

1002. SUBDIVISION REGULATIONS

PASSED JUNE 12, 2007 - ORDINANCE 07-06

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LIST OF AMENDMENTS

<u>Symbol</u>	<u>Ordinance Number</u>	<u>Dated Passed</u>
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1002.01 PURPOSE AND INTENT

This Chapter is enacted for the following purposes: to safeguard the best interests of the City of Rockford; to assist the subdivider in harmonizing their interests with those of the City at large; to correlate land subdivision with the comprehensive plan; to encourage well planned, efficient and attractive subdivisions by establishing adequate and impartial standards for design and construction; to provide for the health and safety of residents by requiring properly designed streets and adequate sewer and water service; to place the cost of improvements against those benefiting from their construction; to secure the rights of the public with respect to public lands and waters; to improve land records by establishing standards for surveys and plats; to discourage inferior development which might adversely affect property values; to establish subdivision development standards; and to set the minimum requirements necessary to protect the public health, safety, comfort, convenience and general welfare.

1002.02 APPLICATION

Any plat, hereafter made, for each subdivision or each part thereof lying within the City, shall be prepared, presented for approval and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract or parcel of land into two or more lots, tracts or other division of land for the purpose of sale, building development, whether immediate or future, or any other purpose, including the resubdivision or re-platting of land or lots.

1002.03 APPROVALS NECESSARY FOR ACCEPTANCE OF PLATS:

Before any plat shall be recorded or be of any validity, it shall be referred to the City planning commission and approved by the City Council as having fulfilled the requirements of this Chapter.

1002.04 CONDITIONS FOR RECORDING:

No plat or any subdivision shall be entitled to record in the Hennepin or Wright County recorder's office or have any validity until the plat or subdivision has been prepared, approved and acknowledged in the manner prescribed by this Chapter.

1002.05 INTERPRETATION OF PROVISIONS

Subd. 1. Conflicting Provisions. Whenever there is a difference between minimum standards or dimensions specified herein and those contained in other official regulations, resolutions or City Code provisions, the most restrictive standards shall apply.

Subd. 2. Measured Distances. All measured distances expressed in feet shall be the nearest tenth of a foot.

1002.06 COMPLIANCE WITH CITY REGULATIONS

No plat of any subdivision shall be entitled to record in the county recorders office, or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Chapter.

1002.07 BUILDING PERMITS

No building permit shall be issued for the construction of any building, structure or improvement upon any land or to any lot in a subdivision unless and until all requirements of this Chapter have been complied with relative to the property for which a permit is sought.

1002.08 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unenforceable as to any person or circumstance, the application of such section, subsection, clause or phrase to persons or circumstances, other than those as to which it shall be held invalid or unenforceable, shall be affected thereby, and all provisions hereof, in all other respects, shall remain valid and enforceable.

1002.09 DEFINITIONS

Except for those words and phrases defined in this section, the words and phrases used in this Chapter shall be interpreted to be given the meanings in common usage, and as may be commonly defined in dictionaries so as to give this Chapter its most reasonable application.

Alley: A public or private right of way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

Applicant: The owner, their agent or person having legal control and/or an interest in the land proposed to be subdivided.

Base Lot: A lot meeting all the specifications within its zoning district prior to being divided into a subdivision of single-family attached units.

Block: An area of land within a subdivision that is entirely bounded by streets, or by streets and the entire boundary or boundaries of the subdivision, or a combination of the above, with a river, lake, railroad, or unsubdivided acreage.

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

Building: Any structure built for the support, shelter or enclosure of persons, animals, chattels or moveable property of any kind.

Butt Lot: A lot at the end of a block, located between two (2) corner lots.

City: The City of Rockford.

City Attorney: The attorney appointed by the City, unless otherwise stated.

City Council: The Rockford City Council

City Engineer: The registered engineer appointed by the City, unless otherwise stated.

City Planner. The planner appointed by the City unless otherwise stated.

Comprehensive Plan: A comprehensive plan prepared by the City, including a compilation of policy statement goals, standards and maps, indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the City, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

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

Copy: A print or reproduction made from a tracing.

County: are the counties of Hennepin and Wright as applicable.

Dedication: The contribution of property or of money to the governing body. Said property is forever vacated by the dedicators or their successors.

Design Standards: The specifications to landowners or those proposing to subdivide land 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.

Developments: The act of building structures and installing site improvements.

Double Frontage Lots: A lot which has a property line abutting on one street and an opposite property line abutting on another nonintersecting street.

Drainage Course: A watercourse or indentation for the drainage of surface water.

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

Final Plat: A drawing or map of a subdivision, meeting all of the requirements of the city and the Minnesota State Statutes regarding the platting of land and in such form as required for the purposes of recording.

Key Map: A map drawn to comparatively small scale which definitively shows the area proposed to be platted in relation to known geographical features (e.g., town centers, lakes and roads).

Lot: A parcel or portion of land in a subdivision or plat of land separated from other parcels or portions by description, as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof and having its principal frontage on a public street.

Lot, Corner: A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty five degrees (135°).

Lot Improvements: 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 proposed "lot improvements" shall be properly bonded for as provided in this Chapter.

Lot of Record: A parcel of land whether subdivided and/or otherwise legally described and recorded under a single parcel identification number prior to the effective date of the City's subdivision regulations or approved by the City as a lot and which is occupied by or intended for occupancy by one principal building or principal use, together with any accessory buildings and such open spaces as required by the Rockford Zoning Ordinance and having its principal frontage upon a public street.

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 a section, lot or area by described lines or portions thereof.

Natural Waterways: A natural passageway in the surface of the earth, so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also shall include all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.

Outlot: A lot remnant or parcel of land left over after platting, which is intended as open space or other future use, for which no building permit shall be issued.

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.

Park: Playgrounds, trails, parks or open spaces within the City, owned, leased or used, wholly or in part, by the City for park and recreational purposes or which are designated by the City Council as a park.

Pedestrianway: 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 paths or trails.

Percentage of Grade: Along a centerline of a street, the change in vertical elevation in feet and tenths of a foot for each one hundred feet (100') of horizontal distance, expressed as a percentage.

Planning Commission: The planning commission of the City of Rockford.

Preliminary Plat: A drawing or map of a proposed subdivision, meeting the requirements herein enumerated, submitted to the planning commission and governing body for their consideration, in compliance with the comprehensive plan, along with required supporting data.

Private Drive: A driveway serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public and is owned by one or more private parties.

Protective Convents: Contracts entered into between all owners and holders of mortgages constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and providing mutual protection against undesirable aspects of development which would tend to impair the stability of property value and economic integrity of any given area.

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

Quadraminiums: Single structures which contain four (4) subdivided dwelling units all of which have individually separate entrances from the exterior of the structure.

Reserve Strips: A narrow strip of land placed between lot lines and streets to control access.

Right of Way: The land covered by a public road, otherwise dedicated for public use, or land for certain private uses, such as land over which a power line passes.

Road: is a public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, place, or however otherwise designated.

Setback: The distance between a building and the property line nearest thereto.

Street: A public right of way for vehicular traffic, whether designated as highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, drive, court or otherwise designated.

Street Width: The shortest distance between the lines delineating the right of way of a street.

Streets, Arterial: Those streets designated as arterial streets by the Rockford Comprehensive Plan.

Streets, Collector: Those streets designated as collector streets (major or minor) by the Rockford Comprehensive Plan.

Streets, Cul-de-Sacs: Those local streets with only one outlet and having a terminal for the safe and convenient reversal of traffic movement.

Streets, Local: Those streets which are used primarily for access to abutting properties and for local traffic movement.

Subdivider: is an individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

Subdivision: is the dividing of any parcel of land into two or more parcels.

- A. **Platted Subdivision** - if any resulting parcel is less than five acres in area and less than three hundred feet in width and the subdividing was done for the purpose of transfer of ownership to effectuate building development or if a new street or road is involved, regardless of the size of the parcel and/or its width, such parcels must be platted in accordance with the terms and procedures of this chapter.
- B. **Unplatted Subdivision** - a division of any parcel of land into two or more parts wherein all parts are at least five acres and have at least three hundred feet in width and frontage on an existing public road. Ingress and egress easements of any type shall not be construed as public roads. These do not require platting, but shall be zoned for the appropriate use.

Surveyor: A land surveyor registered under Minnesota state laws.

Tangent: is a straight line that is perpendicular to the radius of a curve where a tangent meets a curve.

Tracing : A plat or map drawn on transparent paper, film, or cloth which can be reproduced by using regular reproduction procedure.

Tree Preservation Related:

- A. Caliper: The diameter of a replacement tree measured at a height of one (1) foot above the ground level.
- B. Diameter: The diameter of a tree measured at diameter breast height (four and one-half (4.5) feet from the uphill side of the existing ground level).
- C. Drip Line: The farthest distance away from the trunk that rain or dew will fall directly to the ground from the leaves or branches of the tree.
- D. Forester: A person holding a bachelor's degree in forestry from an accredited four (4) year college of forestry.
- E. Landscape Architect: A person registered with the State of Minnesota as a landscape architect.
- F. Significant Tree: A healthy tree measuring at least six (6) inches in diameter for deciduous trees or twelve (12) feet in height for coniferous trees.
- G. Tree Certification: A certified inventory of trees on the site after work is complete listing all trees and their final disposition, which is signed by a licensed forester or landscape architect.
- H. Tree Preservation Plan: A plan and inventory certified by a forester or landscape architect indicating all of the significant trees and their locations in the proposed development or on the lot. The tree preservation plan shall include the size, species, and location of all significant trees proposed to be saved and removed on the area of development, and the measures proposed to protect the significant trees to be saved.
- I. Tree Protection: Snow fencing or polyethylene laminar safety netting placed at the drip-line of the significant trees to be preserved. The tree protection measures shall be shown on the tree preservation plan drawings and remain in place until all grading and construction activity is terminated.

Unit Lots: Lots created from the subdivision of single-family attached dwellings having different minimum lot size requirements than the conventional base lot within the zoning district.

Vertical Curve: is the surface curvature on a road or highway center line located between lines of different percentage of grade.

Zoning Ordinance: The Zoning Ordinance of the City of Rockford.

1002.10 FEES, CHARGES AND EXPENSES

Subd. 1. Fees, Charges And Expenses Established. Fees and charges, as well as expenses incurred by the City for engineering, planning, attorney, and other services related to the processing of application shall be established by ordinance and collected by the City Administrator for deposit in the City accounts.

Subd. 2. Payment Of Fees, Charges And Expenses. Such fees, charges, and estimated expenses (as well as a deposit, if so required by the City Administrator) shall be collected prior to City action on any application. All such applications must be accompanied by a written agreement between the City and the subdivider (when the subdivider is not the same person or entity as the landowner, both the landowner and the subdivider must sign the agreement) whereby the subdivider/landowner agrees to pay all applicable fees, charges, and administrative, planning, engineering and legal expenses associated with the review and processing of the development application, if these expenses exceed the application escrow, and which allows the City to assess said fees, charges and expenses against the landowner if such monies are not paid within thirty (30) days after a bill is sent to the subdivider/landowner.

Subd. 3. Fees, Charges And Expenses Are Additional. These fees shall be in addition to sewer access charges, water access charges, sewer and water trunk charges, transportation impact fees, park dedication fees in lieu of land, building permit fees, inspection fees, subdivision application fees, charges, and expenses, and other such fees, charges, and expenses currently required by ordinance or which may be established by ordinance in the future.

1002.11 VIOLATIONS AND PENALTY

Subd. 1. Sale Of Lots From Unrecorded Plats. It shall be a misdemeanor to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with, any plan, plat or replat of any subdivision or area located within the jurisdiction of this Chapter unless said plan, plat or replat shall have first been recorded in the office of the recorder of Hennepin or Wright County, as applicable.

Subd. 2. Receiving Or Recording Unapproved Plats. It shall be unlawful for a private individual to receive or record in any public office any plans, plats of lands 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.

Subd. 3. Misrepresentations. It shall be a misdemeanor for any person owning an addition or subdivision of land within the City to represent that any improvement upon any of the streets, alleys or avenues of said addition or subdivision has been constructed according to the plans and specifications approved by the City Council, or has been supervised or inspected by the City, when such improvements have not been so constructed, supervised or inspected.

Subd. 4. Misdemeanor Violation. Anyone violating any of the provisions of this Chapter shall be guilty of a misdemeanor. Each month during which compliance is delayed shall constitute a separate offense.

1002.12 VARIANCES AND APPEALS

Subd. 1. Variance Findings. The City Council may approve a variance from the minimum standards of this Chapter (not procedural provisions) when, in its opinion, undue hardship may result from strict compliance. In approving any variance, the City Council shall prescribe any conditions that it deems necessary to or desirable for the public interest. In making its approval, the City Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be approved when the City Council finds:

- A. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the subdivider of the reasonable use of their land.
- B. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.
- C. That the variance is to correct inequities resulting from an unusual physical hardship such as topography. Hardships relating to economic difficulties shall not be considered for the purpose of granting a variance.
- D. That the hardship is not a result of an action or actions by the owner, subdivider or any agent thereof.

Subd. 2. Requests For Variance Or Appeal. Requests for a variance or appeal shall be filed with the City Administrator on an official application form. Such application shall be accompanied by a fee as set out in section 1002.12 of this chapter. Such application shall also be accompanied by four (4) copies of detailed written and graphic materials including one plan no larger than eleven inches by seventeen inches (11" x 17") necessary for the explanation of the request.

Subd. 3. Planning Commission Procedures.

- A. Upon receiving said application, the City Clerk shall refer the application, along with all related information, to the Planning Commission for a report and recommendation to the City Council as outlined in 1002.15 of this Chapter.
- B. The Planning Commission shall consider the variance at its next regular meeting unless the filing date falls within fifteen (15) days of said meeting, in which case, the requests would be placed on the agenda and considered at the regular

meeting following the next regular meeting. The City Administrator shall refer said application, along with all related information, to the Planning Commission for consideration and a report and recommendation to the City Council.

- C. The variance application shall be referred to the City staff for a report and recommendation to be presented to the Planning Commission.
- D. The Planning Commission and City Staff shall have the authority to request additional information from the subdivider concerning the variance or to retain expert testimony at the expense of the subdivider concerning said variance where said information is declared necessary to ensure preservation of health, safety and general welfare of the city.
- E. The City Administrator shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper at least ten (10) days prior to said hearing, and individual notices shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the hearing to all owners of property within three hundred fifty feet (350) of the parcel included in the request.
- F. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Chapter.
- G. The subdivider or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed variance request.
- H. The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Chapter.

Subd. 4. City Council Procedures.

- A. The City Council shall not grant a variance until they have received a report and recommendation from the Planning Commission and the City staff or until thirty (30) days after the first regular Planning Commission meeting at which the request was considered.
- B. Upon receiving the report and recommendation of the Planning Commission and City staff, the City Council shall place the report and recommendation on the agenda for the next regular meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- C. Upon receiving the report and recommendation of the Planning Commission and City staff, the City Council shall make a recorded finding of fact and impose any conditions it considers necessary to protect the public health, safety and welfare of the city.

- D. The City Council shall decide whether to approve or deny a request for a variance or an appeal within thirty (30) days after the public hearing on said request.

Subd. 5. Grant Of Variance Or Appeal. A variance of this Chapter or grant of an appeal shall be by a four-fifths (4/5) vote of the full City Council.

1002.13 ADMINISTRATIVE SUBDIVISIONS

Subd. 1. Qualification. This section shall apply to the following applications:

- A. In the case of a request to divide a portion of a lot where the division is to permit the adding of a parcel of land to an abutting lot so that no additional lots are created and both new lots conform to Zoning Ordinance lot size minimum standards.
- B. In the case of a request to combine two (2) existing platted lots.
- C. In the case of a request to divide a lot from a larger tract of land and thereby creating no more than two (2) lots. To qualify, the parcel of land shall not have been part of a subdivision within the last five (5) years.
- D. In the case of a request to divide a base lot which is a part of a recorded plat upon which has been constructed a two-family dwelling, townhouse or quadraminium, 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 the Zoning Ordinance or the state building code.

Subd. 2. Content and Data Requirement.

- A. Certificate Of Survey: The requested administrative subdivision shall be prepared by a registered land surveyor in the form of a certificate of survey.
- B. Property Description And Submission Information: The data and supportive information detailing the proposed administrative subdivision shall be the same as required for a preliminary plat as described in section 1002.15 Subd. 2 of this Chapter. Exceptions, as stipulated in writing, may be granted by the city administrator.

Subd. 3. Design Standards.

The administrative subdivision shall conform to all design standards as specified in this Chapter. Any proposed deviation from said standards shall require the processing of a variance request.

Subd. 4. Processing.

- A. If the land division involves property which has been previously platted, or the total property area involved is greater than ten (10) acres, the City Administrator shall have the authority to approve the subdivision; provided, that it complies with applicable provisions of this Chapter.
- B. In the case of applications involving property not previously platted, and less than ten (10) acres in total area, the subdivision platting procedures of Section 1002.14 of this Chapter shall be followed.

1002.14 SUBDIVISION PLATTING PROCEDURES

Subd. 1. Sketch Plan. In order to ensure that all subdividers are informed of the procedural requirements and minimum standards of this Chapter and the requirements or limitations imposed by other City Code provisions or plans, prior to the development of a preliminary plat, all subdividers shall present a sketch plan to the City Administrator prior to filing a preliminary plat. The City Administrator may refer said sketch plan to City staff, the Planning Commission and/or the City Council for review or comments.

Subd. 2. Preliminary Plat.

A Filing:

- (1) The subdivider shall prepare and file a plat which is in conformity with the requirements of this Chapter. The subdivider must demonstrate to the City ownership of the land in question or show the legal and written power to file a preliminary plat application for the land in question.
- (2) The subdivider also shall complete an official City application form as may be required, and shall submit any additional information, plans or studies as are required by this Chapter, and shall furnish the City Administrator with ten (10) copies of the plat and one reduced copy of the plat no larger than eleven inches by seventeen inches (11" x 17").
- (3) The subdivider shall submit a list of property owners located within three hundred fifty feet (350') of the subject property. The records of the County recorder shall be deemed sufficient for determining the location and ownership of all such properties.
- (4) The subdivider shall submit any necessary applications and information for variances from the provisions of this Chapter, as set out in section 1002.10 of this Chapter, which may be heard during the review of the proposed preliminary plat.

- (5) Prior to consideration of the proposed preliminary plat by the City, the subdivider shall pay the required filing fee as set out in section 1002.10 of this Chapter.
- (6) The plat shall be considered as being officially submitted when all of the information requirements are complied with and the appropriate fees paid.
- (7) Whenever an application for a preliminary plat has been considered and denied by the City Council, a similar application and proposal for a land division affecting either a portion or all of the same property shall not be considered again by the planning commission or City Council for at least one year from the date of its denial, except as follows:
 - (a) Applications are withdrawn prior to the City Council taking action on the matter.
 - (b) If the City Council determines that the circumstances surrounding a previous application have changed significantly.
 - (c) If the City Council decides to reconsider such matter by a four-fifths (4/5) vote of the entire City Council.

B Hearing:

- (1) Upon receipt of the completed application as outlined in subsection (1) of this section, the City Administrator shall set a public hearing for public review of the preliminary plat. The hearing shall be held after adequate time has been allowed for staff and planning commission review of the plat, but within forty-five (45) days of the completed filing of the application.
- (2) Notice of the hearing shall consist of a legal property description, description of request and shall be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of the hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred fifty feet (350) of the boundary of the property in question. Failure of any property owner to receive said notice shall not invalidate the public hearing.
- (3) The subdivider and/or their representative(s) shall appear at the public hearing before the Planning Commission in order to answer questions concerning the proposal.

C. Technical Assistance Reports: The City Administrator may instruct the appropriate staff to prepare technical reports and provide general assistance in preparing a recommendation on the action to the City Council. This may include the City Planner, City Engineer, City Building Official, or the City Attorney, among others.

- D. Review By Other Jurisdictions: The City Administrator shall refer copies of the preliminary plat to county, state or other public jurisdictions for their review and comment, where appropriate and when required.
- E. Planning Commission Action: The Planning Commission shall report its findings and make its recommendation to the City Council no later than sixty (60) days after the close of public hearing described in subsection (2) of this section. If the Planning Commission has not acted upon the preliminary plat within sixty (60) days following the close of public hearing on such and in compliance with this Chapter, the City Council may act on the preliminary plat without the Planning Commission's recommendation.
- F. City Council Action:
- (1) The City Council shall approve or disapprove the preliminary plat within one hundred twenty (120) days following delivery of an application completed in compliance with this Chapter unless an extension of the review period has been agreed to by the subdivider.
 - (2) If the preliminary plat is approved, such approval shall not constitute final acceptance of the layout. The City Council may impose such conditions and restrictions as it deems appropriate or require such revisions or modifications in the preliminary plat or final plat as it deems necessary to protect the health, safety, comfort, general welfare and convenience of the City. 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.
 - (3) The City Council reserves the right to decline approval of a subdivision if due regard is not shown for the preservation of all natural features, such as topography, trees, watercourses, scenic points, historical spots and similar community assets, which, if preserved, will add attractiveness and stability to the proposed development of the property.
 - (4) Following City Council approval of a preliminary plat, the subdivider must submit a final plat to the city administrator within one hundred (100) days of preliminary approval unless otherwise specified as part of a development agreement. If this procedure is not followed, then approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council.
 - (5) Should the subdivider desire to amend a preliminary plat as approved, the subdivider may submit an amended preliminary plat. No public hearing or fee will be required unless the amendment, in the opinion of the City Council, is of such scope as to constitute a new preliminary plat.
 - (6) If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the City Council and

shall be transmitted in writing to the subdivider within ten days of the action.

Subd. 3. Final Plat.

A. Filing:

- (1) After the preliminary plat has been approved, the final plat shall be submitted for review as set forth in this section. The City may agree to review the preliminary and final plats simultaneously. The final plat shall incorporate all changes, modifications and revisions required by the City. Otherwise, it shall conform to the approved preliminary plat.
- (2) Unless the following requirement is modified as part of a development contract, the submission of a complete final plat application shall be no later than one hundred (100) days after the date of approval of the preliminary plat for distribution to the City Council and appropriate City staff. Ten (10) copies of the final plat and one reduced copy, no larger than eleven inches by seventeen inches (11" x 17"), shall be submitted to the City Administrator for City review. Failure to timely submit a complete final plat application shall result in the expiration of the preliminary plat approval.
- (3) Prior to consideration of the proposed final plat by the City, the subdivider shall pay the required filing fee as set out in section 1002.10 of this Chapter.
- (4) The final plat shall be considered as being officially submitted when all of the information requirements are complied with and the appropriate fees paid.

B. Compliance With Provisions: All final plats shall comply with the provisions of Minnesota state statutes and requirements of this Chapter.

C. Title Or Registered Certificate Required: A subdivider shall submit with the final plat a current abstract of title or a registered property certificate, along with any unrecorded documents, and an opinion of title.

D. Review Of Final Plat:

- (1) Upon receipt of a final plat, the City Administrator shall refer one copy each to the City Council, appropriate City staff, the County surveyor and to all applicable government or public jurisdictions, and one copy, with abstract of title or registered property certificate and opinion title, to the City attorney.
- (2) The City Council may refer the final plat to the Planning Commission for recommendation if they feel the proposed final plat is substantially

different from the approved preliminary plat. The Planning Commission shall submit a report thereon to the City Council within forty five (45) days.

- (3) The County surveyor shall review the final plat and notify the subdivider's surveyor or final plat preparer of corrections that are to be made to the final plat.
- (4) Prior to approval of a final plat, the subdivider shall have executed an agreement with the City controlling the installation of all required improvements. Said agreement will require all improvements to comply with approved engineering standards and applicable regulations.
- (5) The City Council shall take action on a final plat not more than sixty (60) days after the plat is filed with the City Administrator.
- (6) Upon receiving an approved final plat in conformance with the requirements of the county surveyor, representatives of the city shall sign the plat, and the subdivider, as a condition of approval, shall record it with the applicable County registrar of titles within one hundred twenty (120) days, or the approved final plat shall be considered void. If recording is not accomplished according to these procedures, the City may require another review of the proposed subdivision according to this Chapter and State law.
- (7) If the final plat is not approved, the reasons for such action shall be recorded in the official proceedings of the City Council and shall be transmitted in writing to the subdivider within ten (10) days of the action.

1002.15 PREMATURE SUBDIVISIONS

Subd. 1. Qualification. Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the City Council.

Subd. 2. Conditions Establishing Premature Subdivision. A subdivision may be deemed premature should any of the conditions set forth in the following provisions exist:

- A. Inconsistency With Comprehensive Plan: The proposed subdivision is inconsistent with the purposes, objectives and recommendations of the duly adopted comprehensive plan of Rockford, as may be amended.
- B. Lack Of Adequate Drainage:
 - (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, including streets, sidewalks and utilities.

- (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:
 - (a) Average rainfall for the area;
 - (b) The relation of the land to floodplains;
 - (c) The nature of soils and sub-soils and their ability to adequately support surface water runoff and waste disposal systems;
 - (d) The slope of the land and its effect on effluents; and
 - (e) The presence of streams as related to effluent disposal.
- C. Lack Of Adequate Water Supply: A proposed subdivision shall be deemed to lack an adequate water supply if the proposed subdivision does not have adequate sources of water to serve the proposed subdivision if developed to its maximum permissible density without causing an unreasonable depreciation of existing water supplies for surrounding areas.
- D. Lack Of Adequate Streets Or Highways To Serve Subdivision: A proposed subdivision shall be deemed to lack adequate streets 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 aggravate an already hazardous condition, and when, with due regard to the advice of Hennepin or Wright County and/or the Minnesota department of transportation, said roads are inadequate for the intended use; or
 - (2) The traffic volume generated by the proposed subdivision would create unreasonable highway congestion or unsafe conditions on highways existing at the time of the application or proposed for completion within the next two (2) years.
- E. Lack Of Adequate Waste Disposal Systems: A proposed subdivision shall be deemed to lack adequate waste disposal systems if, in subdivisions for which sewer lines are proposed, there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density indicated in the Rockford Comprehensive Plan, as may be amended.
- F. Providing Public Improvements: If public improvements, such as recreational facilities, streets and utilities, reasonably necessitated by the subdivision, which

must be provided at public expense, cannot be provided for within the next two (2) fiscal years.

Subd. 3. Burden of Establishing Premature Subdivision. The burden shall be upon the subdivider to show that the proposed subdivision is not premature.

1002.16 PLAT AND DATA REQUIREMENTS

Subd. 1. Sketch Plan. Sketch plans shall contain, at a minimum, the following information:

- A. Plat boundary.
- B. North arrow.
- C. Scale.
- D. Street layout on and adjacent to plat. Where the subdivider owns property adjacent to that which is being proposed for the subdivision or where adjacent lands will be impacted by the proposed subdivision, it shall be required that the subdivider submit a sketch plan for the adjacent property so as to show the possible relationships between the proposed subdivision and future, existing or potential adjacent subdivisions and land uses.
- E. Designation of land use and current and proposed zoning.
- F. Significant topographical or physical features.
- G. General lot locations and layout.
- H. Preliminary evaluation by the subdivider that the subdivision is not classified as premature based upon criteria established in section 1002.16 Subd. 2 of this Chapter.

Subd. 2. Preliminary Plat. The subdivider shall prepare and submit a preliminary plat, together with any necessary supplementary information. The preliminary plat shall contain the following information:

- A. General Requirements:
 - (1) The proposed name of the subdivision; names shall not duplicate or be alike in pronunciation to the name of any plat heretofore recorded in the county.
 - (2) Location of boundary lines in relation to a known section, quarter section or quarter-quarter section line comprising a legal description of the property.

- (3) Name, address and phone number of the record owner, any agent having control of the land, the subdivider, land surveyor, engineer and designer of the plan.
- (4) Graphic scale not less than one inch to one hundred feet (1" = 100').
- (5) North point and key map of the area showing well known geographical points for orientation within a one-half (1/2) mile radius.
- (6) Date of preparation.

B. Existing Conditions:

- (1) Boundary line and total acreage of proposed plat, clearly indicated.
- (2) Existing zoning classifications for land in and abutting the subdivision.
- (3) Approximate total acreage.
- (4) Location, right of way width and names of existing or platted streets or other public ways, parks and other public lands, permanent buildings and structures, easements and section, corporate and school district lines within the plan, to a distance one hundred feet (100') beyond the plat.
- (5) Location and size of existing sewers, water mains, culverts or other underground facilities within the preliminary plat area and to a distance of one hundred feet (100') beyond. Such data as grades and locations of catch basins, manholes, hydrants and street pavement width and type shall also be shown.
- (6) Boundary lines of adjoining unsubdivided or subdivided land within one hundred feet (100'), identified by name and ownership, including all contiguous land owned or controlled by the subdivider.
- (7) Topographic data, including contours at vertical intervals of not more than two feet (2') shown on a contour/topographic map. Watercourses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. USGS datum shall be used for all topographic mapping where feasible.
- (8) A statement certifying the environmental condition of the site, including the presence of any "hazardous substance" as defined in Minnesota statutes section 115B.02, subdivision 8. Such statement may be required to be based upon an environmental assessment of the site by a qualified environmental engineering firm which is acceptable to the city.

C. Proposed Design Features:

- (1) Layout of proposed streets showing the right of way widths, centerline gradients, typical cross sections, proposed road improvements, including

turning and passing lanes, traffic signals and medians, and proposed names of streets.

- (2) Locations and widths of proposed pedestrianways.
 - (3) Locations and size of proposed sewer lines and water mains.
 - (4) Gradients of proposed streets, sewer lines and water mains, as requested. (Design work to be completed by the city engineer if a city project.)
 - (5) Location, dimension and purpose of all easements.
 - (6) Layout, numbers, lot areas and preliminary dimensions of lots and blocks.
 - (7) Minimum front and side street building setback lines.
 - (8) When lots are located on a curve, the width of the lot at the building setback line.
 - (9) Areas, other than streets, pedestrianways, and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
 - (10) Water mains shall be provided to serve the subdivision by extension of the existing city water system. Service connections shall be stubbed to 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.
 - (11) Sanitary sewer mains and service connections shall be installed in accordance with the standards of the city.
 - (12). Grading plan which shall include the proposed grading and drainage of the site. Also to be stipulated are the garage floor and basement elevations of all structures.
 - (13) Provisions for surface water ponding, drainage and flood control.
 - (14) A storm water pollution control plan.
 - (15) A tree preservation plan.
- D. Compliance With Provisions: The items listed in this section shall be in conformance with all other applicable sections of this Chapter.
- E. Platting Adjoining Lands: A preliminary plat shall contain the entire tax parcel to be platted plus all of the owner's contiguous lands unless such lands are subject to a planned unit development or the City Planner and City Engineer agree to waive such requirement. The final plat may cover only a portion of the preliminary plat, provided it is in conformance with the approved preliminary plat, development contract and other requirements herein.

F. Supplementary Information: Any or all of the supplementary information requirements set forth in this subsection shall be submitted when deemed necessary by the City staff, advisory bodies and/or City Council:

- (1) Proposed protective covenants or private restrictions.
- (2) Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population. The city may require the subdivider 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 and congestion.
- (3) 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 subdivider.
- (4) 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 resubdivided in the future.
- (5) A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and 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 the soil conservation service, as provided by the Hennepin or Wright County soil and water conservation district office.
- (6) When the City has agreed to install improvements in a development, the developer may be required to furnish a financial statement, satisfactory to the City, indicating the developer's ability to develop the plat.
- (7) An environmental assessment worksheet shall be submitted if the City, Minnesota Environmental Quality Board or other groups or agencies determine that one is required by law.
- (8) Statements and supporting documentation and plans for zoning approvals being sought for the subdivision.
- (9) Such other information as may be required by City staff.

Subd. 3. Final Plat.

A. The subdivider shall submit a final plat, together with any necessary supplementary information. The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of Minnesota state statutes and

Hennepin or Wright County regulations, and such final plat shall contain the following information:

- (1) Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing plat heretofore recorded in the county.
- (2) Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions.
- (3) The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments.
- (4) Location of lots, outlots, streets, public highways, and parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.
- (5) Lots shall be numbered clearly; blocks are to be numbered, with numbers shown clearly in the center of the block.
- (6) The exact locations, widths and names of all streets to be dedicated.
- (7) Location, purpose and width of all easements to be dedicated including the exact locations, widths and names of all private drives.
- (8) Name and address of surveyor preparing the lot.
- (9) Scale of plat (the scale to be shown graphically on a bar scale), date and north arrow.
- (10) Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities and buffers within easements are reserved over, under and along the strips marked "drainage and utility easements".
- (11) Statement dedicating all streets and other public areas not previously dedicated as follows: Streets and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

Subd. 4. Certification Required.

- A. Certification by registered surveyor in the form required by Section 505.03, Minnesota Statutes, as amended.

- B. Execution of all owners of any interest in the land and holders of a mortgage thereon of the certificates required by Section 505.03, Minnesota Statutes, as amended, and which certificate shall include a dedication of the utility easements and other public areas in such form as approved by the City Council.
- C. Space for certificates of approval and review to be filled in by the signatures of the Mayor and City Administrator in the form:

For Approval of the City:

This plat of (name of plat) was approved and accepted by the City of Rockford, Minnesota, at a regular meeting thereof held this ____ day of _____, A.D. 20____.

CITY COUNCIL OF ROCKFORD, MINNESOTA

BY: _____ Mayor

BY: _____ City Administrator

1002.17 DESIGN STANDARDS

Subd. 1. Compliance with Comprehensive Plan and Zoning Ordinance. A proposed subdivision shall conform to the Rockford Comprehensive Plan and related policies adopted by the City and to the provisions of the Rockford Zoning Ordinance.

Subd. 2. Minimum Design Requirements. The design features set forth in this chapter are minimum requirements. The City may impose additional or more stringent requirements concerning lot size, streets and overall design as deemed appropriate, considering the property being subdivided, based upon site considerations and the Rockford Comprehensive Plan.

Subd. 3. 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, wetlands, or adverse soil or rock formation.
- 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 existing nearby municipalities or neighborhoods so that the city, as a whole, may develop efficiently and harmoniously.

Subd. 4. Blocks. Block length and width or acreage within bounding streets shall be such as to accommodate the size of residential lots required in the area by the Zoning Ordinance and to provide for convenient access, circulation control and safety of street traffic.

- A. Block Length: In general, intersecting streets 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, other than those with lake frontage, shall not exceed one thousand three hundred twenty feet (1,320') nor be less than six hundred feet (600') in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred feet (800'), ten foot (10') wide pedestrian rights of way and/or easements through the block may be required in locations deemed necessary for the public health, convenience and necessity. Suitable surfacing and fencing shall be provided in pedestrianways and shall be subject to city review.
- B. Block Width: The width of the block shall normally be sufficient to allow two (2) tiers of lots of minimum depth as required by the Zoning Ordinance except adjoining a lake, stream, railroad or arterial street or where one tier or lot is necessary because of topographic conditions. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for his respective use, including adequate space for off street parking, deliveries and loading. Such facilities shall be provided with safe and convenient limited access to the street system.

Subd. 5. Lots.

- A. Area, Width And Depth: The minimum lot area, width and depth shall not be less than that established by the Rockford Zoning Ordinance in effect at the time of adoption of the final plat.
- B. Side Lot Lines: Side lines of lots shall be at right angles to street lines, radial to curved street lines, or radial to lake or stream shores unless topographic conditions necessitate a different arrangement.
- C. Building Sites: Each lot shall provide an adequate building site, excluding drainage course and wetlands, and said building site shall be at least one and one-half feet (1 1/2') above the street grade.
- D. Butt Lots: Butt lots in any subdivision are to be discouraged. Where such lots must be used to fit a particular type of design, they shall be platted at least twenty feet (20') wider than the average width of interior lots in the block.
- E. Frontage On Public Street: Every lot must have the minimum frontage on a city approved public street other than an alley, as required in the Zoning Ordinance.
- F. Setback Lines: Setback or building lines shall be shown on all lots and shall not be less than the setback required by the Zoning Ordinance, as may be amended.

- G. Drainage courses, Ponding Areas, Channels: Lots abutting a drainage course, ponding area, drainageway, or channel shall have additional depth and width, as required under the provisions of the Zoning Ordinance to assure building sites that are not subject to flooding. Lots abutting a pond or watercourse shall contain adequate lot area which is capable of accommodating a structure with its lowest opening (window or door) no less than two feet (2') above the highest known water level, or no less than two feet (2') above the 100-year flood level, or two feet (2') above the emergency overflow elevation, whichever is greater.
- H. Lakeshore Frontage: Lots with lakeshore frontage shall be designed so that the lot lines extended shall maintain the closest approximation to riparian rights.
- I. Natural 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.
- J. Lot Remnants: All remnants of lots below minimum size for the respective zoning district in which they are located must be added to abutting lots or lots immediately adjoining, separated only by a public right of way. In those cases where parcels are separated by a public right of way, the lot remnant shall be designated as an outlot. Lot remnants may be allowed if a plan for future use is found acceptable by the City Council.
- K. Political Boundaries: No singular lot shall extend over a political boundary or school district line.
- L. Double Frontage Lots: Double frontage, or lots with frontage on two (2) parallel or nonintersecting streets, shall not be permitted except: where lots back on arterial streets or highways, or where topographic or other conditions render subdividing otherwise unreasonable.
- M. Access to Arterial and Major Collector Streets: In the case where a proposed plat is adjacent to an arterial or major collector street, there shall be no direct vehicular access from individual lots to such streets. In the platting of small tracts of land fronting on an arterial or major collector street or where there is no other alternative, a temporary entrance may be granted. As neighboring land becomes subdivided and more preferable access arrangements become possible, such temporary access permits shall become void.
- N. Outlots: The creation of outlots is to be discouraged. In such cases where outlots are created or exist, this area shall not be utilized in calculating minimums for buildable lot area requirements. Said outlots are also prohibited from qualifying for building permits except for public uses and private recreational uses accessory to allowable uses within the respective zoning district and which are properties under common ownership. In those cases where outlots are located within a shoreland overlay district, they shall comply with the minimum shoreland overlay district requirements.

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

Subd. 6. Streets:

- A. Compliance With State And County Plans: Proposed streets shall conform to state and county highway plans which have been prepared, adopted and/or filed as prescribed by law.
- B. Topography: Streets shall be logically related to the topography so as to produce usable lots and reasonable grades.
- C. Required Access: Access shall be given to all lots and portions of the tract in a subdivision and to adjacent unsubdivided parcels, unless the topography clearly indicates that such connection is not feasible. Reserved strips and landlocked areas shall not be created.
- D. Adjacent Street Connection: The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of existing streets in adjoining areas.
- E. Connection To Adjoining Areas: Where adjoining areas are not subdivided but may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. A temporary turnaround facility may be required at the closed end, in conformance with cul-de-sac requirements. The street design shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- F. Second Access Required: A residential plat within which single or multiple roadways are to be continued in the future as subsequent development phases are implemented shall not create dead end access situations limited by a single location for ingress and egress to major collector or arterial roadways.
 - (a) No more than twenty five (25) units on local streets and no more than fifty (50) units on minor collector streets may be developed within a single plat without providing a second street access into/out of the subdivision. The developer shall be limited by the issuance of building permits as regulated by the City Building Official.
 - (b) Upon issuance of the twenty fifth building permit within a plat, the developer shall be required to construct a secondary access street. No other building permits will be issued within current or future phases of the plat until the secondary access road is in place. The limitation on building permits shall not prevent the developer or landowner from planning or

plating land unrelated to the affected plat and located in other portions of the city.

- (c) Under this subsection, all streets to provide either the primary or secondary access shall be constructed to city standards and paved with asphalt. The required secondary access street shall coincide with the approved plan for permanent street location.
 - (d) In no case shall an abutting landowner be allowed to plat new residential lots adjacent to a plat whereby the addition of lots would increase the number of units located on a dead end street or intensify the negative effects upon adjoining, established neighborhoods. Adjacent development by adjoining landowners shall be permitted if the plat provides for the second access required herein.
 - (e) Without the provision of adequate vehicular access, the remaining portions or phases of the subdivision may be deemed premature according to 1002.16 of this Chapter.
- G. Relation Of Streets To Proposed Uses: Local streets shall be laid out to discourage their use by through traffic. The arrangement of arterial and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.
- H. Resubdivision Of Large Lots And Parcels: When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.
- I. Half Or Partial Streets Rights-of-way:
- (a) Prohibited Generally: Half or partial streets will not be permitted except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of this Chapter and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
 - (b) Completion Of Existing Partial Streets: Wherever a tract to be subdivided adjoins an existing half or partial street, the part of the street within such tract shall be platted.
- J. Private Streets Prohibited: Private streets and reserve strips, except in the case of planned unit developments, shall be prohibited, and no public improvements shall be approved for any private street. 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, the private street shall be required to be dedicated for

public use and scheduled for improvement to public street standards at the time of final plat.

- K. **Plats Abutting Arterial Streets Or Railroad Rights Of Way:** Where a subdivision abuts or contains an existing or planned major arterial street or a railroad right-of-way, a street approximately parallel to and on each side of such arterial and right of way may be required for adequate protection of residential properties and separation of through and local traffic. Such service streets shall be located at a distance from the major arterial or railroad right of way suitable for appropriate use of the intervening land, as for park purposes in residential districts, or for commercial and industrial purposes in appropriate districts. Such distances shall also be determined with due regard to the requirements of approach grades and future grade separations.
- L. **Street Improvements:** Whenever a proposed subdivision and accompanying development is expected to generate additional traffic on streets within the City, the subdivider shall construct at their expense or provide surety for future construction of street improvements reasonably necessary to offset the impacts the additional traffic is expected to have on traffic flow on streets within the City.
- M. **Dead End Streets Prohibited:** Dead end streets shall be prohibited except as stubs to permit future street extension into adjoining tracts with possible temporary cul-de-sacs, as determined by the City, or when designed as cul-de-sac streets.
- N. **Permanent Cul-De-Sacs:**
 - (1) **Criteria For Construction:** Permanent cul-de-sacs shall be allowed only where one or more of the following criteria have been met:
 - (a) Physical site conditions warrant a cul-de-sac.
 - (b) A through street is not physically feasible or desirable due to environmental considerations.
 - (2) **Requirements:** Cul-de-sac streets, permanently designed as such, shall not exceed five hundred feet (500) in length, including a terminal turnaround which shall be provided at the closed end, with a right of way radius of not less than ninety feet (90). The length shall be measured along the centerline from the nearest intersection to the center point of the cul-de-sac.
- O. **Temporary Cul-De-Sacs:** Where a temporary cul-de-sac is required, the turnaround right of way shall be placed adjacent to a plat boundary line and a right of way of the same width as the street shall be carried to said property line in such a way as to permit future extension of the street into the adjoining tract. A sign as specified by the City Standard Detail Plates shall be posted at the terminus of the temporary cul-de-sac providing notice that a future street extension is planned. At such time a such a street is extended, the acreage

coverage by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turnaround.

- P. **Street Names:** Names of new streets shall not duplicate existing or platted street names, unless a new street is a continuation of or in alignment with the existing or platted street. In that event, it shall bear the same name of the existing or platted street. Street names shall conform to the City's street naming and property numbering system as applicable.
- Q. **Sidewalks.** All local residential through streets shall have a sidewalk on one side of the public right-of-way as determined by the City Engineer. All city sidewalks shall have a minimum width of five (5) feet when setback not less than five feet from the back of curb or six and one-half (6.5) feet when at the back of curb. The subdivider shall be responsible for the payment of the cost of sidewalks.

Subd. 7. Street Design. For all public streets hereafter dedicated and accepted, the minimum right-of-way widths for streets shall not be less than the minimum dimensions for each classification as follows:

- A. **Dedication Required.** Where any proposed subdivision abuts a public street, right-of-way dedication from centerline of a public street shall be provided in compliance the Rockford Transportation Plan and this Chapter. Right-of-way dedication for county roads and state highways shall be subject to the requirements of the respective government jurisdiction.
- B. **Street Dimension Standards:** The right-of-way, pavement width, minimum and maximum grades and minimum axle load for City streets shall be provided in accordance with the Rockford Standard Detail Plates or otherwise recommended by the City Engineer and approved by the City Council
- C. Where the existing or anticipated traffic on major collector and minor or principal arterial roadways warrants greater widths of right-of-way, these shall be required. Right-of-way widths for principal arterials shall also meet standards established by the Minnesota State Highway Department to facilitate inclusion in a State Aid funded street system.
- D. Local street access to existing arterial and major collector streets shall not be permitted at intervals of less than six hundred sixty (660) feet.

Subd. 8. Water and Sewer Systems.

- A. **Water Supply:**
 - (1) Extensions of the public water supply system, when available, shall be designed so as to provide public water service to each lot.
 - (2) For any lots within a plat graded to a first floor elevation of 1025.0 feet or above, the developer shall provide for installation at their expense an individual water pressure booster pump with a reservoir tank in all dwelling

units within the plat, unless the City has entered into a contract to construct a water booster station or some other water pressure boosting mechanism that will specifically serve such dwelling units prior to the issuance of the final occupancy permit. Said water pressure booster system to be installed by the developer shall be of a type which meets the approval of the City Public Works Director. A bypass of the system shall be included in the plumbing configuration to allow water to be supplied (at lower pressure) to the home while the booster is being repaired. Prior to the sale of any lot with a first floor elevation of 1025.0 or above, the developer shall notify the prospective purchaser of the necessity of a water booster for said lot, and shall inform the prospective buyer that the developer will install the water booster and reservoir tank at the developer's expense unless the City has already contracted for a municipal improvement to increase the pressure. Once installed, the homeowner shall be responsible for the maintenance and eventual replacement of the booster pump system installed within the dwelling. The City will not own or maintain these individual systems.

- (3) For any lots within a plat graded to a first floor elevation between 990.0 and 1004.0 feet, a disclosure of the purchaser must be made as follows:

“The City’s static water pressure at your home, while adequate by Department of Health Standards, may not satisfy all of your expectations for service. You may wish to consider the installation of an in-home water pressure boosting pump with a reservoir tank to better meet your expectations. The installation and maintenance of the water pressure boosting system would be at your cost. The City does not own or maintain these systems.”

- B. Sewage Disposal: Extension of the public sanitary sewer system, when available, shall be designed so as to provide public sewer service to each lot.

Subd. 9. Drainage System:

- A. A complete and adequate drainage system design shall be required for the subdivision and may include a storm sewer system or system of open ditches, culverts, pipes, catch basins and ponding areas, or a combination thereof.
- B. Drainage system utilities shall be provided for in accordance with the Rockford Stormwater Policy and constructed in accordance with standards established by the Rockford Standard Detail Plates or as otherwise specified by the City Engineer.
- C. The easement limits of open ditch ponding areas, wetlands and wetland buffers shall be delineated as reasonably practical at all common lot lines and angle points in the easements with markers consistent with the Rockford Standard Detail Plates. The cost of preparing and installing such markers shall be borne

by the subdivider and the markers shall be installed prior to the sale of lots and construction of any buildings or structures.

Subd. 10. Easements:

A. Drainage and Utility Easements:

- (1) Easements for drainage and utilities of at least ten feet (10') wide shall be provided on all lot lines. In the case of side or rear lot lines, these may be centered on the lot line.
- (2) 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.
- (3) Drainage and utility easements shall be provided along each side of the centerline of any watercourse or drainage channel, whether or not shown on the comprehensive plan, to a sufficient width to provide proper maintenance and protection, to provide for storm water runoff and to provide for installation and maintenance of storm sewers.
- (4) Drainage and utility easements shall be provided to encompass all wetlands, required wetland buffers and stormwater ponds to the high water level.

B. Dedication of Easements: All easements shall be dedicated for the required use and shall be shown on the final plat.

Subd. 11. Erosion and Sediment Control. The following guidelines shall be applied in the subdivision:

- 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. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. Appropriate control measures shall be installed prior to development when necessary to control erosion. The smallest practical area of land shall be exposed at any one period of time;
- C. When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the development agreements;
- D. Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the areas to be planted. The soil shall be restored to a minimum depth of four inches (4") or a depth as may be established by the City Engineer and shall be of a quality at least equal to the soil quality prior to development;

- E. Natural vegetation shall be protected wherever possible;
- F. As determined by the City Engineer, runoff water shall be diverted to a sedimentation basin before allowed to enter the natural drainage system. Storm water runoff from the developed site shall not, at any time, exceed the runoff rate existing prior to development except as may be approved by the City Council.

Subd. 12. Protected Areas.

- A. Where land proposed for subdivision is deemed environmentally sensitive by the city due to the existence of wetlands, drainageways, watercourses, floodable areas or steep slopes or wooded areas, the design of said subdivision shall clearly reflect all necessary measures of protection to ensure against adverse environmental impact.
- B. Based upon the necessity to control and maintain certain sensitive areas, the city shall determine whether said protection will be accomplished through lot enlargement and redesign or dedication of those sensitive areas in the form of outlots.
- C. In general, measures of protection shall include design solutions which allow for construction and grading involving a minimum of alteration to sensitive areas. Such measures, when deemed appropriate by the city, may include, but shall not be limited to, the following:
 - (1) The establishment of easements and/or outlots over wetlands, wetland buffers, drainageways, and watercourses.
 - (2) The implementation of flood control measures.
 - (3) The enlargement of lots or redesign of the subdivision.
 - (4) The submission of a tree preservation plan subject to the review of the planning commission and approval of the City Council.
 - (5) The utilization of appropriate erosion control measures subject to approval by the city engineer.
 - (6) Soil testing to determine the ability of the proposed subdivision to support development.
 - (7) The limitation of development on natural or manmade slopes over eighteen percent (18%).
 - (8) Structure conformance to the natural limitations presented by the topography and soil so as to create the least potential of soil erosion.

Subd. 13. Floodplain. All developments in flood hazard areas shall include:

- A. Construction and modification of sewage, water supply and drainage facilities to meet the standards of this Chapter and to promote the health, safety and general welfare.
- B. Construction of channel modifications, dikes, levees and other protective measures to include filling in.
- C. Establishment of flood warning systems. The limits of the areas which have been or would be inundated by the 100-year flood shall be delineated as reasonably practical at three hundred foot (300') intervals by means of firmly placed markers of sufficient size to be easily read from a distance of twenty feet (20'). The markers shall record the maximum known depth of flooding or height to the flood protection level, whichever is greater. All flood warning signs in flood-prone areas shall be in accordance with the above requirements or any other additional requirements as provided by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study and the Flood Insurance Rate Map. The subdivision markers shall meet the following specifications:
 - (1) The markers shall be on substantial permanent metal posts.
 - (2) The marker(s) shall have notification painted white and shall be stenciled or otherwise lettered with the inscription "100-year flood elevation". This lettering is to be of a permanent nature.
 - (3) The marker be firmly placed in the ground and be at least two feet (2') above the ground.
 - (4) The cost of preparing and installing such markers shall be borne by the subdivider and the markers shall be installed prior to the sale of lots and construction of any buildings or structures.
- D. Imposition of operational controls, sureties and deed restrictions enforceable by the City to restrict the type and design of uses. Such restrictions shall include floodproofing of intended uses mandated by the Minnesota State Building Code. Structurally dry floodproofing standards for construction shall be in accordance with the Minnesota State Building Code.

Subd. 14. Tree Preservation. A tree preservation plan shall be submitted to and approved by the City and implemented for all subdivisions containing four (4) or more lots.

- A. Subdividers shall:
 - (1) Submit a tree preservation plan superimposed on the grading plan.

- (2) Ensure the tree preservation plan is followed during the plan development.
 - (3) Submit a five hundred dollar (\$500.00) security for each lot having at least one significant tree for tree preservation requirements. The security will be included in the development contract.
- B. The tree preservation plan must be certified by a forester or landscape architect and must include the following information:
- (1) The name(s), telephone number(s), and address(es) of subdividers, property owners, developers and/or builders.
 - (2) Delineation of all areas to be graded and limits of proposed land disturbance including those areas on lots where homes and other structures area anticipated.
 - (3) Size, species, and location of all significant trees. These significant trees should be identified in both graphic and tabular form.
 - (4) Identification in graphic and tabular form of all significant trees proposed to be saved and to be removed.
 - (5) Identification of all diseased or hazardous trees.
 - (6) Tree protection methods, including those listed in Section 1002.10, Subd. 6 (9) of this Chapter.
- C. During preliminary plat review, the tree preservation plan will be reviewed to determine the best available layout to preserve significant trees and the efforts of the subdivider to mitigate damage to significant trees. If two (2) or more significant trees are preserved in the front yard of each lot, the landscape plan requirement of two (2) two-inch caliper trees is waived in accordance with Section 1001.09 Subd. 3 A.2.
- D. No significant trees shall be removed until a tree preservation plan is approved and except in accordance with the approved tree preservation plan. If a significant tree indicated to be saved on the tree preservation plan is destroyed or damaged so that it is in a state of decline one (1) year from the date of project closure, the subdivider shall mitigate tree loss by reforestation of appropriate areas within the development area in accordance with the following replacement schedule.
- E. For each significant tree removed that was indicated to be saved, two (2) deciduous trees with a minimum of two and one-half (2.5) inch caliper or two (2) coniferous trees with a height of not less than six (6) feet must be planted.

Species of replacement trees shall be subject to City review and approval. The planting of trees for mitigation shall be in addition to any other landscape requirements.

- F. Prior to grading, all diseased and hazardous trees on the subject property shall be removed from the property.
- G. After grading for streets, house pads, or any other purpose has been completed and streets and utilities are installed, the forester or landscape architect shall certify in writing to the City whether required tree protection measures were installed, the status of all trees indicated to be saved in the approved plan, and the status of any trees designated to be removed that were saved. Measures proposed to protect significant trees shall include, but are not limited to:
 - (1) Installation of snow fencing or polyethylene laminar safety netting at the drip line before any grading or construction begins and remaining in place until all grading and construction is terminated.
 - (2) No grade change, construction activity, or storage of fill, materials, or equipment shall occur within the fenced area.
 - (3) Installation of erosion control measures is required.
 - (4) Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fuels or paints is required.
 - (5) Pruning of oak trees must not take place from April 15 through July 1. If wounding of oak trees occurs, a nontoxic tree wound sealant must be applied immediately.
- H. The subdivider shall provide a financial guarantee as part of the development contract to guarantee replacement of all significant trees which were to have been saved but were actually destroyed or damaged. The financial security of five hundred dollars (\$500.00) for each lot with at least one significant tree shall be provided as part of the development contract to ensure tree protection.
- I. The financial security may be released upon certification in writing by the forester or landscape architect indicating the tree protection measures were implemented and tree replacement completed, if necessary, but in no event shall the financial security be released earlier than one (1) year after the date of the project closure.

Subd. 15. Parks and Trails.

- A. Land for parks and trails shall be acquired, planned and developed according to the park and trail classification guidelines contained in the Comprehensive Plan, which specifies the appropriate sizes, locations,
- B. Dedication Requirements.
 - (1) Subdividers shall be required to dedicate to the city for park, trail and public open space purposes the following minimum amounts of land or cash, improvements or a combination thereof, which the City shall require at its option. The required dedication shall be made prior to the City's release of the final plat for filing. The amount of any required cash contribution shall be calculated based upon rates established by the City and in effect as of the date of the release of the final plat for filing.
 - (2) Land to be dedicated for public use shall be reasonably suitable for its intended use as determined by the City and shall be at a location convenient to the public to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, vegetation, access and location.
 - (3) The subdivider shall consult with the Park and Recreation Commission, at the time the preliminary plat is under consideration, to secure their recommendation as to the location of any property that should be dedicated to the public, such as parks, trails, open space or other public property. The preliminary plat shall show the location, area, and dimensions of all areas to be dedicated in this manner. Such contribution requirement recommendation(s) will be sent to the City Council for their approval.
 - (4) When a proposed park, trail or sidewalk located outside of a street right of way, park, or other public property has been indicated in the Comprehensive Plan and is located in whole or in part within a proposed plat, it shall be dedicated to the City. If the subdivider elects not to dedicate an area in excess of the land required hereunder for a proposed public site that the city feels is in the public interest to acquire, the City may consider acquiring the excess land through purchase or condemnation.
 - (5) Land area conveyed or dedicated to the city shall not be used in calculating density requirements of the Zoning Ordinance and shall be in addition to and not in lieu of open space requirements for planned unit developments.
 - (6) Where private open space for park, trail, open space or other recreation purposes is provided in a proposed subdivision and such space is to be

privately owned and maintained by the future residents of the subdivision, such areas may be used for credit at the discretion of the City Council against the requirement of dedication for purposes described in this Chapter, provided the City Council finds it is in the public interest to do so and that the following standards are met:

- (a) That yards, court areas, setbacks and other open space required to be maintained by the zoning and building regulations shall not be included in the computation of such private open space; and
 - (b) That the private ownership and maintenance of the open space is adequately provided for by written agreement; and
 - (c) That the private open space is restricted for park, playground, trail, open space or recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be eliminated without the consent of the City Council; and
 - (d) That the proposed private open space is reasonably adaptable for use for such purposes, taking into consideration such factors as size, shape, topography, vegetation, geology, access and location of the private open space land; and
 - (e) That facilities proposed for such purposes are in substantial accordance with the provisions of the recreational element of the Comprehensive Plan and are approved by the City Council; and
 - (f) That where such credit is granted, the amount of credit shall not exceed twenty five percent (25%) of the amount of dedication as calculated herein.
- (7) The City, upon consideration of the particular type of development, may require larger or lesser parcels of land to be dedicated if the city determines that present or future residents would require greater or lesser land for park, trail and open space purposes. In addition, the City Council may also require lots within the subdivision be held in escrow for future sale or development. The monies derived from the sale of escrowed lots will be used to develop facilities or to purchase park land in the future.
- (8) If the subdivider is unable to make a commitment to the City as to the type of building that will be constructed on lots in the proposed plat, then the land and cash contribution requirement will be a reasonable amount as determined by the City Council.
- (9) Wetlands, ponding areas, floodplains and drainageways accepted by the City shall not be considered as satisfying the park and dedication requirements established by this Section.

(10) Residential Dedications:

- (a) Land Dedication: Land shall be dedicated pursuant to the following schedule wherein density is calculated by considering the total net acreage (minus wetlands, floodplains and arterial or major collector street rights-of-way) of the entire plat, subdivision or development being considered:

Net Density: Units Per Acre	Land Dedication Percentage
0.00>5.00 du/ac.	12%
5.01>9.00 du/ac.	14%
9.00 du/ac or more.	18%

- (b) Cash Contribution In Lieu Of Land Dedication: A cash contribution in lieu of land dedication may be required at the discretion of the City Council pursuant to Section 1002.10 of this Chapter.

(11) Commercial, Industrial And Public/Institutional Dedications:

- (1) Land Dedication: Land dedication, if required, shall be ten percent (10%) of a commercial, industrial or public/institutional (except schools and public recreational facilities) subdivision or development.
- (2) Cash Contribution In Lieu Of Land Dedication: A cash contribution in lieu of land dedication may be required at the discretion of the City Council pursuant to Section 1002.10 of this Chapter.

(12) Combination Land And Cash Dedication: The City Council may at its discretion require the subdivider to make a combination cash and land dedication pursuant to the following formula:

- (1) The amount of land which could be required in accordance with this section shall be calculated.
- (2) From the total calculated in subsection (i) of this section, the actual amount of land the city determines to be needed to fulfill the purposes of this section shall be subtracted.
- (3) The balance arrived at in subsection (ii) of this section shall be converted into a cash contribution in lieu of land dedicated pursuant to subsection (2) of this section.

(13) Combination Cash, Land and Development of Land for Park Use: The City may elect at its discretion to receive a combination of cash, land and

development of improvements to the land for park use. In this case, the City may reduce the amount of land to be dedicated or the cash contribution in lieu of land dedication by an amount equivalent to the cost of the facilities provided.

- (14) Planned Unit Development: Planned unit developments with mixed land uses shall make cash and/or land contributions in accordance with this section based upon the percentage of land devoted to the various uses.
- (15) Unplatted Lands: In the event the City waives the requirement that an subdivider proposing to subdivide land plat the same, the City Council may require the subdivider, as a condition of granting such waiver, to dedicate parks (or pay cash in lieu thereof), trails, and open space in a manner consistent with the provisions of this section.
- (16) Divided Land with Same Number of Lots; Increase in Lot Number: Property being divided with the same number of lots shall be exempt from all park land dedication requirements. If the number of lots is increased or if land outside the previously recorded plat is added, then the park land dedication and/or park cash contributions shall be based on the additional lots and on the additional land being added to the plat. If the additional land does not create additional lots, then each one-third (1/3) acre added shall be considered a new lot for purposes of calculating the dedication requirements.
- (17) If the subdivider does not believe that the estimates contained in this section fairly and accurately represent the effect of the subdivision on the park or trail system of the City, the subdivider may request that the City prepare in depth study of the effect of the subdivision on the park and trail system and an estimate of that effect in money and/or land. All costs of such study shall be borne by the subdivider. If the subdivider requests the preparation of such a study, the request must be made at the time the development application is submitted. No application for development that is submitted shall be deemed complete until the requested study has been completed and a determination is made as to the appropriate amount of land or money necessary to offset the effects of the subdivision.

1002.18 CONSTRUCTION STANDARDS

Subd. 1 Monuments.

- A. Monuments shall be placed at all block and lot corners, angle points, points of curves in streets and at intermediate points as shall be required by the City and State Statute. Monuments shall be metal and shall be placed by a Registered Engineer or Registered Land Surveyor. Monument placement shall meet the current accepted standards of practice for surveying including the Wright County Surveyor requirements.

- B. 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 (1) year by the City Council, provided such approval is made part of the development contract and a financial guarantee in a form determined by the City Attorney is provided.
- C. Stakes showing the locations of easements shall be provided by the subdivider upon request of the City. The stakes shall be wood laths and will be used only to insure the proper location of utilities on the easements. The stakes shall not be intended to be permanent survey monuments.

Subd. 2. Streets.

- A. Grading: Streets shall be graded in accordance with a plan approved by the city engineer. The grading shall include the entire width of the right of way and shall provide a boulevard section, in addition to the minimum pavement width.
- B. Pavement: The design of street pavement for all streets covered by this section shall be in accordance with the Minnesota Department of Transportation road design manual for flexible pavements, the City Standard Detail Plates or as otherwise specified by the City Engineer.
- C. Soil Tests: To determine sub-grade soil classifications, soil samples shall be collected and analyzed by a reputable testing laboratory. Reports of the soil analysis shall be submitted to the city engineer with the pavement plans. Soil samples shall be taken along the centerline of the proposed road at intervals not exceeding three hundred feet (300').
- D. Curb And Gutter: Concrete curb and gutter shall be constructed on both sides of all streets in accordance with the City Standard Detail Plates.
- E. Boulevards: All boulevards shall have four inches (4") of topsoil (black dirt) placed on them and then shall be seeded or sodded.
- F. Sidewalks shall be concrete, a minimum of five (5) feet in width, and shall be constructed in accordance with the City Standard Detail Plates.

Subd. 3. Street Signs. Street signs and all traffic management signs shall be provided by and at the expense of the subdivider.

Subd. 4. Street Lighting. The minimum requirement for street lighting facilities shall be one 2,500-lumen light, or equal, light standard as approved by the City Engineer at each street intersection within or abutting the subdivision.

Subd. 5. Tree Planting. Developers of all residential, commercial and industrial property in the city shall be required to plant two (2) shade trees and/or evergreen trees

per lot or unit as defined in section 1001.07 of the Zoning Ordinance. This planting shall be in addition to other landscaping, screening or buffering requirements.

Subd. 6. Water and Sewer Systems.

- A. Installation and Connection to Public System: Water and sewer lines shall be installed and connected to the public system to serve all lots within the proposed subdivision under the provisions of applicable statutes and ordinances. The City Council shall require the installation of water and sewer mains, at the subdivider's expense or under the provisions of applicable statutes and ordinances.
- B. All utilities shall be constructed in accordance with standards established by the City in the City Standard Detail Plates or as otherwise specified by the City Engineer.
 - (1) Water Main: A minimum water main of eight inch (8") ductile iron pipe, PVC C-900 pipe or other approved pipe shall be required. Mains over eight inches (8") in size may be required, and the additional cost shall be allocated pursuant to established City Council policies.
 - (2) Sanitary Sewer: Unless otherwise required, a sanitary sewer of eight inch (8") pipe shall be installed as the minimum size, placed at grades approved by the city engineer. Mains over eight inches (8") in size may be required, and the additional cost shall be allocated pursuant to established City Council policies. Service wyes shall be four inches (4") for residential uses and a minimum of six inches (6") for commercial and industrial uses.
 - (3) House Services: Each house service shall be run from the main to the property line, where a cap or plug shall be placed until the service is extended to the structure. A one inch (1") type K copper water service, or approved equal; corporation cock, curb box and stop; and four inch (4") PVC soil pipe, or approved equal, sewer service shall be the minimum requirements, and they may be placed in a common trench in accordance with the City Standard Detail Plates, Building Code and MPCA standards.
 - (4) Fire Hydrants: Installation shall be pursuant to plans approved by the City Engineer, Public Works Director and Fire Chief and shall be located in accordance with Insurance Service Office (ISO) standards. Hydrants shall be placed at the end of all "dead ends", cul-de-sacs and at intersections. All hydrants shall have wedge gate valves and shall be easily accessible to fire fighting personnel and equipment. The single hydrant style shall be throughout the distribution system and that type is shown on the City Standard Detail Plates.
 - (5) As Built Plans: Reproducible as built drawings showing all utilities and improvements shall be furnished to the City by the subdivider of all required improvements. Such as built drawings shall be certified to be true

and accurate by the registered engineer responsible for the installation of the improvements.

Subd. 7. Stormwater Management. All surface and underground drainage systems shall be installed to adequately remove all natural drainage that accumulates on the developed property. All such systems shall provide a permanent solution for the removal of drainage water and shall not drain or discharge more than the predevelopment rate of runoff.

Subd. 8. Utilities Location. All utilities shall be placed underground unless otherwise approved by the City Engineer. All underground work shall be completed prior to street surfacing.

Subd. 9. Inspections. All required improvements shall be inspected by the City Engineer during construction at the expense of the subdivider.

Subd. 10. Certificate of Occupancy. No certificate of occupancy shall be issued by the City Building Official for any building in the subdivision prior to all improvements outlined in the development contract having been installed. Exceptions to this provision may be granted by the City Council at their discretion as part of the development contract.

1002.19 IMPROVEMENT REQUIREMENTS

Subd. 1. Improvements Required. Prior to the approval of a final plat by the City Council, the subdivider shall have agreed, in the manner set forth in this Chapter, to install the following improvements on the site at the subdivider's expense, in conformity with approved construction plans and in conformity with all applicable standards and ordinances:

- A. Monuments: Monuments are to be installed for each lot as required by Section 1002.19, Subd. 1 of this Chapter.
- B. Grading: The full width of the right of way of each street dedicated in the plat shall be graded as outlined in section 1002.19 Subd. 2 of this Chapter.
- C. Pavement: All streets shall be improved with concrete or bituminous surface in accordance with the City Standard Detail Plates.
- D. Curb And Gutter: There shall be concrete curb and gutter installed along both sides of all streets in accordance with the City Standard Detail Plates.
- E. Sidewalks. There shall be concrete curb and gutter installed along both sides of all streets and alleys to the standards listed in section 1002.19 Subd. 2 of this Chapter.
- F. Water Mains: In the case where water mains from a public water system are available, the subdivider shall be required to install water mains in the plat and

connect the same to the public water system. The water house service shall be installed in accordance with the City Standard Detail Plates.

- G. Public Sanitary Sewer: In all cases where trunk line sanitary sewer facilities are available, the subdivider shall be required to install sanitary sewers in the plat and connect the same to the trunk line sewers. The sanitary sewer house service shall be installed in accordance with the City Standard Detail Plates.
- H. Drainage Facilities: Such facilities and easements shall be installed as will adequately provide for the drainage of surface waters and storm water pollution control, and a storm sewer system may be required. Drainageway easements or land dedication may be required when such easements or land is needed, in the public interest, for purposes of floodplain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purpose. All surface water drainage must be approved by the Hennepin or Wright County soil and water conservation district.
- I. Miscellaneous Facilities: Tree planting, street name signs, traffic control signs, oversized trunk lines, pedestrianways and other improvements may be required to be furnished and installed by the subdivider. The subdivider shall install four inches (4") of black dirt and a good quality sod in the boulevard at the time of occupancy of the adjacent lot. During the construction phase, if the utility lines (electric power, telephone, gas, and cable TV) are placed prior to placing the curb, the subdivider shall place four inches (4") of black dirt and adequate seed in the boulevard within thirty (30) days after curb placement. If the curb is placed prior to placing the utility lines, the subdivider shall place four inches (4") of black dirt and grass sod in the boulevard within thirty (30) days after the utility lines are placed, or within one year after the curb is placed, whichever occurs sooner. Placing of black dirt and grass sod in the boulevard shall not relieve the subdivider from placing black dirt and sod in the boulevard at the time of occupancy of the adjacent lot.
- J. Flooding: No final plat shall be approved by the City Council on land subject to flooding or containing poor drainage facilities and on land which would make adequate drainage of the streets and lots impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the council, make the area suitable for use without interfering with the flow of water under flood conditions, the final plat of the subdivision may be approved.

Subd. 2. Construction Plans and Inspection.

- A. Construction plans for the required improvements conforming in all respects with the standards and ordinances of the city shall be prepared, at the subdivider's expense, by a professional engineer who is registered in the State of Minnesota, and said plans shall contain their certificate or by the City Engineer at the request of the subdivider. Such plans, together with the quantities of construction items, shall be submitted to the City Engineer for their approval and estimate of the total

costs of the required improvements. Upon approval, such plans shall become a part of the required contract.

- B. The subdivider is required to submit the final plat in electronic format. The electronic format shall be either AutoCAD.DWG file or a .DWG file. All construction record drawings (e.g., grading, utilities, streets) shall be in electronic format in accordance with standard City specifications. The subdivider shall also submit one complete set of reproducible construction plans on Mylar.
- C. All required improvements on the site that are to be installed under the provisions of this chapter shall be inspected during the course of construction by the city engineer at the subdivider's expense, and acceptance by the city shall be subject to the city engineer's certificate of compliance with the contract.

Subd. 3. Responsibility for Installation Costs. The required improvements as listed elsewhere are to be furnished and installed at the sole expense of the subdivider. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may, at the discretion of the City Council, be made for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same. In such a situation, the subdivider may be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.

Subd. 4. Agreement for Private Installation of Improvements.

- A. Prior to the installation of any required improvements by the subdivider and prior to approval of the plat, the subdivider shall enter into a contract in writing with the City requiring the subdivider to furnish and construct said improvements at subdivider's sole cost and in accordance with City plans and specifications and usual contract conditions. This shall include provision for supervision of details of construction by the City Engineer.
- B. The agreement shall require the subdivider to make an escrow deposit or furnish an irrevocable letter of credit or a certified check as is determined by the City Attorney, City Engineer and City Administrator. The amount of the deposit or security is to be based upon the City Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection. The deposit or security shall equal one hundred percent (110%) of the City Engineer's estimate.
- C. The time for completion of the work and the several parts thereof shall be determined by the City Council, upon recommendation of the City Engineer after consultation with the subdivider. 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.
- D. No subdivider shall be permitted to start work on any other subdivision, without special approval of the City Council if the subdivider has previously defaulted on work or commitments.

Subd. 5. Agreement for Installation of Improvements by City.

- A. A subdivider may request the City to install required street and utility improvements subject to the following conditions and to the approval and authorization thereof by the City Council and as authorized by State law.
- B. If so approved by the City Council, a request for City installation of required street and utility improvements include an escrow deposit or an irrevocable letter of credit or a certified check as is determined by the City Attorney, City Engineer and City Administrator. The amount of the deposit or security is to be based upon the City Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection. The deposit or security shall equal one hundred percent (110%) of the City Engineer's estimate.
- C. Improvements shall be constructed only in platted real estate.
- D. No subdivider shall be allowed to start work on any other subdivision improvements without compliance with this Section and approval of the City Council.

Subd. 6. Financial Guarantee. The contract provided for in section 1002.20 Subd. 4 and Subd. 5 of this Chapter shall require the subdivider to make an escrow deposit or provide a certified check or irrevocable letter of credit as determined by the City Attorney, City Engineer and City Administrator. The escrow deposit, certified check or irrevocable letter of credit shall conform to the requirements of this Chapter.

- A. Escrow Deposit; Certified Check: If an escrow deposit or certified check is required, the escrow deposit or certified check shall be made with the city treasurer in a sum equal to the amount calculated as provided in section 1002.20 Subd. 4 of this chapter, as estimated by the city engineer, of all the improvements to be furnished and installed by the subdivider pursuant to the contract (developer's agreement), which have not been completed prior to approval of the plat. The total cost shall include costs of inspection by the City. The City shall be entitled to reimburse itself out of said deposit or check for any cost and expense incurred by the City for completion of the work in case of default of the subdivider under said contract, and for any damages sustained on account of any breach thereof. Upon completion of the work and termination of any liability, the balance remaining in said deposit or check shall be refunded to the subdivider.
- B. Irrevocable Letter Of Credit: If an irrevocable letter of credit is required, it shall be payable to the order of the City and delivered to the City Administrator in a sum equal to the amount calculated, as provided in Section 1002.20, Subd. 4 of this Chapter, as estimated by the City Engineer for all the improvements to be furnished and installed by the subdivider pursuant to the contract, which have not been completed prior to the approval of the plat. The total cost shall include costs

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

Subd. 7. Completion of Improvements Prior to Final Plat Approval.

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

Subd. 8. Trunk Facilities. Where a larger size water main, sanitary sewer, storm drain or similar facility is required to serve areas outside the subdivision, the larger facility required shall be constructed. Additional costs may, at the discretion of the City Council, be allocated pursuant to established city policies.

Subd. 9. Administrative Fee. Prior to the release of a final plat, the subdivider shall pay an administrative fee equal to one (1.0) percent of the cost of all municipal improvements installed in or on the plat as required by this ordinance. Municipal improvements shall include streets, curb, gutter, sidewalk, sanitary sewer, storm sewer, water main, storm water ponding and other such items which will be dedicated to the City after their installation. This administrative fee shall be in addition to out of pocket costs incurred by the City such as engineering, planning and attorney fees. The City may, from time to time by resolution, change the amount of the administrative fee set out herein.

Subd. 10. Alternate Installation. The City Council may elect to install any or all of the required improvements pursuant to a cash escrow agreement or other financial arrangements with the subdivider.

1002.20 CONVEYANCE BY METES AND BOUNDS

Subd. 1. Conveyance by Metes and Bounds of Less Than Five Acres.

- A. The regulations established by this section are for the purpose of providing for the reasonable regulation of conveyance by metes and bounds descriptions, thereby promoting greater efficiency in the City offices having responsibilities relating to the conveyance of land and to promote the purpose set forth in Minnesota Statutes, Section 272.19, as amended.
- B. No conveyance of land to which the regulations are applicable shall be filed or recorded if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey after date of passage of these regulations, or to an unapproved plan made after such regulations have become

effective. The foregoing provision does not apply to a conveyance if the land described:

- (1) Was a separate parcel of record on the date of adoption of subdivision regulations under Section 394.12 to 394.37 of Minnesota Statutes.
- (2) Was the subject of a written agreement to convey entered into prior to such time, or
- (3) Was a separate parcel of not less than five (5) acres and having a width of not less than three hundred feet.

C. Building permits shall be withheld for buildings on tracts which have been subdivided and conveyed by the metes and bounds method, except as set out above.

1002.21 REGISTERED LAND SURVEYS:

All registered land surveys shall be filed subject to the same procedure as required for the filing of a preliminary plat for platting purposes. The standards and requirements set forth in this Chapter shall apply to all registered land surveys. Unless the City Council approves, a registered land survey shall not be used to divide a parcel of land into lots for the purpose of transfer of ownership or building development if any of the tracts do not have the required frontage on a dedicated public street.