall be for information only and shall not vest any rights in the applicant;

(d) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, it shall be required that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing or potential adjacent subdivision;

(e) Where structures are to be placed on large or excessively deep lots which are subject to potential replat, the preliminary plat shall indicate a logical way in which the lots could possibly be re-subdivided in the future;

(f) When the City has determined to install improvements in a development itself, the developer shall be required to furnish a financial statement satisfactory to the City indicating the developer's ability to develop the plat;

(g) An environmental assessment worksheet shall be submitted if the City, the Minnesota Environmental Quality Board, or other agencies determine that one is required;

(h) Applications, statements, and supporting documentation and plans for rezoning, variances, conditional or interim use permits, or planned unit development approvals being sought for the subdivision;

(i) Such other information as may be required by the City.

(D) *Grading plan.* The preliminary grading plan shall contain the information set forth below:

(1) *Existing conditions.*

(a) The location and size of existing sewers, water mains, culverts, or other underground utilities and facilities within the tract and to a distance of 100 feet beyond the tract. Such data as grades, invert elevations, and locations of catch basins, manholes, and hydrants shall also be shown;

(b) Topographic data, including contours at vertical intervals of not more than two feet. Watercourses, wetlands, woodland areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown;

(c) 100-year-flood elevations, the regulatory flood protection, and boundaries of floodway and flood fringe areas, if known, taking into consideration the Flood Insurance Study and Flood Insurance Rate Map;

(d) A statement certifying the environmental condition of the site including the presence of any hazardous substance as defined in M.S. 115B.02(8). The statement may be required to be based upon an environmental assessment of the site by an engineering firm acceptable to the City;

(e) The delineation of all wetlands in accordance with criteria established by the Wetlands Conservation Act of 1991, the Army Corps of Engineers, and/or the Minnesota Department of Natural Resources. Wetland delineations shall be performed by the Army Corps of Engineers, the Minnesota Department of Natural Resources, or persons recognized as qualified by such agencies.

*(2) Proposed design features.*

(a) A grading plan with minimum two-foot contours which shall include the proposed grading and drainage of the site, including provisions for surface water ponding and drainage. Also to be stipulated are the building pad locations, garage floor, first floor, and basement elevations of all structures;

(b) Layout of the proposed streets showing right-of-way and street widths, center line and driveway gradients, and typical cross sections;

(c) Proposed fill, levees, channel modifications, and other methods to overcome flood or erosion hazard areas;

(d) A plan for soil erosion and sediment control both during construction and after development shall be completed. The plan shall include gradients of waterways, design of erosion control measures, design of sediment control measures, and landscaping of the erosion and sediment control system. Such plans are to be in accordance with the technical standards and specifications of City Code Section 154.087 and approved by the City;

(e) When applicable, a "wetland systems impact plan" which sets forth provision for sediment control, water management, maintenance of landscape features, or any other efforts intended to maintain or improve environmental quality within the wetland impact area. The plan shall identify changes to be made in the natural condition of the earth and shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible;

(f) When applicable, wetland mitigation efforts shall be conducted with the Minnesota Department of Natural Resources, the Army Corps of Engineers, or other pertinent agencies;

(g) Provision for surface water disposal, ponding, drainage, and flood control.

*(3) Supplementary Information.* Any or all of the supplementary information requirements set forth in this division shall be submitted when deemed necessary by the City staff, consultants, advisory bodies, and/or City Council:

(a) An accurate soil survey of the subdivision prepared by a registered soils engineer to determine soil suitability for development.

(E) *Utility plan.* The preliminary utility plan shall contain the information as follows:

(1) *Existing conditions.* The location and size of existing sewers, water mains, culverts, or other underground facilities within the tract and to a distance of 100 feet beyond the tract. Such data as grades, invert elevations, and locations of catch basins, manholes, any hydrants shall also be shown.

(2) *Proposed design features.*

(a) The locations and routing of proposed sewer lines and water mains, and identification of gravity, force main, and alternative service lines;

(b) Water mains being provided to serve the plat by extension of an existing community system. Service connections shall be stubbed into the property line and all necessary fire hydrants shall also be provided. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the standards of the City;

(c) Sanitary sewer mains and service connections being installed in accordance with the standards of the city with regard to location, size, and service type, subject to final review and approval of the City.

(F) *Certification required.* The preliminary plat must be prepared and signed by a registered land surveyor. The grading and utility plans must be prepared and signed by a registered civil engineer.

#### **§ 155.067 FINAL PLAT CONTENTS.**

The applicant shall submit a final plat application together with a final grading plan, utility plan, landscape plan, and any other necessary supplementary information.

(A) *Final plat.* The final plat, 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) The name of the plat, which shall not duplicate or too closely approximate the name of any existing plats recorded in Isanti County and shall be subject to City Council approval;

(2) The location by section, township, range, county, and state, and including descriptive boundaries of the plat based on an accurate traverse, giving angular and linear dimensions;

(3) The location of monuments, shown and described. The locations 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 or monuments;

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

- (5) Lots shall be numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block;
- (6) The exact locations, widths, and names of all streets to be dedicated. All street names shall be approved by the City City Planner;
- (7) The location and width of all easements to be dedicated;
- (8) The name, address, and phone number of the surveyor making the plat;
- (9) The scale of the plat, not less than one inch to 100 feet (the scale to be shown graphically on a bar scale), the date, and a North arrow;
- (10) A current abstract of title or a registered property certificate or in lieu thereof, at the option of the City Attorney, a commitment for title insurance from a title insurance carrier authorized to conduct business in this state along with any unrecorded documents to be certified by the City Attorney;
- (11) Deed restrictions and protective covenants which involve a matter of public concern;
- (12) A statement dedicating all streets, alleys, and other public areas not previously dedicated, as follows:

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

- (13) A 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."

(B) *Certificate required.*

- (1) Certification by a registered land surveyor in the form required by M.S. 505.03, as amended;
- (2) The execution of all owners of any interest in the land and holders of a mortgage thereon of the certificates required by M.S. 505.03, as amended, and which certificate shall include a dedication of the utility easements and other public areas in such form as approved by the City;
- (3) Space for certificates of approval and review to be filled in by the signatures of the chairperson of the City Planning Commission, the Mayor, the City Administrator, and the City Engineer:

- (a) The form of review by the Planning Commission is as follows:

Reviewed by the Planning Commission of the City of Cambridge.

This \_\_\_ day of, 20\_\_ .

Signed:

Chairperson

Attest:

City Planner

(b) The form of approval of the City Council is as follows:

Approved by the City Council of the City of Cambridge.

This \_\_\_ day of, 20\_\_ .

Signed:

Mayor

Attest:

City Administrator

(c) The form of approval by the City Engineer is as follows:

Approved by the City Engineer of the City of Cambridge.

This \_\_\_ day of, 20\_\_ .

Signed:

City Engineer

(C) *Development contract*. Final plat approval shall be contingent upon the applicant's entrance into a development contract with the City. The contract shall be prepared by the City and shall ensure development performance based on approvals. The contract shall address, but not be limited to, the following:

(1) Financial securities and fees;

(2) Warranties;

(3) Development time lines;

(4) Remedies for default.



## **DESIGN STANDARDS**

### **§ 155.080 CONFORMITY WITH OTHER STANDARDS.**

A proposed Subdivision shall conform to the Comprehensive Plan, to related policies adopted by the City, and to the official Zoning Ordinance of the City, including lot size, and other requirements outlined in the Zoning Ordinance.

### **§ 155.081 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.

### **§ 155.082 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, 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.

### **§ 155.083 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 the City determines that 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. Blocks intended for business or industrial use should not generally exceed 600 feet in length.

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

### **§ 155.084 LOTS.**

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

(B) *Corner lots.* Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the Zoning Ordinance.

(C) *Side lot lines.* Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

(D) *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. Lot pad sizes

(E) *Frontage.* Every lot must have the minimum frontage on a City-approved street other than an alley (except in approved Planned Unit Developments), as required in the City Zoning Ordinance.

(F) *Access.* Each lot shall directly access a public street.

(G) *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 City Zoning Ordinance, as may be amended.

(H) *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.

(I) *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 lot grading and drainage provisions.

(J) *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.

(K) *Lot remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots or out lots, rather than be allowed to remain as unusable parcels.

(L) *Frontage on two streets.* Double frontage, or lots with frontage on two parallel streets, shall not be permitted except where lots back on Collector Streets or county or state highways, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least 20 feet in order to allow space for screen plantings and/or buffering along the back lot line. As part of the subdivision review process, the submission of a buffering and screening plan may be required.

(M) *Access to major collector and arterial streets.* In the case where a proposed plat is adjacent to a Collector or Arterial street, said streets to be defined by the City's 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 Collector streets where there is no other alternative, a

temporary access may be granted, subject to terms and conditions defined 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.

(N) *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.

#### **§ 155.085 STREETS AND ALLEYS.**

(A) *Contiguous streets*. Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of arterials and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of stormwater, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served and in compliance with the Comprehensive Plan.

(B) *Cul-de-sacs and dead-end streets*. 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 subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider. 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 City's continuous overall trail system. Trail corridors shall meet the following minimum requirements unless otherwise permitted by the City:

- (1) Dedicated to the City as outlots;
- (2) Minimum 15-foot wide corridor;
- (3) Minimum eight-foot wide surface;
- (4) Handicap accessibility wherever possible;
- (5) No above-ground utilities (i.e. lift stations, 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.
- (7) Due regard shall be shown for trees, wetlands and other environmental features when locating and constructing trails.

(G) *Service access, alleyways*. Except within the city's Commercial and Industrial districts, service access and alleys shall be prohibited. Where provided, alleys shall not be less than 25 feet in width. Dead-end alleys shall be avoided wherever possible, but if unavoidable, such dead-end alleys may be approved if adequate turnaround facilities are provided at the closed end.

(H) *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, surfaced width and design standards as outlined in the plans.

(I) *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:

<b>Street Design</b>					
<b>Design Element</b>	Arterial	Collector	Local	Cul-de-Sacs	Alleys
Row width *	80 ft.	66 ft.	60 ft.	50 ft./50 ft. R	25 ft.
Paving width	52 ft.	38 ft.	32 ft.	32 ft./45 ft. R	20 ft.
Maximum grade	4%	5%	8%	8%	8%
Minimum grade	0.5%				
Cross grade	2.00%				
Design section *	9 ton	9 ton	7 ton	7 ton	9 ton
Minimum angle intersection	90	80	70	70	70

Minimum curb radius	35 ft.	25 ft.	15 ft.	15 ft.	—
Grades for 25 feet before intersection	3.0%	3.0%	3.0%	3.0%	3.0%
Site triangles (controlled / uncontrolled intersection)	15 ft. /30 ft.	15 ft. /30 ft.	15 ft. /30 ft.	15 ft. /30 ft.	15 ft. /30 ft.
Horizontal align (min. radius of center line)	600 ft.	450 ft.	215 ft.	95 ft.	100 ft.
Vertical curves (min. sight distance)	475 ft.	325 ft.	200 ft.	100 ft.	100 ft.
* Right-of-way and/or Design Section requirements may be increased for specific thoroughfares if existing or anticipated traffic flow or type warrants it, or if drainage easements parallel such thoroughfares. Increased width and design standards will be set by the City Council upon recommendation of the Planning Commission and City Engineer.					

(J) *Streets in flood hazard area.* No street shall be approved if its final surface is at a lower elevation than two feet below the regulatory flood protection elevation. The City may require profiles and elevations of finished streets for areas subject to flooding. Fill may be used for streets, provided such fill does not unduly increase flood heights and provided any such fill would not result in a stage increase violating the requirements of M.S. Chapters 104 and 105, as such chapters may be amended, supplemented, or replaced from time to time, and any applicable requirements imposed by the Federal Emergency Management Agency pursuant to its rules and regulations. Drainage openings shall not restrict the flow of water so as to unduly increase flood heights, and provided any such drainage opening would not violate the requirements of M.S. Chapters 104 and 105, as such chapters may be amended, supplemented, or replaced from time to time, and any applicable requirements imposed by the Federal Emergency Management Agency pursuant to its rules and regulations.

(K) *Reverse curves ("S" curves).* Minimum design standards for major collector streets shall comply with Minnesota Department of Transportation State Aid Standards.

(L) *Private streets.* Private streets and reserve strips shall be prohibited. All streets shall be dedicated for public use. If any person applies to subdivide or replat any land or parcels adjoining an existing private street, they shall be required to dedicate the private street for public use and schedule for improvement to public street standards at the time of final plat.

(M) *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.

(N) *Street intersection offsets.* Street intersection jogs with center line offsets of less than 125 feet shall be prohibited.

(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.

(Q) *Restriction of access.* Access of local streets onto 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. Mountable curb shall be used on all local streets, and barrier curb shall be used on all Collector and Arterial streets, unless otherwise directed by the City at the time the preliminary plat is approved.

(S) *Pavement.*

(1) The base course shall consist of the latest Minnesota Department of Transportation approved material, having a thickness of not less than eight inches. The City shall have the right to determine whether this thickness is adequate for the type of street that has been proposed.

(2) Pavement shall be required on all streets. If the street is blacktopped, it must be constructed with a minimum of 3 inches of Minnesota Department of Transportation approved bituminous. If the street is constructed with concrete, the proposed pavement design must first be approved by the City Engineer.

(3) Street shoulders shall be constructed which are uniformly and thoroughly compacted by rolling and level with the tops of curbs.

#### **§ 155.086 EASEMENTS.**

(A) *Width and location.* An easement for drainage and utilities at least twelve feet wide shall be provided along front lot lines and 12' (6' on each) 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 the approval of the City Council after a public hearing.

(C) *Guy wires.* Additional easements for pole guys shall be provided, where appropriate, at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys fall along side lot lines.

**§ 155.087 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.

(C) Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

(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) All subdivision designs shall be in compliance Section 152 Stormwater Management of the City Code and current Minnesota Pollution Control Agency requirements, and be subject to the review and approval of the City Engineer.

**§ 155.088 DRAINAGE.**

All subdivision designs shall be in compliance Section 152 Stormwater Management of the City Code and be subject to the review and approval of the City Engineer.

**§ 155.089 SIDEWALKS.**

(A) Sidewalks in all subdivisions of land shall be provided as set forth below by street classification:

<b>Street Classification</b>	<b>Sidewalks both sides of street</b>	<b>Sidewalks one side of street</b>	<b>Sidewalks as required</b>	<b>Sidewalks not required</b>
Arterial	*			
Collector	*			
Local		*		
Cul-de-sac			*	
Rural			*	

(B) City Planner may waive the requirements for sidewalks in lieu of a multi model trail system provided within the subdivision serving the same function.

(C) Required sidewalks shall be a minimum of five (5) feet in width and provide a minimum five (5) foot separation from the back of curb.

(D) All subdivisions shall be designed in such a way as to allow pedestrian connectivity both within the proposed subdivision and with all adjacent subdivisions and land uses.

#### **§ 155.090 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, except those installed on a dwelling, 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) All boxes on a City street that is not a cul-de-sac shall be placed on the north or east side of the street, unless the line of travel for postal delivery requires placement elsewhere as directed by the Post Office. Support posts for mailboxes shall be a 4" x 4" wooden post imbedded in the ground. Decorative coverings are permitted.

(2) No boxes shall be placed within ten feet of any stone sewer inlet or any fire hydrant.

(3) 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 delivery requires placement elsewhere as directed by the Post Office.



(4) 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.

#### **§ 155.091 PARK AND OTHER PUBLIC LAND DEDICATION REQUIREMENTS.**

(A) As a prerequisite to any subdivision approval, and at the sole determination by the City, applicants and/or developers shall dedicate land for parks, playgrounds, public property, open spaces, conservation areas, or trails and/or shall make a cash contribution to the City's park dedication fund as formulated and established by annual City Council Resolution. The City may elect at its sole discretion to receive a combination of cash, land, and development of the land for park and/or trail use.

(B) The applicant shall confer with City Staff at the time the sketch plan and/or preliminary plat is under consideration, to secure a recommendation as to the location of any property that should be dedicated to the public, or if a cash contribution shall be made in lieu of or in combination with a land dedication. The preliminary plat shall show the location and dimensions of all areas to be dedicated. Such contribution requirement recommendation(s) will be sent to the Planning Commission for review and comment and subsequently to the City Council for their approval. Proposed public 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 recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access and location, and future park needs pursuant to the Comprehensive Plan. Wetlands may not be eligible for park dedication. Ponding areas, drainage ways, and other unbuildable land shall not be eligible for park dedication credit.

(C) Park cash contributions in lieu of or in combination with land dedication are to be calculated based on the number of residential units or commercial/industrial acreage in the development at time of final plat. Cash dedication fees shall be established in the City's fee ordinance. Cash dedications shall be included in the development agreement and paid prior to the City's signature of and release of the final plat. For subdivisions that do not require a development agreement, the cash dedication shall be paid before the City releases the signed approval of the subdivision for recording. Cash contributions for parks and trails shall be deposited in the City's park dedication fund and shall only be used for park acquisition or development, and trail acquisition or development as determined by the City.

(D) In all new residential, commercial and industrial subdivisions, it shall be presumed that a reasonable amount of land has been dedicated for public recreation space if the subdivider dedicates at least ten (10) percent of the area subdivided. A different percentage may be applied, as the City Council shall determine, in lieu of a combined or full cash dedication. This ten- percent shall be calculated on the net area, which is the gross area of the subdivided property minus the area in wetlands that have been identified as ineligible for dedication. The land dedication for public recreation shall be in addition to property dedicated for streets, alleys, easements 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 health, safety, convenience and general welfare of the City. The dedication of a portion of land for parks or playgrounds, or the payment of cash in lieu thereof,

provided for above shall be presumed to be reasonable. However, upon the request of the applicant, the recommendation of Parks, Trails and Recreation Commission, or at the discretion of the Council, the City may either increase or decrease such dedication or payment upon a determination by the Council that such dedication or payment is unreasonable or insufficient given the specific characteristics of the proposed subdivision and its intended use and the fair market value of the land prior to platting.

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

(E) All subdivisions of City or Economic Development Authority owned land shall be exempt from the requirements of this ordinance.

### ***REQUIRED BASIC IMPROVEMENTS***

#### **§ 155.105 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.

#### **§ 155.106 PROCEDURE.**

(A) Before a final plat is approved by the City Council, the owner and subdivider of the land covered by the plat shall execute and submit to the City Council a development agreement which shall be binding on the owner and subdivider, and their heirs, personal representatives, and assigns, in a form approved by the City, stating that the owner and subdivider will cause no private construction 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) All public infrastructure improvements that are part of a Subdivision shall be designed by the City, either by City staff or its consultant(s) under the supervision of the City Engineer. Prior to the initiation of design, the owner or subdivider shall deposit with the City an escrow in an amount equal to 125% of the estimated engineering and design costs, construction administration costs, and legal costs of the City. The deposit shall be used for the payment of all expenses incurred by the City for engineering, planning, and legal fees and other expenses in connection with the preparation of a development agreement and the design of the improvements. If such costs exceed the deposit, then the owner or subdivider shall be liable for the balance owed the City. Any unused deposit shall be returned to the owner or subdivider, without interest, within 60 days after completion of the public improvements and acceptance of the improvements by the City.

(C) The City may, in its sole discretion, determine whether it will construct all or some of the public infrastructure improvements itself, or allow the owner or subdivider to contract privately for the

improvements. If the City allows private construction of improvements, all terms and conditions governing the construction shall be established in a development agreement.

(D) Construction administration for all public infrastructure improvements, including those constructed by the owner or subdivider directly, shall be performed by the City, either by City staff or its consultant(s) under the supervision of the City Engineer. Contract administration includes, but is not limited to, inspection, documentation, review of pay requests, as-builts and testing and monitoring.

(E) No final plat shall be approved by the City Council without first receiving a report from the City Engineer certifying that the design of proposed improvements described herein, together with the agreements and documents required herein, meet the minimum requirements of all applicable ordinances. As-built drawings of all improvements shall be filed with the City.

(F) Prior to any street or other improvement being accepted by the City as hereinafter provided, the subdivider 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 to insure maintenance of the improvements for a period of at least 24 months from the date of acceptance by the City.

#### **§ 155.107 INSTALLATION.**

(A) *Improvement installation.* The City may, in its sole discretion, determine whether to install improvements associated with the subdivision itself, or require the owner or subdivider to install all or a portion of the improvements.

(1) *Private installation.*

(a) If the City elects to require private installation of certain improvements, 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 contract in writing with the City requiring the applicant/developer to furnish and construct the specified improvements at its sole cost and in accordance with the City Engineer's plans and specifications and usual contract conditions.

(b) The contract shall require the applicant to post a financial security consisting of an escrow deposit, irrevocable letter of credit, certified check, or payment and performance bonds with the City guaranteeing performance in accordance with the terms of the development contract. The type, conditions, and term of the financial security must be reviewed by the City Attorney and approved by the City. 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 security amount shall be in the amount 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 of the plat.

(d) The schedule for completion of the work described in the final plat and the development agreement shall be determined by the City Council, upon recommendation of the City Engineer after consultation with the applicant. It shall be reasonable with relation to 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 contract and posting a city-approved financial security.

*(2) City installation.*

(a) If the City elects to construct certain improvements itself, the owner or subdivider shall supply a security consisting of an escrow deposit, irrevocable letter of credit, certified check, or payment and performance bonds 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 by the City. The type, conditions, and terms of the financial security must be reviewed by the City Attorney and approved by the City. The security amount shall equal 125% of the City Engineer's estimate. The City may reduce the amount of security required of the developer in amounts equivalent to subsequent assessments for which payment has been made.

(b) The owner or subdivider shall be responsible for payment of all costs incurred by the City in undertaking the improvements. The owner or subdivider may request that the City assesses all or a portion of the costs to buildable land area within the plat. Assessment is discretionary on the City's part. Any assessment shall be pursuant to a return of 100% of the landowners and be accompanied by a waiver of assessment appeal.

(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 contract and posting a city-approved financial security.

**§ 155.108 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 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 be a condition before certificate of occupancy is issued.

(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 contract and a financial guarantee in a form determined by the City Attorney is provided.

#### **§ 155.109 STREETS.**

(A) The full width of the right-of-way shall be graded in accordance with the provisions for construction as outlined in this chapter.

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

(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. The portion of the right-of-way outside the area surfaced shall be seeded or sodded by the developer. Streets shall be reviewed for acceptance 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) Where required, the 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.

(E) Boulevard sodding shall be planted in conformance with the standards and specifications as required by the City.

(F) Street signs of the design approved by the City shall be installed at each street intersection.

(G) Streetlighting fixtures as may be required by the City shall be installed.

#### **§ 155.110 WATER AND SEWER.**

Sanitary sewers and water facilities shall be installed in accordance with the standards and specifications of the City as required by the City Council and subject to the approval of the City Engineer and the Public Works Department.

**§ 155.111 DRAINAGE.**

(A) The grade and drainage requirements for each plat shall be approved by the City Engineer at the expense of the applicant. Every plat presented for final signature shall be accompanied by a certificate of the City Engineer that the grade and drainage requirements have been met on the grading plan. In an area not having municipal storm sewers, the applicant shall be responsible, before platting, to provide for a stormwater disposal plan, without damage to properties outside the platted area, and the stormwater 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 stormwater disposal plan is presented and approved by the City Council. The use of dry wells for the purpose of stormwater disposal is prohibited.

(B) Storm drainage facilities shall be installed in accordance with the standards and specifications as required by the City 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.

**§ 155.112 UTILITIES.**

Telephone, electric, cable TV, and/or gas service lines are to be placed underground in accordance with the provisions of all applicable City ordinances and code provisions. All necessary utility easements must be recorded prior to utility installation.

**§ 155.998 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 of any subdivision or area located within the jurisdiction of this chapter unless the 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.