

CITY OF SUNFISH LAKE

SUBDIVISION ORDINANCE

TABLE OF CONTENTS

		<u>Page</u>
SECTION 1301	GENERAL SUBDIVISION PROVISIONS	
1301.01	Purpose	01-1
1301.02	Scope of Legal Authority	01-1
1301.03	Administration	01-2
1301.04	Amendments	01-2
1301.05	Approvals Necessary for Acceptance of Subdivision Plats	01-2
1301.06	Conditions for Recording	01-2
1301.07	Building Permits	01-2
1301.08	Separability	01-3
1301.09	Interpretation	01-3
1301.10	Definitions	01-3
SECTION 1302	MINOR SUBDIVISIONS	
1302.01	Qualification	02-1
1302.02	Content and Date Requirements	02-1
1302.03	Design Standards	02-2
1302.04	Processing	02-2
SECTION 1303	PROCEDURES FOR FILING AND REVIEW	
1303.01	Pre-Application Meeting	03-1
1303.02	Preliminary Plat	03-1
1303.03	Final Plat	03-5
SECTION 1304	PREMATURE SUBDIVISIONS	
1304.01	Qualification	04-1
1304.02	Condition Establishing Premature Subdivisions	04-1
1304.03	Burden of Establishing	04-2
SECTION 1305	DISQUALIFICATION/DENIAL OF PLATS	
1305.01	Denial of Plat	05-1
SECTION 1306	PLAT AND DATA REQUIREMENTS	
1306.01	Sketch Plan	06-1
1306.02	Preliminary Plat	06-1
1306.03	Final Plat	06-5
1306.04	Certification Required	06-7
SECTION 1307	SUBDIVISION DESIGN STANDARDS	
1307.01	Conformity with the Comprehensive Plan and Zoning Ordinance	07-1
1307.02	Land Requirements	07-1
1307.03	Blocks	07-2
1307.04	Lots	07-2
1307.05	Streets	07-9
1307.06	Cul-de-Sacs	07-11

TABLE OF CONTENTS

		<u>Page</u>
1307.07	Street Design	07-11
1307.08	Sewage Disposal	07-14
1307.09	Storm Drainage	07-14
1307.10	Easements	07-14
1307.11	Erosion and Sediment Control	07-15
1307.12	Protected Areas	07-16
1307.13	Minimum Design Features	07-16
1307.14	Zoning Ordinance Consistency	07-16
1307.15	Tree Preservation	07-16
 SECTION 1308	 CONSTRUCTION STANDARDS	
1308.01	Monuments	08-1
1308.02	Streets	08-1
1308.03	Utilities	08-2
1308.04	Water Supply	08-3
1308.05	Sewage Disposal	08-3
1308.06	Drainage	08-3
1308.07	Inspection	08-3
1308.08	Certificate of Occupancy	08-3
 SECTION 1309	 REQUIRED IMPROVEMENTS AND FINANCIAL ARRANGEMENT	
1309.01	Improvements Required	09-1
1309.02	Construction Plans, Inspection and Warranty	09-2
1309.03	Payment for Installation of Improvements	09-2
1309.04	Development Contract.....	09-2
1309.05	Financial Guarantee	09-3
1309.06	Improvements Completed Prior to Approval of the Final Plat	09-4
 SECTION 1310	 ADMINISTRATION AND ENFORCEMENT	
1310.01	Non-Platted Subdivisions	10-1
1310.02	Variances, City Council Approval, Standards	10-2
1310.03	Violations and Penalty	10-5
1310.03A	Sale of Lots from Unrecorded Plats	10-5
1310.03B	Receiving or Recording Unapproved Plats	10-5
1310.03C	Misrepresentations	10-5
1310.03D	Penalty	10-5
1310.04	Schedules of Administrative Fees, Charges and Expenses	10-6

1301. GENERAL SUBDIVISION PROVISIONS

1301.01	Purpose
1301.02	Scope of Legal Authority
1301.03	Administration
1301.04	Amendments
1301.05	Approvals Necessary for Acceptance of Subdivision Plats
1301.06	Conditions for Recording
1301.07	Building Permits
1301.08	Separability
1301.09	Interpretation
1301.10	Definitions

SECTION 1301.01 PURPOSE:

All subdivisions of land hereafter submitted shall fully comply in all respects with the regulations to:

- A. Provide for and guide the orderly, economic and safe development of land, urban services and facilities.
- B. Encourage well-planned, efficient and attractive subdivisions by establishing adequate and impartial standards for design and construction.
- C. Provide for the health, safety and welfare of residents by requiring the necessary services such as properly designed streets and adequate sewage and water service.
- D. Place the cost of improvements against those benefitting from their construction.
- E. Secure the rights of the public with respect to public lands and waters.
- F. Set the minimum requirements necessary to protect the public health, safety, comfort, convenience and general welfare.

SECTION 1301.02 SCOPE OF LEGAL AUTHORITY:

- A. The rules and regulations governing plats and subdivision of land contained herein shall apply within the boundaries of the City of Sunfish Lake. This Chapter is not intended to repeal, annul or in any way impair or interfere with existing provisions of other laws, ordinances or with restrictive covenants running with the land except those specifically repealed by or in conflict with this Chapter.

- B. The City shall have the power and authority to review, amend and approve subdivisions of land already recorded and on file with Dakota County if such plats are entirely or partially undeveloped.

SECTION 1301.03 ADMINISTRATION:

This Chapter shall be administered by the City Planner who is retained or employed by the City.

SECTION 1301.04 AMENDMENTS:

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

SECTION 1301.05 APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS:

Before any plat or subdivision of land shall be recorded or be of any validity, it shall be referred to the City Planning Commission and approved by the City Council of Sunfish Lake as having fulfilled the requirements of this Chapter.

SECTION 1301.06 CONDITIONS FOR RECORDING:

No plat or subdivision shall be entitled to be recorded in the Dakota County Recorder's Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Chapter.

SECTION 1301.07 BUILDING PERMITS:

No building permits shall be issued for any construction enlargement, alteration, repair, demolition or moving of any building or structure on any lot or parcel until all the requirements of these regulations have been fully met, including site and building plan review procedures as outlined in Section 1208 of the Sunfish Lake Zoning Ordinance, or exceptions from this requirement have been formally established by a development contract.

SECTION 1301.08 SEPARABILITY:

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason found to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter.

SECTION 1301.09 INTERPRETATION:

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

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and the future tenses, and the future the present.
- C. The word "shall" is mandatory while the word "may" is permissive.
- D. Where the conditions imposed by any provisions of this Chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, code, statute, resolution or regulation, the regulations which are more restrictive or impose higher standards or requirements shall prevail.
- E. All measured distances shall be expressed in feet and decimals of feet.

SECTION 1301.10 DEFINITIONS:

The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined:

- A. **Applicant:** The owner, their agent, or other person having legal control, ownership and/or interest in the land proposed to be subdivided.
- B. **Block:** An area of land within a subdivision that is entirely bounded by streets, or by streets and the entire boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

Boulevard: The portion of the street right-of-way between the roadway shoulder or curb line and the property line.

Buffer: The use of land, topography (difference in elevation), space, fences or landscape plantings to screen or partially screen a use or property from another use or property.

Building: Any structure built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.

- C. **Certificate of Survey:** A document prepared by a Registered Engineer or Registered Land Surveyor which precisely describes area, dimensions and location of a parcel or parcels of land.

City: The City of Sunfish Lake.

City Attorney: The attorney employed or retained by the City, unless otherwise stated.

City Building Official: The person designated by the City Council to be the City Building Official for the City of Sunfish Lake.

City Council: The governing body for the City of Sunfish Lake.

City Engineer: The person designated by the City Council to be the City Engineer for the City of Sunfish Lake.

City Planner: The person designated by the City Council to be the City Planner for the City of Sunfish Lake.

Clerk: The Sunfish Lake City Clerk.

Comprehensive Plan: A comprehensive plan prepared and approved by the City, including a compilation of policy statements, goals, standards, fiscal guidelines, 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: Dakota County, Minnesota.

- D. **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.

Development: Acts relating to subdividing land, platting land, building structures and installing lot improvements.

Drainage Course: A water course or surface area for the drainage or conveyance of surface water.

- E. **Easement:** A grant by an owner of land for a specific use by persons other than the owner.
- F. **Final Plat:** A drawing or map of a subdivision, meeting all of the requirements of the City and in such form as required by Dakota County for the purpose of recording.
- G. **Governing Body:** The Sunfish Lake City Council.
- K. **Key Map:** A small scale map which definitively shows the area proposed to be platted in relation to known geographical features (e.g., regional feature, community centers, lakes and streets).
- L. **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.

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

Lot, Double Frontage: An interior lot having frontage on two streets.

Lot Improvement: Any building, structure, work of art, or other object, or improvement including grading of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

- M. **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.
- N. **Natural Water Way:** A natural passageway on 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.

- O. **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.

- P. **Parcel:** An individual lot or tract of land.

Parks and Playgrounds: Public land and open space in the City dedicated or reserved for recreational purposes.

Percentage of Grade: Along a center line 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.

Person: Any individual or legal entity.

Planning Commission: The Sunfish Lake Planning Commission.

Preliminary Plat: A detailed 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 the required supporting data.

Protective Covenants: Contracts entered into between all owners and holders of mortgage constituting a restriction on the use of property within a subdivision for the benefit of the property owners.

Public Improvement: Any drainage ditch, roadway, parkway, street, sanitary sewer, storm sewer, water system, sidewalk, 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 or may be established.

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

Right-of-Way: Land acquired by reservation or dedication intended for public use, and intended to be occupied or which is occupied by a street, trail, utility lines, oil or gas pipeline, storm sewer or other similar uses.

Roadway: The portion of street right-of-way improved for vehicular travel.

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

Single Family Detached Dwelling: A dwelling which is designed and constructed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

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

Street, Public: A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, through-way, road, avenue, boulevard, lane, place, drive, court or otherwise designated, which has been or is proposed to be dedicated or deeded to the public for public use and which affords principal means of access to abutting property.

Streets, Arterial: Those streets carrying larger volumes of traffic and serving as links between various sub-areas of the City. Arterial streets are intended to provide for collection and distribution of traffic between highways and collector streets; hence regulation of direct access to property is critical.

Streets, Collector: Those streets which carry traffic from local streets to the major system of arterials and highways. Collector streets primarily provide principal access to residential neighborhoods, including, to a lesser degree direct land access.

Streets, Cul-De-Sac: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Streets, Local: A street whose primary function is to provide direct access to abutting property containing single-family dwellings and which, by design, is usually a two-lane road with parking permitted within the roadway.

Streets, Marginal Access (Frontage Road): Those local streets which are parallel and adjacent to high volume arterial street and highways; and which provide access to abutting properties and protection from through traffic.

Street, Private: A street 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.

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

Structure: Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character. Among other things, structures including but not limited to buildings, gazebos, decks, retaining walls, fences, and swimming pools.

Subdividing: The process of effecting subdivision.

Subdivision: The separation of an area, parcel or tract of land under single ownership into two (2) or more parcels, tracts, lots or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets or roads for residential or other use. This term includes resubdivision and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Surveyor: A land surveyor registered under Minnesota State laws.

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

Tree Preservation Related:

Diameter The measurement of a tree's trunk measured 4.5 feet above the ground.

Drip-line The farthest distance away from the trunk of a tree that rain or dew will fall directly to the ground from the leaves or branches of the trees.

Significant Tree Any tree measuring six (6) inches or more in diameter measured at a point four and one-half (4.5) feet above the ground, and which is not diseased, dead, or dying.

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 remain in place until all grading and construction activity is terminated.

- * V. **Variance:** A variance is a relaxation of the requirements of this Ordinance where a property owner proposes to use the subject property in a reasonable manner not permitted by the Ordinance, such deviation will be in harmony with the general purposes and intent of this Ordinance, consistent with the Comprehensive Plan and this Chapter, and will not alter the essential character

* Amended Ord. No. 11-04, July 5, 2011

of the locality and where, owing to circumstances unique to the individual property under consideration and not the result of the actions of the applicant, compliance with the requirements of the Ordinance would result in practical difficulties.

- Z. **Zoning Ordinance:** The Zoning Ordinance or resolution controlling the use of land as adopted by the City.

1302. MINOR SUBDIVISIONS

- 1302.01 Qualification
- 1302.02 Content and Data Requirements
- 1302.03 Design Standards
- 1302.04 Processing

*** SECTION 1302.01 QUALIFICATION:**

- A. Section 1302 applies to the minor subdivisions identified in Section 1302.01. The City Council may grant minor subdivision approval in any of the following three (3) instances without the landowner platting the property:
 - 1. A division of 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.
 - 2. The combination of two (2) existing platted lots or the combination of two (2) existing unplatted lots.
 - 3. The division of a lot from a larger tract of land thereby creating no more than two lots, both of which conform to Zoning Ordinance minimum standards. To qualify, the parcel of land shall not have been part of a minor subdivision within the last five (5) years.
- B. Provided, however, in each of the three (3) instances identified in Sections 1302.01.A.1, 1302.01.A.2 and 1302.01.A.3, all of the following conditions must exist:
 - 1. The proposed property division does not cause the need for dedication of public road right-of-way and does not lie adjacent to an existing public road right-of-way for which additional right-of-way dedications will be requested by the City, County or State; and
 - 2. The proposed property division does not cause the need for dedication of a public drainage and utility easement; or, in the alternative to the extent a public drainage and utility easement would have been dedicated to the City incident to the platting process, the landowner grants to the City, at no cost to the City, the public drainage and utility easement requested by the City.

*** SECTION 1302.02 CONTENT AND DATA REQUIREMENTS:** The following documentation shall accompany all applications for a minor subdivision under Section 1302.01:

- A. Certificate of Survey: The requested minor subdivision shall be prepared by a registered land surveyor in the form of a Certificate of Survey.

* Amended Ord. No. 2011-03, May 3, 2011

- B. Property Description and Submission Information: The data and supportive information detailing the proposed subdivision shall be the same as required for a preliminary plat as described in Section 1306.02 of this Ordinance. Exceptions, as stipulated in writing, may be granted by the City Planner.
- C. Application: A completed application form with all information to be supplied by the applicant.
- D. Certification When Abutting State or County Roadway. If the property abuts a State or County roadway, written certification from the appropriate agency shall be provided which approves driveway access for the proposed parcels and waives the need for the provision of additional rights-of-way.
- E. Legal Description of Required Easements. The applicant shall provide a legal description for all drainage and utility easements that would have been dedicated to the City incident to the platting process. The easements shall also be shown on the Certificate of Survey.

*** SECTION 1302.03 DESIGN STANDARDS:**

The minor subdivision shall conform to all design standards as specified in this Ordinance. Any proposed deviation from said standards shall require the processing of a variance request. If utility and drainage easements would have been dedicated to the City incident to the platting process, then the landowner shall grant such utility and drainage easements to the City without cost to the City. The form of the easement document shall be prepared by the City Attorney. The applicant shall pay for the cost of recording the easements.

*** SECTION 1302.04 PROCESSING:**

- A. If the application for minor subdivision approval relates to a boundary adjustment under Section 1302.01.A.1 or a combination of lots under Section 1302.01.A.2, the City Council may approve the minor subdivision without referral to the Planning Commission and without a public hearing, provided that it the application complies with applicable provisions of this Ordinance. The Council may nonetheless refer the application to the Planning Commission and require that the Planning Commission hold a public hearing concerning the application. If the Council so elects to refer the application to the Planning Commission, the notice and hearing procedures relating to Planning Commission review shall be the same as the notice and hearing for processing a preliminary plat as contained in Section 1303.02.

* Amended Ord. No. 2011-03, May 3, 2011

- B. If the application for minor subdivision approval relates to the creation of a new lot under Section 1302.01.A.3, then the application shall be referred to the Planning Commission for review and recommendation. The Planning Commission shall hold a public hearing. The notice and hearing procedures relating to Planning Commission review shall be the same as the notice and hearing for processing a preliminary plat as contained in Section 1303.02. After a review and recommendation by the Planning Commission, the Council shall determine whether to grant or deny the application.
- C. Unless approved as a minor subdivision or as a final plat as provided herein, a new subdivision shall not be valid in the City, and the Building Inspector shall not issue building permits for any structure on a lot in such subdivision. The Council shall not permit any public improvements to be installed unless the minor subdivision or preliminary plat is approved and shall not permit any services until approval of the final plat.

1303. PROCEDURES FOR FILING AND REVIEW

- 1303.01 Pre-Application Meeting
- 1303.02 Preliminary Plat
- 1303.03 Final Plat

SECTION 1303.01 PRE-APPLICATION MEETING:

Prior to the preparation of a preliminary plat, the applicant shall meet with the City Planner and other City staff as determined appropriate in order to be made aware of all applicable ordinances, regulations and plans in the area to be subdivided. At such time or at subsequent meetings, the applicant shall submit three (3) large scale copies and one (1) reduced scale (8 1/2" x 11") copy of a sketch plan of the proposed subdivision to include future phases and an estimated time table for development.

In cases when the sketch plan is referred to the Planning Commission and City Council, the applicant shall submit five (5) large scale and one (1) reduced scale (not less than 11" x 17") copy of the sketch plan. If, in the opinion of the City Planner, reduced scale drawing(s) (11" x 17") is determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility. The plan shall show the proposed layout of streets to include adjacent or connecting streets, lots, proposed playgrounds and parks, unique land characteristics, general topography, major drainage patterns, and demonstrate that the proposed subdivision has shown consideration to the adjacent land uses and community facilities that would serve it. Additional written data shall include approximate number of lots, typical lot width and depth, and what zoning changes would be required.

The City Planner shall have the authority to refer the sketch plan to the Planning Commission and/or City Council for review and informal comment.

***SECTION 1303.02 PRELIMINARY PLAT:** An application for preliminary plat review shall be approved or denied within sixty (60) days from the date of its official and complete submission unless notice of extension is provided by the City or a time waiver is granted by the applicant. If applicable, processing of the application through required state or federal agencies shall extend the review and decision-making period an additional sixty (60) days unless this limitation is waived by the applicant. Additional City requirements are as follows:

* Amended Ord. No. 1998-11, 1 December 1998

- A. After the pre-application meeting and following City review of the sketch plan, the applicant shall prepare a request for subdivision, as provided within this Chapter, and shall be filed with the City on an official application form. Such application shall be accompanied by a fee as provided for by City Council Resolution. Such application shall also be accompanied by five (5) large scale copies and one(1) reduced scale (not less than 11" x 17") copy of a preliminary plat and supportive information in conformity with requirements of this Chapter. If, in the opinion of the City Planner, reduced scale drawing(s) (11" x 17") is determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility. The request for subdivision shall be placed on the agenda of the first possible Planning Commission meeting occurring after fifteen (15) working days from the date of submission.
- B. The applicant shall supply proof of title and the legal description of the property for which the subdivision is requested, consisting of an abstract of title or registered property abstract currently certified together with an Opinion of Title and any unrecorded documents whereby the petitioners acquire a legal ownership or equitable ownership interest and as applicable, supply documented authorization from the owner(s) of the property in question to proceed with the requested subdivision.
- C. The applicant shall submit any necessary applications for variances from the provisions of this Chapter, as set out in Section 1310.04. The preliminary plat shall be considered as being officially submitted only when all of the information requirements are complied with and the appropriate fees paid.
- D. Upon receipt of the completed application as outlined in A, B and C above, the City shall set a public hearing following proper hearing notification as applicable. The Planning Commission shall conduct the hearing, and report its findings and make recommendations to the City Council. Notice of said hearing shall consist of a legal property description and description of request, and be published in the official newspaper at least ten (10) days prior to the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within one thousand (1,000) feet of the boundary of the property in question (public right-of-way shall not be included in the one thousand (1,000) foot measurement). The City Planner shall have the right to provide additional property owners notification beyond the one thousand (1,000) foot distance if it is judged that the requests will have impact upon additional properties. Records of the County Assessor shall be deemed sufficient for determining the location and ownership of all such properties. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceeding.
- E. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Section provided a bona fide attempt has been made to comply with the notice requirements of this Section.

- F. The City Planner shall instruct the staff as appropriate 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, the City Attorney, or public or private utility departments, among others.
- G. The City shall refer copies of the preliminary plat to County, State or other public jurisdictions for their review and comment, where appropriate and when required.
- H. The City Council, Planning Commission, and City Staff shall have the authority to request additional information from the applicant concerning the proposed subdivision and its operational factors or impact, or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors or impacts, when said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
- I. The applicant or a designated representative thereof shall appear before the Planning Commission at the public hearing in order to answer questions concerning the proposed request.
- *J. The Planning Commission shall report its findings and make its recommendation to the City Council no later than thirty (30) days after the close of public hearing described in D above. If the Planning Commission has not acted upon the preliminary plat within thirty (30) days following the close of public hearing, the Council may act on the preliminary plat without the Planning Commission's recommendation.
- K. City Council Action:
 - 1. Upon completion of the report and recommendation of the Planning Commission, the request shall be placed on the agenda of the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
 - 2. Upon receiving the report and recommendation of the Planning Commission and City Staff, the City Council shall have the option to set and hold a public hearing if deemed necessary and shall make a recorded finding of fact and may impose any condition it considers necessary to protect the public health, safety and welfare.
 - * 3. The Council shall approve or disapprove the preliminary plat within sixty (60) 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 applicant and the City.

* Amended Ord. No. 1998-11, 1 December 1998

4. If, upon receiving said reports and recommendations of the Planning Commission and City Staff, the City Council finds that specific inconsistencies exist in the review process and thus the final decision of the City Council will differ from the recommendation of the Planning Commission, the City Council may before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.
5. If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the Council and shall be transmitted to the applicant. If the preliminary plat is approved, such approval shall not constitute final acceptance of the design and layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this Chapter to be indicated on the final plat. The City Council may 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.
6. The City Council reserves the right to decline approval of a preliminary plat if due regard is not shown for the preservation of all natural features, such as topography, trees, water courses, scenic points, prehistoric and historical spots, and similar community assets which, if preserved, will add attractiveness and stability to the proposed development of the property.
7. Following City Council approval of a preliminary plat, the applicant must submit a final plat to the City 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 request for time extension is submitted in writing by the applicant thirty (30) days prior to the lapse of approval and subsequently approved by the City Council.
8. Should the applicant desire to amend a preliminary plat as approved, an amended preliminary plat may be submitted. The City may require the applicant to follow the same procedure as a new preliminary plat. No public hearing will be required unless the amendment, in the opinion of the City, is of such scope as to constitute a new preliminary plat. A filing fee as established by the City shall be charged for the amendment processing.

***SECTION 1303.03 FINAL PLAT:** An application for final plat review shall be approved or denied within sixty (60) days from the date of its official and complete submission unless notice of extension is provided by the City or a time waiver is granted by the applicant. If applicable, processing of the application through required state or federal agencies shall extend the review and decision-making period an additional sixty (60) days unless this limitation is waived by the applicant. Additional City requirements are as follows:

- A. After the preliminary plat has been approved, a final plat shall be submitted for review as set forth in the subsections which follow. The City may agree to review the preliminary and final plat simultaneously. The final plat shall incorporate all changes, modifications and revisions required by the City. Otherwise, it shall strictly conform to the approved preliminary plat.
- B. All final plats shall comply with the provisions of Minnesota State Statutes and requirements of this Chapter.
- C. An applicant shall submit with the final plat a current Abstract of Title or Registered Property Certificate, along with any unrecorded documents, and an Opinion of Title.
- D. Review of a Final Plat:
 - 1. Five (5) large scale copies of the final plat and one (1) reduced scale (not less than 11" x 17") copy of the final plat shall be submitted by the applicant. If, in the opinion of the City Planner, reduced scale drawings (11" x 17") are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility. In the event that the final plat is referred to the Planning Commission for recommendation, additional large scale copies of the plat may be required. Upon receipt of a final plat, copies shall be referred to the City Council, appropriate City staff, and to all applicable utility companies, County, and State agencies. One copy, with Abstract of Title or Registered Property Certificate and opinion title shall be referred to the City Attorney.
 - * 2. The City Council may refer the final plat to the Planning Commission for recommendation if they find the proposed final plat is substantially different from the approved preliminary plat or the requirements of the preliminary plat are not resolved. In such cases, the Planning Commission shall submit a report thereon to the City Council within thirty (30) days.
 - 3. The City staff receiving final plat copies shall as appropriate submit reports to the City Council within ten (10) working days, documenting and expressing their recommendation on the final plat.

* Amended Ord. No. 1998-11, 1 December 1998

4. Prior to approval of a final plat, the applicant shall have executed a Development Agreement with the City, which controls the installation of all required improvements and assures compliance with all conditions of approval. Said agreement will require all improvements and approval conditions 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. If the final plat is not approved, the reasons for such action shall be recorded in the official proceedings of the City and shall be transmitted to the applicant.
6. Upon receiving an approved final plat in conformance with the requirements of the City, the designated representatives of the City shall sign the plat, and the applicant, as a condition of approval, shall record the approved and signed final plat with the County Registrar of Deeds within sixty (60) days, or the approved final plat shall be considered void.
7. The applicant shall, within thirty (30) days of recording, furnish the City with three (3) blue or black line prints and one mylar of the final plat showing evidence of the recording. Failure to furnish such copies shall be grounds for refusal to issue building permits for lots within a plat.
8. Upon receiving approval of a final plat for a portion of an approved preliminary plat, a continuation of the recognition of the preliminary plat is not required to maintain its approval. In the event a Zoning Ordinance amendment is adopted which requires a larger minimum lot size for land not yet platted and recorded, the larger minimum lot size may be required for any additional platting. If the applicant is unable to file a final plat application within the required one hundred (100) days, such person shall file a written request for an extension of the preliminary plat approval with the City Planner and receive City Council approval prior to the end of the one hundred (100) days. Said applicant's request shall specify and the City Council shall, if approved, determine the length of time for filing and for the preliminary plat to remain in full force and effect.

1304. PREMATURE SUBDIVISIONS

- 1304.01 Qualification
- 1304.02 Condition establishing Premature Subdivisions
- 1304.03 Burden of Establishing

SECTION 1304.01 QUALIFICATION:

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

SECTION 1304.02 CONDITION ESTABLISHING PREMATURE SUBDIVISIONS:

A subdivision may be deemed premature should any one or more of the conditions set forth in the following provisions exist:

- A. Lack of Adequate Drainage: A condition of inadequate drainage shall be deemed to exist if:
 - 1. Surface or subsurface water retention/detention and runoff is such that it constitutes a danger to the structural security of the proposed development, or flood of the subdivision or downstream property.
 - 2. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.
 - 3. The proposed site grading and development will cause siltation on downstream land.

Factors to be considered in making these determinations shall include, but shall not be limited to: average rainfall for the area; the nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluents; and the presence of streams as related to effluent disposal.

- B. Lack of Adequate Water Supply: 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.
- C. Lack of Adequate Streets to Serve the Subdivision: A proposed subdivision shall be deemed to lack adequate streets to serve the subdivision when:

1. Streets 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 the City Engineer, Dakota County, and/or the Minnesota Department of Transportation, said streets are inadequate for the intended use; or
 2. The traffic volume generated by the proposed subdivision would create unreasonable traffic congestion or unsafe conditions on streets existing at the time of the application or proposed for completion within the next two (2) years.
- D. Lack of Adequate Waste Disposal Systems: Soil tests, drain field areas or other such factors relating to on-site waste disposal systems are judged as inadequate for the use proposed.
- E. Providing Public Improvements: If public improvements, such as 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.
- F. Threat to Environmentally Sensitive Areas: The proposed subdivision is inconsistent with policies and standards of the City, the County, the State, or Federal Government relating to environmentally sensitive areas and protections.
- G. Inconsistency With Comprehensive Plan: The proposed subdivision is inconsistent with the purposes; objectives and recommendations of the duly adopted Comprehensive Plan of Sunfish Lake, as may be amended.

SECTION 1304.03 BURDEN OF ESTABLISHING:

The burden shall be upon the applicant to show that the proposed subdivision is not premature.

1305. DISQUALIFICATION/DENIAL OF PLATS

1305.01 Denial of Plat

1305.01 DENIAL OF PLAT:

The Planning Commission may recommend denial and the Council may deny the subdivision if it makes any one or more of the following findings:

- A. That the proposed subdivision is in direct conflict with adopted applicable general and specific comprehensive plans of the City, County, or Region;
- B. That the physical characteristics of this site, including but not limited to topography, percolation rate, soil conditions, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development, development density, design, or use contemplated;
- C. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage;
- D. That the design of the subdivision or the type of improvements are likely to cause serious public health problems;
- E. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court;
- F. That the proposed subdivision is inconsistent with the policies and standards of the State defined Shoreland Districts and Wetland Districts.
- G. That any lot or block in the proposed subdivision is exceptionally narrow or shallow, or is otherwise of any irregular or unusual shape.
- H. That the subdivision is deemed premature by the conditions outlined in Section 1304.2 of this Chapter.
- I. That the subdivision is inconsistent with the provisions of this Chapter.

1306. PLAT AND DATA REQUIREMENTS

- 1306.01 Sketch Plan
- 1306.02 Preliminary Plat
- 1306.03 Final Plat
- 1306.04 Certification Required

SECTION 1306.01 SKETCH PLAN:

The sketch plans shall contain, at a minimum, the following information:

- A. Plat boundary.
- B. North arrow.
- C. Scale.
- D. Street names and the layout on and adjacent to the proposed plat.
- 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 applicant that the subdivision is not classified as premature based upon criteria established in section 1304.02 of this Chapter.

Section 1306.02 PRELIMINARY PLAT:

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

- 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 theretofore recorded in the County.
 - 2. Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property.
 - 3. Name, address and phone number of the record owner(s), any agent having control of the land, the applicant, land surveyor, engineer and designer of the plan.
 - 4. Graphic scale of one (1) inch to one hundred (100) feet, except as specifically approved by the City Planner.

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 lines to include bearings, distances, and curve data clearly indicated.
2. Existing zoning classifications for land in and abutting the subdivision.
3. Total area of the proposed plat.
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 (100) feet beyond the plat.
5. Location, size, and elevations of existing storm sewers, culverts or other underground facilities within the preliminary plat area and to a distance of one hundred (100) feet beyond. Such data as top grades and locations of catch basins, manholes, elevations, invert elevations, and the street pavement width and type also shall be shown.
6. Boundary lines of adjoining unsubdivided or subdivided land, within one hundred (100) feet of the plat, identified by name and ownership, including all contiguous land owned or controlled by the applicant.
7. Topographic data, including contours at vertical intervals of not more than one (1) foot shown on a contour/topographic map. Water courses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features also shall be shown. U.S.G.S. datum shall be used for all topographic mapping.
8. Subsurface conditions on tracts for subdivisions utilizing individual water and sewage disposal systems; location and results of tests to ascertain subsurface soil, rock and ground water conditions and availability; location and results of soil percolation tests.
9. 100-year flood elevations and the regulatory flood protection elevation taking into consideration the Flood Insurance Study and Flood Insurance Rate Map.

10. A statement certifying the environmental condition of the site including the presence of any hazardous substance as defined in Minnesota Statutes 115B.02, Subd. 8. Such statement may be required to be based upon an environmental assessment of the site by an environmental engineering firm acceptable to the City.
11. Geotechnical data prepared by a qualified Soils Engineer showing surface and subsurface soils and ground water in sufficient detail to show the site to be suitable for the development proposed.

C. Proposed Design Features

- ** 1. Layout of proposed streets showing the right-of-way widths, centerline gradients, roadway widths, typical cross-sections, and proposed names of streets in conformance with City street identification policies and County road identification policies. The name of any street heretofore used in the City or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.
2. If applicable, the location and size of proposed storm sewer lines.
3. Gradients of proposed streets, and storm sewer lines and as requested.
4. Location, dimension and purpose of all easements.
- * 5. Layout, numbers, lot areas (gross and net) and preliminary dimensions of lots and blocks, and outlots.
6. Minimum front and side street building setback line.
7. When lots are located on a curve, the width of the lot at the building setback line.
8. Building pads intended for construction.
9. Areas, other than streets and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
10. The location and sizing of proposed on-site water systems.
11. The location and size of proposed on-site waste disposal systems.

* Amended Ord. No. 2000-01, 1 August 2000

** Amended Ord. No. 12-03, 5 June 2012

12. Grading plan with minimum one (1) foot contours which shall include the proposed grading and drainage of the site, including provisions for surface water ponding and drainage. Also to be stipulated are the garage floor, first floor, and basement elevations of all structures.
 13. Proposed fill, levees, channel modifications, and other methods to overcome flood or erosion hazard areas in accordance with the Sunfish Lake Zoning Ordinance and Water Resources Management Plan.
- D. The items listed in this section shall be in conformance with all other applicable sections of this Chapter.
- E. 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, consultants, advisory bodies and/or City Council to adequately address the application and site in question.
1. Proposed protective covenants or private restrictions.
 2. A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted may also be required.
 3. Statement revealing the effect of the development on traffic, fire hazards, and congestion of population. The City may require the applicant to have formal traffic or other studies performed to the City's satisfaction which show the effect of the proposed development on traffic, fire hazards, congestion, or other matters of public concern.
 4. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. Such proposed zoning plan shall be for information only and shall not vest any rights in the applicant.
 5. Where the applicant owns property adjacent to that which is being proposed for the subdivision, it shall be required that the applicant submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing or potential adjacent subdivisions and land uses.
 6. 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.

7. 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 Sunfish Lake Water Resources Management Plan and Lower Mississippi River Watershed Management Organization Watershed Management Plan.
8. An environmental assessment worksheet shall be submitted if the City Council, Minnesota Environmental Quality Board or other groups or agencies determine that one is required by law. Whenever a project that does not require an environmental assessment worksheet is suspected to have the potential for environmental effects, the State, County, or City may require the preparation of a discretionary environmental assessment worksheet in order to determine whether an environmental impact statement is needed.
9. Applications, statements and supporting documentation and plans for rezoning, variances or conditional use permits approvals being sought for the subdivision.
10. Such other applicable information as may be required by the City.

SECTION 1306.03 FINAL PLAT:

The applicant 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 Dakota County regulations, and such final plat or accompanying submittals shall contain the following information:

- A. Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing plat theretofore recorded in Dakota County and which shall be subject to City Council approval.
- B. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions.
- C. The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments. The applicant shall provide coordinating data on all subdivision monumentation in a format approved by the City Engineer.

- D. Location of lots, outlots, streets, public highways, and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.
- E. Lots shall be numbered clearly, blocks are to be numbered, with numbers shown clearly in the center of the block.
- *F. A drawing or listing of total square footage per lot (gross and net area), acreage per block and total acres in the plat.
- G. The exact locations, widths and names of all streets to be dedicated.
- H. Location, purpose and width of all easements to be dedicated.
- I. Name, address and phone number of surveyor preparing the plat.
- J. Scale of the plat to be one inch to one hundred feet (1" = 100' - the scale to be shown graphically on a bar scale), date and north arrow.
- K. A current abstract of title or a registered property certificate along with any unrecorded documents to be certified by the City Attorney.
- L. Deed restrictions and protective covenants which involve a matter of public concern.
- M. Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the designated areas marked "drainage and utility easements."
- N. 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 hereby so dedicated.
- O. A development plan in accordance with FHA standards, including but not limited to, building area and spot elevations, storm drainage and storm sewer by area, house pad area and locations, and the like.
- P. Other Data: Such other information that may be required by the City.

* Amended Ord. No. 2000-01, 1 August 2000

SECTION 1306.04 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 Clerk in the form:

For Approval of the City:

This plat of (name of plat) was approved and accepted by the City of Sunfish Lake, Dakota County, Minnesota, at a regular meeting thereof held this ____ day of _____ A.D. 19 ____

CITY COUNCIL OF SUNFISH LAKE, MINNESOTA

BY: _____ Mayor

BY: _____ City Clerk

1307. SUBDIVISION DESIGN STANDARDS

1307.01	Conformity with the Comprehensive Plan and Zoning Ordinance
1307.02	Land Requirements
1307.03	Blocks
1307.04	Lots
1307.05	Streets
1307.06	Cul-de-Sacs
1307.07	Street Design
1307.08	Sewage Disposal
1307.09	Storm Drainage
1307.10	Easements
1307.11	Erosion and Sediment Control
1307.12	Protected Areas
1307.13	Minimum Design Features
1307.14	Zoning Ordinance Consistency
1307.15	Tree Preservation

SECTION 1307.01 CONFORMITY WITH THE COMPREHENSIVE PLANNED ZONING ORDINANCE:

A proposed subdivision shall conform to the Comprehensive Plan, to related policies adopted by the City, and to the Zoning Ordinance of the City.

SECTION 1307.02 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 flood inundation, topography 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 surrounding jurisdictions and/or properties, so that the City as a whole may develop efficiently and harmoniously.

SECTION 1307.03 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.

SECTION 1307.04 LOTS:

- A. Area: The minimum lot area, width and depth shall not be less than that established by the City Zoning Ordinance in effect at the time of adoption of the final plat.
- B. Side Lot Lines: Side lines of lots shall be at right angles to street lines, radial to curved street lines, or radial to lake shores unless topographic conditions necessitate a different arrangement or the City Engineer recommends and City Council find such deviation acceptable.
- C. Building Sites: All building sites shall undertake appropriate surface drainage measures consistent with the provisions of Section 1216.04 of the Sunfish Lake Zoning Ordinance.
- *D. Frontage: Every lot must have the minimum frontage on a City approved public street as required in the City Zoning Ordinance or onto a City approved private drive subject to the following:
 - 1. For lots of record established prior to 1 June 1998, the City may allow the subdivision of one (1) parcel which does not meet the minimum lot frontage requirement stipulated by this Ordinance from another parcel of land which meets the minimums established by this Ordinance provided that:
 - a. Access to the site not meeting minimum frontage requirements shall be by easement crossing a parcel which has minimum required frontage on a public road.
 - b. The easement providing access to a site lacking required minimum frontage shall be subtracted from the minimum required developable area of the lot affected (that lot over which the easement is placed must be two and one-half (2.5) net acres or greater).
 - c. In no case shall access by easement serve more than two (2) lots.

* Amended Ord. No. 1998-04, 7 July 1998

- d. No more than one (1) additional lot is created and if there is potential for additional subdivisions meeting the minimum standards required by this Ordinance and the Subdivision Ordinance, the property shall be deed restricted, prohibiting such division. Such deed restriction shall be by recorded agreement between the City and landowner.
- e. The location and construction methods of driveways provided under this section shall be subject to standards recommended by the City Engineer and approved by the City Council following fifteen (15) days advanced written notice to all property owners within one thousand (1,000) feet of the proposed subdivision.
- f. The lots resulting after the proposed subdivision shall meet the minimum developable area, lot width and setback requirements as specified by this Ordinance.
- g. The City Council may limit the placement of structures on the lots resulting after the proposed subdivision in consideration of preservation of trees and topography and views of abutting properties and may also limit the lighting of driveways.
- h. Maintenance of the property access shall be the responsibility of the property owner(s) and not the City.
- i. Request to split a parcel under the terms of this section shall require conformance with the content and data requirements of Section 1302.02 (Minor Subdivisions). All applications shall require review and approval of the City Planner and shall be processed under the standard pass-through fee system according to the current fee schedule for minor subdivisions.

*

- 2. As a means of providing access to subdivided lots in a manner other than by public street access with public street frontage, the City may allow, but is not required to allow, the subdivision of not more than three (3) lots that do not meet the minimum lot frontage requirement stipulated by this Ordinance from another parcel of land which meets the minimums established by this Ordinance provided that:

- a. Access to the lots not meeting minimum frontage requirements shall be by permanent easement that crosses a parcel that has minimum required frontage on a public road. The portion of the parcel over which the easement is placed shall not count toward meeting minimum frontage requirements.

* Amended Ord. No. 2003-01, 5 August 2003

- b. The easement providing access to lots lacking required minimum frontage shall be subtracted from the minimum required developable area of the lot affected (lots over which the easement is placed must be two and one-half (2.5) net acres or greater exclusive of the easement) provided, however, the portion of the easement that only serves a lot outside of the subdivision shall not be subtracted from the minimum required developable area of the lot in the subdivision over which such portion exists.
- c. In no case shall access by easement serve more than four (4) lots, including lots within the subdivision as well as lots outside the subdivision.
- d. No more than three (3) lots in the subdivision shall be below the minimum lot frontage requirement. If three (3) lots in the subdivision will be below the minimum lot frontage requirement and if there is potential for additional lot divisions meeting the minimum lot size standards required by this Ordinance and the Subdivision Ordinance, then the property shall be deed restricted, prohibiting any future divided lot in the subdivision from using the easement as a substitute for minimum lot frontage. Such deed restriction shall be by recorded agreement between the City and landowner.
- e. The location, design and construction methods of the private road easement shall be subject to review by the City Engineer and approval by the City Council. Standards include, but are not limited to, the following:
 - (1) The minimum easement width shall be forty-two (42) feet.
 - (2) The minimum paved roadway surface width shall be eighteen (18) feet.
 - (3) The minimum drivable roadway surface (including paved roadway and shoulders) shall be twenty-two (22) feet.
 - (4) The minimum cul-de-sac turn-around easement radius shall be sixty (60) feet.
 - (5) The minimum cul-de-sac turn-around drivable roadway surface radius (including paved roadway and shoulders) shall be fifty (50) feet. The minimum paved roadway surface radius shall be forty-eight (48) feet. An interior landscaped island with a radius not exceeding twenty-five (25) feet may be allowed provided the landscaped island is kept free of shrubs, trees, boulders, structures, and the like.

- (6) Roads, including paved roadway and shoulders, shall be constructed for a seven (7) ton axle weight capacity.
- f. No trees, branches, or shrubs shall be planted or allowed to grow up or extend further on the ground or within the airspace within fifteen (15) feet of the centerline of the road.
- g. Maintenance of the private road easement shall be the responsibility of the property owners served by the easement through their homeowners' association and not the City.
- h. The subdivision applicant shall establish a homeowners' association of all the owners of property served by the easement within the subdivision. On behalf of the property owners served by the easement, the homeowners' association shall be responsible for maintenance of the road easement. The subdivision applicant shall create association documents that address the following:
 - (1) membership in the association,
 - (2) standards for repair and maintenance of the road easement,
 - (3) financing of on-going maintenance and repair,
 - (4) collection of maintenance and repair costs from the homeowners, and
 - (5) a governance and voting structure.

The association documents shall be subject to the review and approval of the City Council.

- i. The homeowners' association, property owners, and City shall enter into an agreement providing that if Section 1307.04.D.2.f has been violated, the City may treat the violation as a nuisance and the City may, but is not required to, remove the vegetation within fifteen (15) feet of the centerline of the road if the homeowners' association and property owners have not removed the vegetation within thirty (30) days after written notice by the City to do so. If the City does remove the vegetation, the costs and expenses shall be paid pro-ratably on a per lot basis by the property owners served by the easement. The agreement will provide that if payment is not made within thirty (30) days of the invoice, then the City may certify to the Dakota County Treasurer/Auditor the amount due as payable with the real estate taxes in the next calendar year; such certification may be made under Minnesota Statutes Chapter 444 in a manner similar to certification for unpaid utility bills. In the agreement, the property owners shall waive any and all procedural

and substantive objections to the imposition of such charges on the lot.

Further, as an alternate means of collection, if the invoice is not paid by a property owner served by the easement, the City, without notice and without hearing, may specially assess the lot for the costs and expenses incurred by the City. In the agreement, the property owners served by the easement shall waive any and all objections to the special assessments including, but not limited to, notice and hearing requirements and any claims that the charges or special assessments exceed the benefit to the lots served by the easement. The property owners served by the easement will waive any appeal rights otherwise available pursuant to Minnesota Statute, Section 429.081. The property owners served by the easement will acknowledge that the benefit from the performance of the tasks by the City to ensure compliance with Section 1307.04.D.2.f equals or exceeds the amount of charges and assessments for the costs and expenses that are being imposed.

j. If the Council determines the following:

- (1) That an adjoining parcel outside the proposed subdivision could be served by the easement; and
- (2) That if the easement had been a public street, the adjoining parcel outside the subdivision would under reasonable planning principles have been served by a public street lying in the same general area of the easement; and
- (3) That the adjoining parcel either:

does not have public street access and there is not the reasonable probability that the adjoining parcel will have public street access in the future; or

there are practical difficulties in serving the adjoining parcel by a public street,

then the Council may require that the private road easement extend to the benefit of the adjoining parcel. In such case, the subdivision applicant by the easement instrument shall also declare the easement to be for the benefit and use of the adjoining parcel, provided the adjoining parcel owner agrees to pay its pro-ratable share of the maintenance and repair costs of the easement based on the number of lots served by the easement if the adjoining parcel owner uses the easement and provided the adjoining parcel owner further agrees to grant the City the same rights to enforce

Section 1307.04.D.2.f against the adjoining parcel as are set forth in Section 1307.04.D.2.i if the adjoining parcel owner uses the easement. Such agreements shall be recorded and run with the adjoining parcel.

- k. A request to subdivide a property under the terms of this section shall require conformance with the content and data requirements of Section 1306 (Plat and Data Requirements).

If the conditions set forth in Sections 1307.04.D.2.a through k cannot be met, then the subdivision applicant must comply with the minimum lot frontage requirement along a public street.

- *E. Access: Each lot shall directly access a public street or shall have a private drive access approved by the City under Section 1307.04.D. or the Interim Use Permit provisions as specified in Section 1241 of the City Zoning Ordinance. In cases where special conditions require an alternative means of access, it shall be subject to the review and approval of the City Council.
- F. Setback Lines: Setback or building lines shall be shown on all lots and shall not be less than the setback required by the City Zoning Ordinance, as may be amended.
- G. Watercourses: Lots abutting a watercourse, wetland, ponding area, drainageway, channel, or stream shall have additional depth and width, as required to comply with the approved drainage plan for the subdivision and to meet the provisions of the City Zoning Ordinance to assure building sites that are not subject to flood water inundation.

* Amended Ord. No. 1998-04, 7 July 1998

- H. Drainage: Lots shall be graded so as to provide drainage away from building locations, subject to the recommendation of the City Engineer and approval by the City Council. A development plan shall be submitted showing all lot grading and drainage provisions.
- I. 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 rather than to remain as unusable parcels. For remnants, separated by a public right-of-way, the lot remnants shall be designated an outlot. Lot remnants may be allowed if a plan for future use is found acceptable by the City Council.
- K. Political Boundaries: With the exception of school district boundaries, no singular plat shall extend over political jurisdictional boundaries. Where a singular plat extends over school district boundaries, no individual lot may extend over said school district boundary.
- L. Frontage on Two Streets: Double-frontage, or lots with frontage on two (2) parallel or non-intersecting streets shall not be permitted except:
1. Where lots back on arterial streets or highways, or
 2. Where topographic or other conditions render subdividing otherwise unreasonable.
- M. Turn-Around Access: Where proposed residential lots abut a collector street, they shall be platted in such a manner as to encourage turn-around access and egress on each lot and discourage direct access onto such streets.
- N. Access to Arterial Streets and Collector Streets: In the case where a proposed plat is adjacent to a limited access highway, other major highway, or other arterial street, said streets to be defined by the City's Comprehensive Plan, there shall be no direct vehicular access from individual lots to such streets and roads. In the platting of small tracts of land fronting on limited access highways or arterial street where there is no other alternative, a temporary entrance may be granted, subject to terms and conditions defined by the City Council and applicable County or state agencies. As neighboring land becomes subdivided and more preferable access arrangements become possible, such temporary access permits shall become void.

- O. Outlots: The creation of outlots is to be discouraged, except in such cases where title discrepancies exist and their establishment has been determined by the City Attorney to constitute the most effective means of dealing with the issue. In such cases where outlots are created or exist, their area shall not be utilized in calculating minimums for buildable lot area requirements. Said outlots are also prohibited from qualifying for building permits.
- *P. Minimum Building Elevation (lowest window or door open to outside):
 - 1. Minimum Building Elevation above the 100-Year Ordinary High Water Elevation:
 - a. 3.0 Feet is Desired
 - b. 2.0 Feet is Required
 - 2. Minimum Building Elevation above the Natural Overland Overflow Elevation:
 - a. 1.0 Foot is Desired
 - b. 0.5 Feet is Required
- *Q. Driveway Culvert: A minimum culvert size of 15 inches shall be installed under any driveway requiring storm water runoff to pass through the driveway. All driveway culverts shall be installed with culvert aprons attached to each side. All required culverts shall be installed prior to commencement of house construction.

SECTION 1307.05 STREETS:

- A. Proposed streets shall conform to State, County and City highway/street plans which have been prepared, adopted and/or filed as prescribed by law.
- B. Streets shall be logically related to the topography, so as to produce usable lots and reasonable grades.
- C. 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 land-locked areas shall not be created.
- D. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of existing streets in adjoining areas.

- E. 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 turn-around facility shall be provided at the closed end, in conformance with cul-de-sac size requirements. Construction standards for temporary facilities shall be recommended by the City Engineer and approved by the City Council. Construction of said streets shall be to the boundary of the plat.
- F. 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, to their appropriate relationship to the proposed uses of the area to be served and in compliance with the City's Comprehensive Plan.
- G. Provisions for Resubdivision of Large Lots and Parcels: When a tract is subdivided into larger than normal building lots or parcels which have the potential for further subdivision, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision.
- H. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts with temporary cul-de-sacs, or when designed as cul-de-sac streets.
- * **I. Private streets and reserve strips 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. An exception to the prohibition on private streets may be granted by the City Council through the approval of an interim use permit, as specified by the City Zoning Ordinance or an exception may be allowed under Section 1307.04.D..
- J. Where a subdivision abuts or contains an existing or planned principal arterial, 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. Such distances also shall be determined with due regard for the requirements of approach grades and future grade separations.

* Amended Ord. No. 1997-08, 6 May 1997

** Amended Ord. No. 1998-04, 7 July 1998

- K. The street design shall not be such as to cause hardship to owners of adjoining property in platting their land and providing convenient access thereto.

SECTION 1307.06 CUL-DE-SAC STREETS

- A. Cul-de-sac streets permanently designed as such, shall not exceed one thousand (1,000) feet in length, except in such cases where one or both of the following have been demonstrated:
1. Area topography or other physical site conditions warrant a cul-de-sac, dead-end design.
 2. A through street is not physically feasible.

All cul-de-sacs shall include a terminal turn-around which shall be provided at the closed end, with a right-of-way radius of not less than sixty (60) feet. The length of the cul-de-sac shall be measured along the centerline from the nearest intersection to the center point of the cul-de-sac turn-around.

- B. Where a temporary cul-de-sac is required, the turn-around 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. At such time as such a street is extended, the acreage covered by the turn-around outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turn-around.

SECTION 1307.07 STREET DESIGN:

- A. Widths: Street right-of-way widths shall be as determined in the Comprehensive Plan and official map, and where applicable, shall conform to County and State standards for trunk highways. In cases where no standard is provided, the following minimum standards shall apply:

<u>Street Classification</u>	<u>Right-of-Way Width</u>	<u>Roadway Surface Width</u>
Principal Arterial	MnDOT Standard	MnDOT Standard
Minor Arterial	80 feet	48 feet
Collector	60 feet	30 feet
Local	50 feet	22 feet
Cul-de-Sac	60 foot Radius	50 foot Radius

than seventy-five degrees (75). Intersections having more than four (4) corners shall be prohibited. Adequate land for future intersections and interchange construction needs shall be dedicated.

- C. Tangents: A tangent of at least one hundred feet (100') shall be introduced between reverse curves on arterial and collector streets.
- D. Deflections: When connecting street lines deflect from each other at one point by more than ten degrees (10), they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than five hundred feet (500') for arterials, three hundred feet (300') for collectors, and two hundred feet (200') for all other streets. The City Council may allow greater or lesser sight distances.
- E. Street Intersection Offsets: Street intersection jogs with centerline offsets of less than one hundred fifty feet (150') shall be prohibited.
- F. Centerline Gradients: All centerline gradients shall be at least thirty-five one-hundredths percent (0.35%) and shall not exceed the following:
 - 1. Arterials and collector streets - six percent (6%).
 - 2. Local streets and frontage roads - eight percent (8%).
- G. Centerline Curvature: The minimum horizontal curvature of streets shall be in accordance with the MnDOT Highway Design Manual for the type of street and design speed. The minimum curvature shall be two hundred fifty feet (250') radius.
- H. Access to Limited Access Highways: In the case where a proposed plat is adjacent to a limited access highway, there shall be no direct vehicular or pedestrian access from individual lots to such highways. As a general requirement, access to such limited access highways shall be at intervals of not less than one-half (1/2) mile and through existing and established crossroads where possible. Any such proposed access shall be subject to state or County approval as may be applicable as well as City approval.
- I. Platting of Small Tracts: In the platting of small tracts of land fronting on a limited access highway where there is no convenient access to existing entrances and where access from such plat would be closer than one-half (1/2) mile from an existing access point, a temporary entrance permit may be granted. Provision shall be made in such plats for the connection of roads to neighboring land. As the neighboring land is platted and developed, and access becomes possible at a preferred location, such temporary entrance permits shall become void at the discretion of the City.
- J. Half Streets: Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted. The probable

length of time elapsing before dedication of the remainder shall be considered in this decision. No permanent street improvement shall be permitted within a half street right-of-way. All lots having frontage or access solely from a half street are prohibited from being eligible for building permits.

- K. Dedication: All proposed streets shown on the plat shall be in conformity to City, County and State plans and standards and be offered for dedication as public streets unless otherwise determined by the City Council.
- L. Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the standards of this Chapter.
- M. Additional right-of-way and roadway widths may be required by the Council to promote public safety and convenience when special conditions require it.
- N. Restriction of Access: Access of local streets onto arterial and collector streets shall be discouraged at intervals of less than five hundred (500) feet.
- O. Corner Radii: Roadways of street intersections shall be rounded by a radius of not less than twenty-five (25) feet. Corners at entrances to the turn-around portions of cul-de-sacs shall be rounded by a radius of not less than fifteen (15) feet.
- P. Curb and Gutter: Curb and gutter may be included as a part of the required street surface improvement, when such improvement is recommended by the City Engineer and approved by the City Council.
- **Q. Street Designation: Names of all streets, other than County roads, shall be subject to City approval. Names of County roads shall be subject to County approval. The City shall assign addresses for properties on all streets other than County roads and the County shall assign addresses for properties along County roads. From time to time, the City shall appoint an individual to act as the road naming and addressing authority. This individual shall be primarily responsible for naming roads and assigning addresses for those streets where the City has the authority to assign names and addresses. The decisions of the road naming and addressing authority shall be subject to approval of the City Council. The map entitled "2012 City Street and Address Map" dated June 2012, is hereby ratified and approved and shall, as amended from time to time, constitute the official map of the streets within the City, and the names of the streets and public ways and addresses shown thereon are ratified and approved. The map may be amended by resolution of the Council. The map is on file with the City Clerk.
- *R. Broken-back horizontal curves shall not be allowed. A broken-back curve is one in which a short tangent (less than 1,500 feet) is located between two curves in the same direction.

* Amended Ord. No. 1997-04, 7 January 1997

** Amended Ord. No. 12-03, 5 June 2012

SECTION 1307.08 SEWAGE DISPOSAL

All on-site sewer systems, including the size and relative location of same, shall be in conformance with City, State and Federal requirements. When such requirements conflict, the most restrictive shall apply. In addition to those standards, the following requirements shall also apply unless in conflict with a more restrictive requirement referenced above:

- A. The subdivision shall be subject to soil and percolation tests being made to determine whether or not the lot sizes proposed will meet minimum standards of health and sanitation due to limitations of soils as shown on existing soils maps. Such tests shall be made at the expense of the applicant and a sketch map shall be submitted with the preliminary plat to identify the specific locations where tests were made.
- B. No cesspools or seepage pits shall be allowed.
- C. The City may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics.

SECTION 1307.09 STORM DRAINAGE:

All subdivision design shall incorporate adequate provisions for stormwater runoff consistent with the provisions of Section 1216.04 of the Sunfish Lake Zoning Ordinance.

*** SECTION 1307.10 EASEMENTS:**

All easements shall be shown on the preliminary plat and shall be shown on the Certificate of Survey in the case of a minor subdivision. In the platting process, all easements shall be dedicated by appropriate language on the final plat as required by law and provisions of this Chapter. In the minor subdivision process, all easements shall be granted to the City by an easement document prepared by the City Attorney.

- A. **Drainage and Utility Easements:** Easements of a minimum of ten (10) feet wide, centered on rear and other lot lines, shall be provided for drainage and for public and private utilities. Lot easements shall be a minimum of ten (10) feet when no easement exists on the adjoining parcels. When it is not practical to center easements, the fully required easement width may be required along one property line. Said easements shall have continuity of alignment from block to block. The easements, when approved, shall not thereafter be changed without the approval of the City Council pursuant to established City Code procedures, as may be amended.

* Amended Ord. No. 2011-03, May 3, 2011

- B. Drainage: Easements shall be provided along each side of the centerline of any natural watercourse or drainage channel to a width sufficient to provide proper maintenance and protection and to provide for storm water runoff. Where necessary, drainage easements corresponding with lot lines shall be provided. Such easements for drainage purposes shall not be less than twenty (20) feet in width or a width equal to the required side yard setback established by the respective zoning district in which the property is located, whichever is least.
- C. Sight: Sight easements beyond required zoning setback regulations may be required by the City and State Highway Department to protect major intersections on the street and highway system.

SECTION 1307.11 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.
- G. The City shall have the authority to remove the topsoil for its own purposes from all dedicated streets within its corporate boundaries. Said topsoil shall be utilized in the development project from which it is taken unless otherwise specified as part of a development agreement.

SECTION 1307.12 PROTECTED AREAS:

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

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

In general, measures of protection shall include design solutions which allow for construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the applicant shall be required to demonstrate that the proposed design will not require construction on slopes over eighteen (18) percent, or result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary.

SECTION 1307.13 MINIMUM DESIGN FEATURES:

The design features set forth in this Chapter are minimum requirements. The City may impose additional or more stringent requirements concerning lot size, streets and overall design as deemed appropriate considering the property being subdivided based upon site considerations and the Sunfish Lake Comprehensive Plan.

SECTION 1307.14 ZONING ORDINANCE CONSISTENCY:

Preliminary and final plats may only be approved if they are consistent with the City's Zoning Ordinance. Preliminary plats may not be approved prior to adoption of any rezoning of other zoning ordinance changes necessary for final plat approval.

SECTION 1307.15 TREE PRESERVATION:

The following process for preserving significant trees shall be required of subdividers. Subdividers, however, are encouraged to preserve all established healthy trees even if the trees are less than six (6) inches in diameter.

A. Subdividers:

1. Subdividers shall:

- a. Comply with all applicable landscape plan requirements outlined in Section 1218.03.B of the Sunfish Lake Zoning Ordinance.
 - b. Prepare a tree preservation plan which shall be incorporated on the grading plan.
 - c. Ensure the tree preservation plan is followed during the plan development (mass grading).
 - d. Submit a five hundred dollar (\$500.00) security for the preparation of individual lot tree preservation plans for each mass graded lot with at least one significant tree to be saved and for each custom graded lot with at least one significant tree. The security will be included in the development contract.
2. The tree preservation plan shall be certified by a forester or landscape architect. The forester or landscape architect shall include on the plan the following items:
 - a. Mass graded areas.
 - b. Custom graded lots.
 - c. Size, species, and location of all significant trees.
 - d. Identification of all significant trees proposed to be saved and significant trees proposed to be removed.
 - e. Measures proposed to protect significant trees shall include but are not limited to:
 - (1) Marking with a red flag and installation of snow fencing or polyethylene laminar safety netting at the drip-line prior to excavation.
 - (2) Placing fill against the trunk of the tree, on the roof crown, and under the drip-line of the tree shall be prohibited.
 - (3) Installation of erosion control measures.
 - (4) Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fuels or paints.

- (5) Pruning of oak trees shall not take place from April 15 through July 1. If wounding of oak trees occurs, a nontoxic tree wound dressing must be applied immediately. Excavators must have a nontoxic tree wound dressing with them on the development site.
3. The tree preservation plan shall be subject to review and approval by the City Forester.
4. The subdivider shall provide a financial guarantee as part of the development contract to ensure protection of all significant trees which were to have been saved but were actually destroyed or damaged. The subdivider shall provide a financial security for each mass graded lot with at least one significant tree to be saved and a financial security for each custom graded lot with at least one significant tree protection. The financial security, generally one thousand (\$1,000.00) dollars per lot, shall be determined by the City Council based on the number and size of trees to be saved. The security will be included in the escrow deposit section of the development contract.
5. After the mass grading has been completed and streets and utilities installed, the forester or landscape architect shall:
 - a. Certify in writing to the city the tree preservation plan was followed.
 - b. Certify in writing to the City the tree protection measures were installed.
 - c. Indicate which significant trees proposed to be saved have been destroyed or damaged.
6. If a significant tree indicated to be saved on the tree preservation plan is destroyed or damaged, the City's tree replacement requirements as outlined in Section 1307.15.D of this Ordinance shall be enforced.
7. The financial security shall be released upon: 1) certification in writing by the forester or landscape architect indicating the tree protection measures were installed on mass graded lots and tree replacement is completed, if necessary and/or 2) the builders have posted security for the custom graded lots. The location of the trees being replaced will be determined on the individual lot tree preservation plan.

B. Home Builders:

1. The City shall require an individual lot tree preservation plan prepared and incorporated on the required site survey for each custom graded lot with at least one significant tree. The plan shall be consistent with the original tree preservation plan for the plat. The homeowner, builder, and the forester or landscape architect shall meet prior to the development of the individual lot tree preservation plan to determine the placement of the home where the fewest significant trees would be destroyed or damaged. The builder shall be responsible for ensuring the tree preservation plan is followed during building construction.

On mass graded lots with at least one significant tree to be saved, builders shall follow the tree preservation plan for the plat.

2. The individual lot tree preservation plan shall be certified by a forester or landscape architect and signed by the homeowner. The forester or landscape architect shall indicate on the plan the following:
 - a. Size, species, and location of all significant trees.
 - b. Identification of all significant trees proposed to be saved and significant trees proposed to be removed.
 - c. Measures proposed to protect significant trees shall include but not limited to:
 - (1) Installation of snow fencing or polyethylene laminar safety netting placed at the drip-line.
 - (2) Placing fill against the trunk of the tree, on the root crown, and under the drip-line of the tree shall be prohibited.
 - (3) Installation of erosion control methods.
 - (4) Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fumes or paints.
 - (5) Pruning of oak trees shall not take place from April 15 through July 1. If wounding of oak trees occurs, a nontoxic tree wound dressing must be applied immediately. Excavators shall have a nontoxic tree wound dressing with them on the development site.

3. Home builders shall be required to furnish the following items for tree preservation at the time the building permit application is submitted for all lots with at least one significant tree:
 - a. Security of one thousand (\$1,000.00) dollars per lot for tree protection requirements.
 - b. Certification from a forester or landscape architect indicating tree protection measures are installed.
 - c. Builders shall be liable for subcontractors which destroy or damage significant trees which were indicated to be saved on the individual lot tree preservation plan.
 4. The City Forester shall monitor the tree protection measures at the time of routine inspections.
 5. Prior to the issuance of a Certificate of Occupancy and release of tree preservation security, the forester or landscape architect shall certify to the City in writing that all the tree protection measures identified on the tree preservation plan were installed from the start of construction to the end of construction and tree replacement is completed, if necessary.
- D. Tree Replacement Requirements: Subdividers and builders shall be required to replace the significant trees which were indicated on the tree preservation plan to be saved, but ultimately were destroyed or damaged. The subdivider and builder shall be required to replace each of the significant trees destroyed or damaged with two (2) replacement trees. Replacement trees shall consist of nursery stock and be no less than the following sizes:
1. Deciduous trees - no less than two (2) inches in diameter.
 2. Coniferous trees - no less than six (6) feet high.

Replacement trees shall be species similar to the trees which were destroyed or damaged and can include those species shown on the following table:

Deciduous Trees:	Maple	Oak
	Linden (Basswood)	Birch
	Ash	Gingko (male only)
	Honey Locust	Kentucky Coffeetree
	Hackberry	

Coniferous Trees: Fir
Spruce
Pine

Eastern Hemlock
Northern White Cedar
Tamarack

Replacement trees shall not be placed on easements or street rights-of-way. If tree replacement is required on the individual lot because the builder destroyed or damaged a tree which was to be saved, the forester or landscape architect shall determine where the replacement trees shall be installed.

1308. CONSTRUCTION STANDARDS

1308.01	Monuments
1308.02	Streets
1308.03	Utilities
1308.04	Water Supply
1308.05	Sewage Disposal
1308.06	Drainage
1308.07	Inspection
1308.08	Certificate of Occupancy

SECTION 1308.01 MONUMENTS:

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. 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 Dakota County Surveyor requirements.

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.

Stakes showing the locations of easements shall be provided by the applicant 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.

SECTION 1308.02 STREETS:

- A. Grading: The full width of the right-of-way of each street dedicated in the plat shall be cleared and graded in accordance with the plan recommended by the City Engineer and approved by the City Council. Boulevards shall be graded to an approved gross slope not less than two (2) percent, nor more than six (6) percent.
- B. Paving: All streets shall be improved with a concrete or bituminous surface. Streets to be paved shall be surfaced for a nine (9) ton axle weight capacity using current Minnesota Highway Department design standards and in accordance with City standard design detail plates. No building permit shall be issued for any lot or parcel in a subdivision prior to the installation of the first lift (wearing course) of bituminous surfacing or concrete surfacing on the streets thereof. Exceptions to

this provision may be granted by the City Council at their discretion as part of a development contract.

- C. Soil Investigation: To determine subgrade soils classification and bearing capacity of the soils in the proposed development, a soil investigation report shall be prepared under the supervision of a soils engineer associated with a qualified soils testing service.

Report of the results of the soils investigation shall be provided to the City Engineer. The report shall contain the design recommendation for street section based on 9-ton design. In proposed streets, soils investigation shall be performed at intervals not to exceed 300 lineal feet. The soil borings completed during the investigation shall be at least 10' in depth below the proposed finished grade. Ground water levels shall be reported at each boring. Elevations shall be in mean sea level datum. Locations of borings shall measure in the field and accurately shown on the plans.

- D. Concrete Curb and Gutter: Where required, all curb shall be concrete with integral gutter. The standard curb shall be vertical face (Type B-6-18) in accordance with City standard design templates. In new residential developments where access locations to lots are not known, a surmountable curb in accordance with City standard design templates may be used subject to the approval of the City Council if the radius of curvature of the street is two hundred (200) feet or larger and except at intersections and catch basin inlets.
- E. Boulevards: All boulevards shall have four (4) inches of top soil (black dirt) placed on them and then shall be sodded or seeded.

***SECTION 1308.03 UTILITIES:**

It is the City's policy that new public (ie: water, sewer and storm) services not be extended into the community.

Except as expressly allowed by the City and except for transmission lines of 40KV or more, all telephone, cable television, electric and/or gas feeder, distribution, supply and/or service lines shall be placed underground. All work shall be completed prior to street surfacing. In special cases when approved by the City Council, utility lines for television, electrical and/or cable service carried on overhead poles may be permitted and shall be placed in rear lot line easements.

* Amended Ord. 1997-11, 4 November 1997

SECTION 1308.04 WATER SUPPLY:

An individual wells shall be constructed in accordance with the Minnesota State Well Code. The applicant shall provide evidence that lots proposed for individual wells will have a good chance of securing an adequate supply of potable water.

SECTION 1308.05 SEWAGE DISPOSAL:

- A. Individual on-site sewage disposal systems shall be provided for each lot.
- B. There shall be no overflow outlets from septic tanks or seepage pits allowing effluent to flow to any waterway, drainage way or roadside ditch.
- C. The applicant or owner shall be required to provide appropriate soil borings and percolation tests in order to determine proper sewage system design. Where on-site residential sewer systems are to be installed, the rules and regulations of the Minnesota Pollution Control Agency, Minnesota Individual Sewage Treatment Systems Standards (Minnesota Rules, Chapter 7080) as may be amended.
- D. Any means or methods of sewer disposal including septic tanks in the subdivision shall be allowed to exist only if in compliance with FEMA rules and regulations, requirements of the Minnesota Pollution Control Agency, and Minnesota Rules 7080, as may be amended.

SECTION 1308.06 DRAINAGE:

All surface and underground drainage systems shall be installed by the applicant to adequately remove all natural drainage that accumulates on the developed property and in accordance with the provisions of Section 1216.04 of the Sunfish Lake Zoning Ordinance. All such systems shall provide complete removal and a permanent solution for the removal of drainage water and shall be subject to City review and approval.

SECTION 1308.07 INSPECTION:

All required improvements shall be inspected by a designated representative of the City Council, at the expense of the applicant.

SECTION 1308.08 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.

1309. REQUIRED IMPROVEMENTS AND FINANCIAL ARRANGEMENT

1309.01	Improvements Required
1309.02	Construction Plans, Inspection and Warranty
1309.03	Payment for Installation of Improvements
1309.04	Development Contract
1309.05	Financial Guarantee
1309.06	Improvements Completed Prior to Approval of the Final Plat

SECTION 1309.01 IMPROVEMENTS REQUIRED:

Prior to the approval of a final plat by the City Council, the applicant shall have agreed, in the manner set forth below, to install the following improvements on the site, in conformity with approved construction plans and in conformity with all applicable standards and ordinances:

- A. **Monuments:** Monuments are to be placed in the subdivision in accordance with Section 1308.01 of this Chapter.
- B. **Grading:** The full width of the right-of-way of each street dedicated in the plat shall be cleared and graded as outlined in Section 1308.02 (A) of this Chapter.
- C. **Pavement:** All streets shall be improved with concrete or bituminous surface, except as may be approved by action of the City Council as part of a development contract. Pavement standards are outlined in Section 1308.02 (B) of this Chapter.
- D. **Curb and Gutter:** Where recommended by the City Engineer and approved by the City Council, concrete curb and gutter shall be installed along both sides of all streets to the standards listed in Section 1308.02 (D) of this Chapter.
- E. **Drainage Facilities:** Such facilities and easements shall be installed under City approval as will adequately provide for the drainage of surface waters, and 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 flood plain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purpose.
- F. **Miscellaneous Facilities:** Tree plantings, street name signs, traffic control signs, pavement marking and other improvements may be required and installed at the expense of the applicant.

SECTION 1309.02 CONSTRUCTION PLANS, INSPECTION AND WARRANTY:

- A. Construction plans for the required improvements conforming in all respects with the standards and ordinances of the City shall be prepared at the applicant's expense by a professional engineer who is registered in the State of Minnesota, and said plans shall contain professional certification. Such plans together with the quantities of construction items shall be submitted to the City Engineer for an estimate of the total costs of the required improvements and recommendation to the City Council. Upon City Council approval, such plans shall become a part of the required written agreement. The tracings of the plans approved by the Engineer, plus two (2) prints, shall be furnished to the City to be filed as a public record.
- B. All required improvements on the site that are to be installed under the provisions of these regulations shall be inspected during the course of construction by the City Engineer at the applicant's expense, and acceptance by the City shall be subject to the City Engineer's certificate of compliance with the contract.
- C. The applicant and/or developer shall provide to the City a written warranty that all required improvements on the site meet or exceed all City standards and that such improvements have been inspected and tested in regards to the City standards. The applicant and/or developer shall be responsible for having all such inspections and testing completed at their expense.

SECTION 1309.03 PAYMENT FOR INSTALLATION OF IMPROVEMENTS:

The required improvements as listed are to be furnished and installed at the sole expense of the applicant. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such lands, to be allocated in accordance with City policies.

SECTION 1309.04 DEVELOPMENT CONTRACT:

- A. Prior to the installation of any required improvements by the applicant and prior to approval of the plat, the applicant shall enter into a contract in writing with the City requiring the applicant/developer to furnish and construct said improvements at their sole cost and in accordance with plans and specifications and usual contract conditions. This shall include provision for supervision of details of construction by the City Engineer and shall grant to the City Engineer authority to coordinate the work and improvements to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the City in the vicinity. The contract shall require all public and private utility material standards and installation requirements be met and shall be recommended by the City Engineer and approved by the City Council.

- B. The contract shall require the applicant to make an escrow deposit or furnish an irrevocable letter of credit or a certified check as is determined by the City. The amount of the deposit or penal amount of the security is to be based on the City Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection. The deposit or penal amount shall equal one hundred twenty-five (125) percent of the City Engineer's estimate.
- C. On request of the applicant, but at the sole discretion of the City, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat. In such event, and if evidence is presented that the described work and improvements have been paid for, the amount of the deposit or bond may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat.
- D. The time for completion of the work and the several parts thereof shall be determined by the City Council, upon recommendation of the Engineer after consultation with the applicant. It shall be reasonable with relation to the work to be done, the seasons of the year, and proper coordination with construction activities in the plat and subdivision.
- E. Improvements shall be constructed only in platted real estate.
- F. Except as allowed by issuance of a preliminary grading permit, no applicant/developer shall be permitted to start work on any other subdivision improvements without special written approval of the City Council.

SECTION 1309.05 FINANCIAL GUARANTEE:

- A. The contract provided for in Sections 1309.04 shall require the applicant to make an escrow deposit or provide a certified check or irrevocable letter of credit as determined by the City. The escrow deposit, certified check or irrevocable letter of credit shall conform to the requirements of this section.
- B. Escrow Deposit, Certified Check:
 - 1. 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 one hundred twenty-five (125) percent of the total costs calculated as provided in Section 1309.04, as estimated by the City for all the improvements to be furnished and installed by the applicant pursuant to the contract, which have not been completed prior to approval of the plat. An additional cash deposit shall be furnished for costs of City inspections. Such deposit shall be equal to a sum determined by the City Engineer.

2. 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 applicant under said contract, and for any damages sustained on account of any breach thereof.
3. Upon completion of the work and termination of any liability, the balance remaining in said deposit or check from Section 1309.05 B above shall be refunded to the applicant.

C. Irrevocable Letter of Credit:

1. If the applicant is required to furnish an Irrevocable Letter of Credit, the penal sum shall be payable to the order of the City and delivered to the City in an amount calculated as provided in Section 1309.04, as estimated by the City Engineer of all the improvements to be furnished and installed by the applicant pursuant to the contract, which have not been completed prior to the approval of the plat. An additional cash deposit shall be furnished for costs of City inspections. Such deposit shall be equal to a sum determined by the City Engineer.
2. The Irrevocable Letter of Credit shall be approved as to form by the City Attorney and filed with the City Treasurer.
3. The City shall be entitled to reimburse itself out of said letter of credit for any cost and expense incurred by the City for completion of the work in case of default of the applicant under said contract, and for any damages sustained on account of any breach thereof.

SECTION 1309.06 IMPROVEMENTS COMPLETED PRIOR TO APPROVAL OF THE FINAL PLAT:

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

1310. ADMINISTRATION AND ENFORCEMENT

1310.01	Non-platted Subdivisions
1310.02	Variances, City Council Approval, Standards
1310.03	Violations and Penalty
1310.03A	Sale of Lots from Unrecorded Plats
1310.03B	Receiving or Recording Unapproved Plats
1310.03C	Misrepresentations
1310.03D	Penalty
1310.04	Schedules of Administrative Fees, Charges and Expenses

SECTION 1310.01 NON-PLATTED SUBDIVISIONS

- A. Registered Land Surveys: All registered land surveys shall be filed subject to the same procedures as required for the filing of a preliminary plat for platting purposes. The standards and requirements set forth in these regulations shall apply to all registered land surveys.
- B. Metes and Bounds:
1. Except in highly unique situations as may be allowed by the City Council, conveyances by metes and bounds shall be prohibited where any lot or lots involved are less than ten (10) acres in area or have a width of less than three hundred thirty (330) feet at the building setback line.
 2. No building permit shall be issued for any structure on any parcel of land less than ten (10) acres in area or having a width of less than three hundred thirty (330) feet on an improved public street, at a building setback line which is described by metes and bounds until a plat describing such parcel of land is filed with the Dakota County Register of Deeds Office and proof thereof is furnished to the City Council.
 3. When a conveyance by metes and bounds is made for parcels larger than ten (10) acres in size, a survey of the parcels involved shall be submitted to the Zoning Administrator before any building permits will be issued for those parcels, and a copy of the survey shall be attached to the deed when it is submitted to the Dakota County Register of Deed's Office for recording.

SECTION 1310.02 VARIANCES, CITY COUNCIL APPROVAL, STANDARDS:

- * A. Findings: The City Council may approve a variance from the minimum standards of this Chapter (not procedural provisions) when, in its opinion, practical difficulties may result from compliance with its requirements. In approving any variance, the City Council may recommend such conditions related to the variance regarding the location, structure or use as it may deem advisable in the interest of the intent and purpose of this Ordinance provided that they are directly related to and bear a rough proportionality to the impact of the variance. 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 that each and every one of the following apply:
1. Practical difficulties will result if the variance is denied due to the existence of special conditions and circumstances which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.
 2. That there are special circumstances or highly unique conditions affecting the property such that compliance with the requirements of this Chapter would cause the property owner practical difficulties and the proposed variance permits use of the property in a reasonable manner.
 3. 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.
 4. That the variance is to correct inequities resulting from an extreme physical characteristic such as topography.
 5. Practical difficulties relating to economic considerations shall not be the sole purpose of granting a variance.
 6. That the practical difficulties are not a result of an action or actions by the owner, applicant or any agent thereof.
 7. That the variance is in harmony with the purposes and intent of the Ordinance.
 8. That the variance is consistent with the Comprehensive Plan.
 9. That the variance will not alter the essential character of the locality.

* Amended Ord. 11-04, July 5, 2011

B. Procedures:

1. Request for variances, as provided within this Section, shall be filed with the City Planner on an official application form. Such application shall be accompanied by a fee as provided for by City Council Resolution. Such application shall also be accompanied by five (5) large scale copies and one (1) reduced (8 1/2" x 11") copy of detailed written and graphic materials fully explaining the proposed change, development, or use. The request for variance shall be placed on the agenda of the first possible Planning Commission meeting occurring after thirty (30) days after the date of submission of the application. The request shall be considered as being officially submitted when all the information requirements are complied with.
2. Upon receipt of said application, the City shall set a public hearing following property hearing notification as applicable. The Planning Commission shall conduct the hearing, and report its findings and make recommendations to the City Council. Notice of said hearing shall consist of a legal property description of request, and be published in the official newspaper at least ten (10) days prior to the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within one thousand (1,000) feet of the boundary of the property in question (public right-of-way shall not be included in the one thousand (1,000) foot measurement). The City Planner shall have the right to provide additional property owners notification beyond the one thousand (1,000) foot distance if it is judged that the request will have impact upon additional properties. The City Assessors records shall be deemed sufficient for determining the location and ownership of said property. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceeding.
3. For properties within the Shoreland, Floodway or Flood Fringe Overlay District, the City shall submit to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten (10) day's notice of the hearing.
4. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance, provided a bona fide attempt has been made to comply with the notice requirements of this Section.
5. The City Planner shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the Council.

6. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of an applicant to supply all necessary supportive information may be grounds for denial of the request.
7. The applicant or representative thereof shall appear before the Planning Commission to answer questions concerning the proposed variance.
8. The Planning Commission shall make findings of fact and recommend approval or denial of the request. The Planning Commission shall reach a decision within sixty (60) days after the first regular meeting at which the variance request was considered by the Commission, unless a delay in action is requested by the applicant. The Commission's recommendation and the City staff's report shall be presented to the Council.
9. The City Council shall not grant a variance until they have received a report and recommendation from the Planning Commission. If, however, the Planning Commission has not acted upon the request after sixty (60) days from the first regular meeting at which the request was considered, the City Council may proceed with its consideration and action on the request.
10. Upon receiving the report and recommendation of the Planning Commission, the City shall place the report and recommendations on the agenda for the next regular City Council meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
11. The Council shall review the application and may at its option conduct a public hearing on the request.
12. The Council shall make a finding of fact and approve or deny a request for variance within sixty(60) days after receipt of the Planning Commission's recommendation.
13. A variance of this Ordinance shall be by three of five (3 of 5) votes of the entire City Council.
14. All decisions by the Council involving a variance request shall be final except that an aggrieved person or persons shall have the right to appeal within thirty (30) days of the decision to the Dakota County District Court.
15. A copy of all decisions granting variances for properties in the Shoreland, Floodway or Flood Fringe shall be forwarded to the Commissioner of Natural Resources within ten (10) days of such action.

16. Whenever a variance has been considered and denied by the City Council, a similar application and proposal for the variance affecting the same property shall not be considered again by the Planning Commission or City Council for at least one (1) year from the date of its denial, except as follows:
 - a. If the applicant or property owner can clearly demonstrate that the circumstances surrounding the previous variance application have changed significantly.
 - b. If the City Council decides to reconsider such matter by a vote of not less than three of five (3 of 5).
17. If a request for a variance receives approval of the City Council, the applicant shall record such with the County Recorder within thirty (30) days of the City Council approval date. The applicant, immediately upon recording such, or as soon as is reasonably possible, shall furnish the City proof of recording. No building permits for the property in question will be granted until such proof of recording is furnished to the City.

SECTION 1310.03 VIOLATIONS AND PENALTY:

- A. Sale of Lots from Unrecorded Plats: It shall be a misdemeanor to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with, any plan, plat or replat of any subdivision or area located within the jurisdiction of this Chapter unless said plan, plat or replat shall have first been recorded in the office of the Register of Deeds of Dakota County.
- B. Receiving or Recording Unapproved Plats: It shall be unlawful for a private individual to receive or record in any public office any plans, plats of land laid out in building lots and streets, alleys or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this Chapter, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.
- C. Misrepresentations: It shall be a misdemeanor for any person owning an addition or subdivision of land within the City to represent that any improvement upon any of the streets, alleys or avenues of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the City Council, or has been supervised or inspected by the City, when such improvements have not been so constructed, supervised or inspected.
- D. Penalty: Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor. Each day during which compliance is delayed or such

violation continues or occurs shall constitute a separate offense and may be prosecuted as such.

SECTION 1310.04 SCHEDULES OF ADMINISTRATIVE FEES, CHARGES AND EXPENSES:

- A. Fees and charges, as well as expenses incurred by the City for engineering, planning, attorney, and other services related to the processing of applications under this Chapter shall be established by resolution of the Council and collected by the City Planner for deposit in the City's accounts. Fees shall be established for the processing of requests for platting, major and minor subdivisions, review of plans, and such other subdivision-related procedures as the Council may from time to time establish. The Council may also establish charges for public hearings, special meetings, or other such Council or Planning Commission actions as are necessary to process applications.
- B. Such fees, charges and estimated expenses (as well as a deposit, if so required by the City Planner) shall be collected prior to City action on any application. All such applications shall be accompanied by a written statement between the City and the applicant/landowner (when the applicant is not the same person or entity as the landowner, both the landowner and the applicant must sign the agreement) whereby the applicant/landowner agrees to pay all applicable fees, charges and expenses as set by Council resolution as provided above, and which allows the City to assess the above fees, charges and expenses against the landowner if such monies are not paid within thirty (30) days after a bill is sent to the applicant/landowner.
- C. These fees shall be in addition to building permit fees, inspection fees, trunk storm water facility costs, zoning fees, charges, expenses and other such fees, charges and expenses currently required by the City or which may be established in the future.