

CITY OF BIG LAKE
SUBDIVISION ORDINANCE
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SECTION 1100: TITLE AND APPLICATION

SECTION

- 1100.01: Title
- 1100.02: Purpose
- 1100.03: Jurisdiction
- 1100.04: Platting Authority
- 1100.05: Relation to Other Laws and Regulations
- 1100.06: Policy

1100.01: TITLE: Sections 1100 through 1114, inclusive, shall be known cited and referred to as the “Big Lake Subdivision Ordinance,” and will be referred to as “this Ordinance.”

1100.02: PURPOSE: The City Council being aware of the responsibility which they have for the adoption of ordinances, rules and regulations designed for the protection of health, safety and general welfare of this community, deems it necessary to provide regulations for platting and subdividing of property within the City. Piecemeal planning of subdivisions, without correlation to the Comprehensive Plan, can bring a disconnected patchwork of plats, poor traffic circulation and an undesirable atmosphere. All subdivisions platted within the jurisdiction of the City of Big Lake after the adoption of this Ordinance shall, in all respects, fully comply with the regulations set forth in this Ordinance to assure new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, and be designed with adequate municipal services and efficient movement of traffic.

1100.03: JURISDICTION: The rules and regulations governing plats and the subdivision of land contained in this Ordinance shall apply within the City and to all unincorporated lands lying within two (2) miles of the corporate limits of the City.

1100.04: PLATTING AUTHORITY: The Big Lake City Council shall serve as the platting authority of the City in accordance with Minnesota Statute Chapters 462.358, as may be amended. No plat or replat shall be filed or accepted for filing by the Office of the Sherburne County Recorder or Registrar of Titles unless adopted by the affirmative vote of the majority of the members of the City Council approving such plat or replat. The Building Official shall not issue building permits for any structure on a lot in any proposed subdivision that has not been approved by the City Council. The City Council shall not permit any public improvement to be installed unless the preliminary plat is approved. Grading and installation of services may be permitted provided a development contract is approved by the City Council and the applicant files all financial securities.

1100.05: RELATION TO OTHER LAWS AND REGULATIONS: It shall not be intended by the provisions of this Ordinance to repeal, abrogate, annul or in any way impair or interfere with private restrictions placed upon property by deed, covenant or other private agreements which are equal to or more restrictive, or with restrictive covenants running with the land to which the City is a party except that the most restrictive shall apply. In their interpretation and application, the provisions of this Ordinance shall be the minimum requirements adopted for the protection of the public health, safety and general welfare.

1100.06: POLICY:

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

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

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

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

SECTION 1101: RULES AND DEFINITIONS

SECTION

- 1101.01: Application of Rules
- 1101.02: Definitions

1101.01: APPLICATION OF RULES:

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

1. The singular includes the plural and the plural the singular.
2. The present includes the past and future tenses, and the future tense includes the present tense.
3. The masculine gender includes the feminine and neuter genders.
4. Whenever a word or term defined hereinafter appears in this Ordinance, its meaning shall be construed as set forth in such definition.
5. In the event of conflicting provisions, the more restrictive shall apply.
6. The word “shall” is always mandatory and not merely discretionary.
7. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirement for the promotion of health, safety, and welfare.

1101.02: DEFINITIONS: For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given them solely for the purposes of implementation of this Ordinance:

Administrative Subdivision. A subdivision where the intent is to permit the adding of a parcel of land to an abutting lot, adjust a lot line or divide an existing lot into two lots.

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

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

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

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

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

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

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

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

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

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

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

Butt Lot. See Lot.

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

Certificate of Survey. A land survey prepared by a land surveyor registered in the State of Minnesota with a certification that the information on the land survey is accurate.

City. The City of Big Lake, Sherburne County, Minnesota.

City Plan. The Comprehensive Plan adopted by the City Council, indicating the general locations recommended for the various functional clauses of public works, places and structures,

and for the general physical development of the community of Big Lake and includes any unit or part of any such plan separately adopted and any amendment to the plan or parts thereof.

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

Comprehensive Plan. The Big Lake Comprehensive Plan.

Condominium. A form of individual ownership within a building with joint responsibility for maintenance and repairs. In a condominium, each unit is under separate ownership, along with an undivided share of common buildings and land.

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

Environmental Development. The development pattern and technique whereby lots are arranged in closely related groups to preserve the natural amenities of the land through the creation of common open space.

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

Critical Root Zone (CRZ). An imaginary circle surrounding the tree trunk with a radius distance of one (1) foot per one (1) inch of tree diameter, e.g., a twenty (20) inch diameter tree has a CRZ with a radius of twenty (20) feet.

Cul-de-sac. (See Street)

Design Standards/Standard Specifications. The specifications for the preparation of concept plans, preliminary plats, and final plats indicating, among other things, the optimum minimum or maximum dimensions of such features as rights-of-way and blocks, as set forth in this Ordinance.

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

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

Double Frontage Lots. See Lot.

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

Diameter at Breast Height. The diameter of a tree measured at diameter breast height (four and one-half (4.5) feet from the uphill side of the existing ground level). If a tree splits into multiple

trunks below four and one-half (4.5) feet, then the trunk is measured at its narrowest point beneath the split.

Drip Line. The farthest distance away from the trunk that rain or dew will fall directly to the ground from the leaves or branches of the tree or one (1) foot per one (1) inch of diameter, whichever is greater.

Easement. A grant by an owner of land for the specific use of the land by the general public, a corporation, or a certain person or persons, for a specific purpose or purposes.

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

Escrow. The deposition of funds in an account maintained by the governmental unit specifically for the purpose of ensuring fulfillment of certain obligations pursuant to this Ordinance.

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

Financial Guarantee. A financial security consistent with Section 1110.11 (Financial Guarantee) of this Ordinance, posted with the City with the approval of a final plat, guaranteeing compliance with the approved final plat, construction plans, and conditions of approval set forth by the City.

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

Grade, Percentage of. The rise or fall of a street in feet and tenths of a foot for each one hundred (100) feet of horizontal distance measured at the center line of the street.

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

Improvement, Public. Any drainage facility, street, parkway, park, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which City responsibility is established.

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

Land Disturbance. Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural

character of the land occurs as a result of the site preparation, grading, building construction or any other construction activity.

Lot. One unit of a plat or subdivision recorded in the Office of the Sherburne County Registrar of Deeds or Recorder, which unit has frontage on a public street and is occupied, or to be occupied, by a building and its accessory buildings, and including as a minimum, such spaces as are required under this Ordinance. Lots may be classified as follows:

1. **Lot, Base.** Lots meeting all specifications in the Zoning District prior to being subdivided into a two family dwelling, townhouse, or quadraminium subdivision.
2. **Lot, Butt.** A lot located at the end of a block and located between two corner lots.
3. **Lot, Corner.** A lot or lots within a plat and situated at the corners thereof so that they are bounded on two sides by streets. This term applies to any lot within the plat at street intersections and bounded on two sides by streets.
4. **Lot, Double Frontage.** A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot.
5. **Lot, Flag.** A lot without the required full lot width on a public roadway and with access to the public roadway provided to the bulk of the lot by means of a narrow strip or private easement.
6. **Lot, Interior.** A lot other than a corner lot, including through lots.
7. **Lot, Through.** A lot fronting on two parallel streets.

Lot Depth. The mean horizontal distance between the front lot line and the rear lot line of a lot (the greater frontage of a corner lot shall be deemed its depth and the lesser frontage its width).

Lot, Frontage. The front of a lot shall be, for the purposes of complying with this Ordinance, that boundary abutting a public right-of-way having the least width.

Lot Line. A property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the lot line shall be deemed to be the boundary of said public right-of-way.

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

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

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

Natural Water Way. A natural passageway in the surface of the earth, so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area or stream.

Normal Water Level. A level of water in a watercourse when the watercourse is not in the process of receiving or discharging storm water runoff. The normal water level will typically be the outlet elevation of a pond, lake, or other standing water body.

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

Owner. An individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the land under this Ordinance.

Parkway. See Street.

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

Person. Any individual, firm, association, syndicate or partnership, corporation, trust, or any other legal entity.

Planned Unit Development. A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, or a commercial or industrial development which contains two or more principal buildings. The units or buildings may be for sale, rent, or lease, and may also involve clustering of the units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units.

Planning Commission. The Planning Commission of the City of Big Lake, except when otherwise designated.

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

Plat, CIC. A common interest community plat pursuant to Minnesota Statutes 515B.2-110 as may be amended from time to time. “CIC” means contiguous no noncontiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) issuance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies. Real estate subject to a master association, regardless of when the master association was formed, shall not collectively constitute a separate common interest community unless so stated in the master declaration recorded against the real estate.

Plat, Final. The final map or drawings and accompanying material described in Section 1106 (Final Plat) of this Ordinance on which the developer's plan or subdivision is presented to the City Council for approval and which, if approved, will be submitted to the Office of the Sherburne County Recorder or Registrar of Titles for filing.

Plat, Preliminary. The preliminary map or drawings and accompanying material described in Section 1105 (Preliminary Plat) of this Ordinance indicating the proposed layout of the subdivision to be submitted to the City for their consideration for compliance with the Comprehensive Plan, the Zoning Ordinance, and these regulations along with required supporting data.

Protective Covenants. A restriction of the use placed upon the property by a present or former owner and recorded in the Office of the Sherburne County Recorder or the Registrar of Titles. Protective covenants are enforced only by the landowners involved and not by the City or other public agency.

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

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

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

Right-of-Way. Unencumbered land occupied or intended to be occupied by a street, water main, sanitary or storm sewer main, or for another uses specifically permitted by the City Council. The usage of the term right-of-way for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, water main, sanitary sewers, storm drains, or any

other use involving maintenance by a public agency shall be dedicated to public use by the recording of the plat on which such right-of-way is established.

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

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

Shoreland. Land located within the following distances from public waters: one thousand (1000) feet from the ordinary high water level of a lake, pond or flowage and three hundred (300) feet from a river or stream or the landward extent of a floodplain designated in Chapter 12 (Floodplain Ordinance) of the City Code on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of Natural Resources.

Significant Tree. See definition of Tree.

Simple Subdivision. A subdivision that results in the creation of four or fewer lots that is processed in a compressed timeframe whereby a concept subdivision plan is not required and the City Council holds the public hearing for the preliminary plat and both the preliminary and final plat may be considered at the same meeting. All design and performance standards and improvements required of standard subdivisions are also required for simple subdivisions.

Street. A right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, court, way, trail or however otherwise designated. Private, ingress and egress easements shall not be considered streets. City streets shall be categorized by functional classification, as defined by the Big Lake Comprehensive

1. **Arterial Street.** A type of road that is characterized by limited access and a design capacity to move relatively large volumes of traffic in an expedient manner. Arterials are divided into principal arterials and minor arterials based on their access, the traffic volume they carry and the areas they serve. An example of a principal arterial includes but is not limited to interstate highways like U.S. Highway 10. Examples of minor arterials include S.T.H. 25 and County Road 5. This roadway classification system is further defined and illustrated in the Transportation Chapter of the City Comprehensive Plan.
2. **Collector Street** A type of road that functions to provide connections between neighborhoods and from neighborhoods to areas with concentrations of business. They typically have lower traffic volumes and speeds than arterials, but higher than local

streets. Collectors are divided into those roads that are designed to distribute traffic from major generators or from minor collectors to arterial roads (major collectors) and those roads that are designed to distribute traffic from major collectors or arterials to local streets (minor collectors). Examples of minor collectors include but are not limited to County Road 73, Highland Drive, Minnesota Avenue, and County Road 43. The roadway classification system is further defined and illustrated in the Transportation Chapter of the City Comprehensive Plan.

3. **Cul-de-sac.** A minor street with only one outlet and having a turn around.
4. **Local Street.** A type of road that functions to provide access to adjacent properties and from properties to collectors and/or arterial streets. Speeds and traffic volumes are typically lower than collector or arterial streets. This roadway classification is further defined in the Transportation Chapter of the City Comprehensive Plan.
5. **Parkway.** A divided or undivided major thoroughfare having controlled access to adjacent properties and designated as such in the Comprehensive Plan. A parkway also contains a planter strip for planting of low ground cover and street trees and may include pedestrian or bicycle trails.
6. **Service Street.** A frontage or backage road, marginal access street, or otherwise designated a minor street which is parallel and adjacent to an arterial or collector street and which provides access to abutting properties and protection from through traffic.

Street Width. The width of the improved surface of the street as measured at right angles or radially to the centerline of the street from curb face to curb face, or on a street without curbs from the outside edge of the improved shoulder to outside edge of improved shoulder.

Subdivision. The creation of one or more lots under the provisions of this Ordinance or any division of an existing lot. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Specimen Tree. See Tree.

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

1. **Coniferous Tree.** A woody plant which, at maturity, is at least twelve (12) feet or more in height, having foliage on the outermost portion of the branches year round.
2. **Deciduous Tree.** A woody plant which, at maturity, is at least fifteen (15) feet or more in height, having a defined crown, and which sheds leaves annually.
3. **Significant Tree.** A healthy tree measuring a minimum of six (6) inches in diameter at a distance of fifty-four (54) inches above ground, for deciduous trees, or a minimum of four (4) inches in diameter for coniferous trees.

4. **Significant Tree Stand.** A grouping or cluster of coniferous and/or deciduous trees with contiguous crown cover, occupying five hundred (500) or more square feet of property, which are comprised of deciduous trees six (6) inches or larger in diameter or coniferous trees four (4) inches in diameter.
5. **Specimen Tree.** A healthy hardwood tree measuring equal to or greater than thirty (30) inches in diameter and/or a coniferous tree measuring fifty (50) feet or greater in height.

Tree Certification. A certified inventory of trees on the site after work is complete listing all trees and their final disposition, which is signed by a licensed forester or landscape architect.

Tree Protection Plan. A plan and inventory certified by a forester or landscape architect indicating all of the significant trees and their locations in the proposed development or on the lot. The tree protection plan shall include the size, species, tag numbers, and location of all significant trees proposed to be saved and removed on the area of development, and the measures proposed to protect the significant trees to be saved.

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

Zoning Ordinance. The Big Lake Zoning Ordinance, as may be amended, regulating the use of land within Big Lake.

SECTION 1102 - GENERAL PROVISIONS

SECTION

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| 1102.01: | Compliance with Comprehensive Plan, Zoning Ordinance and Official Map |
| 1102.02: | Fees |
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1102.01: COMPLIANCE WITH COMPREHENSIVE PLAN, ZONING ORDINANCE, AND OFFICIAL MAP: No subdivision of land shall conflict with the provisions of the Comprehensive Plan, Zoning Ordinance, and Official Map policies adopted by the City Council or City Code, as may be amended.

Subd. 1. Review Criteria. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the floodplain districts shall contain a building site outside of the Floodway District at or above the Regulatory Flood Protection Elevation. All subdivisions shall have municipal water and sewage treatment facilities that comply with the provisions of this Chapter and have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the Regulatory Flood Protection Elevation. For all subdivisions in the floodplain, the Floodway and Flood Fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

Subd. 2. Removal of Special Flood Hazard Area Designation. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the one hundred (100)-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested. (Ord. 2004-09, 4/14/04; Ord. 2011-05, 09-14-11).

1102.02: FEES: The fees for all applications and for all permits shall be established by the City Council by ordinance. The acceptance of all applications, issuance of permits, or recording of any plat shall not occur until a complete application has been filed and the appropriate fees have been paid.

1102.03: REGISTERED LAND SURVEYS: All registered land surveys shall be filed with the Zoning Administrator and forwarded to the City Council for review and approval. The City Council shall review and approve Registered Land Surveys prior to recording with Sherburne County. The purpose of the Registered Land Survey is to provide a means to simplify a lengthy, complicated legal description via a picture of the site and tract letter and survey number. A Registered Land Survey shall not replace platting requirements of this Ordinance but shall be used only as a means to simplify complicated legal descriptions as ordered by the Sherburne County Registrar of Deeds as part of a torrens title procedure. A registered land survey shall not be used to divide a parcel of land into lots for the purpose of transfer of ownership or building development.

1102.04: CONVEYANCE BY METES AND BOUNDS:

Subd. 1. No conveyance of land within the City shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961, or to an unapproved plat made after February 7, 1977. The foregoing provision does not apply to a conveyance if the land described:

1. Was a separate parcel of record April 1, 1945, or the date of adoption of subdivision regulations under Laws 1945, Chapter 287, whichever is the later, or of the adoption of subdivision regulations pursuant to a home rule charter; or
2. Was the subject of a written agreement to convey entered into prior to such time; or
3. Was a separate parcel of not less than two and one-half (2.5) acres in area and one hundred fifty (150) feet in width on January 1, 1966; or
4. Was a separate parcel of not less than five (5) acres in area and three hundred (300) feet in width on July 1, 1980; or
5. Is a single parcel of commercial or industrial land of not less than five (5) acres and having a width of not less than three hundred (300) feet and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than five (5) acres in area or three hundred (300) feet in width; or
6. Is a single parcel of residential or agricultural land of not less than twenty (20) acres and having a width of not less than five hundred (500) feet and its conveyance does not result in the division of the parcel into two (2) or more lots, any one of which is less than twenty (20) acres or five hundred (500) feet in width.
7. An Administrative Subdivision as allowed by the terms of this Ordinance.

Subd. 2. With the exception of single-family parcels of record, no building permit shall be issued for any structure on any parcel of land which is described by metes and bounds until a plat describing such parcel of land is filed and approved by the City.

1102.05: BUILDING PERMITS: No building permit shall be issued by the City for any construction, enlargement, alteration, repair, demolition or moving of any building or structure on any lot or parcel until all the requirements of this Ordinance have been fully met or exceptions from this requirement have been formally established by a development contract.

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

Subd. 2. Prior to the issuance of any certificate of occupancy for any lot within the subdivision, the City of Big Lake shall have received a written certification from a registered land surveyor or registered engineer which states that the grading, drainage and building pad elevations are in compliance with the final certified grading plan for the subdivision.

Subd. 3. Unless otherwise stipulated by the City Council in the development contract, building permits shall not be issued for new subdivisions until such a time as all of the final plat punch list items have been completed by the developer and accepted by the City. Building permits for model homes may be granted as provided in the development contract.

1102.06 VARIANCES: The City Council may approve variances from the minimum standards of this Ordinance (not procedural provisions) when, in its opinion, exceptional and undue hardship may result from strict compliance and the variance will not interfere with the purpose and intent of this Ordinance.

Subd. 1. In approving any variance, the City Council shall prescribe any conditions that it deems necessary to or desirable to the public interest. In making its approval, the City Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be approved when the City Council finds that each and every one of the following apply:

1. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land.

2. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the vicinity in which the development site is situated.
3. That the granting of the variance will not increase the flood hazard or flood damage potential.
4. That the use proposed by the applicant would not result in a stage increase violating the requirements of Minnesota Statutes, Chapters 104 and 104, as may be amended, and any applicable requirements imposed by the Federal Emergency Management Agency.
5. That the variance is to correct inequities resulting from an extreme physical hardship such as topography, or inadequate access to direct sunlight for solar energy systems.
6. Hardship relating to economic difficulties shall not be considered for the purpose of granting a variance.
7. That the hardship is not a result of an action or actions by the owner, applicant or any agent thereof.

Subd. 2. Procedure. The procedures for processing variance applications shall comply with Section 1014 (Variance) of the Big Lake Zoning Ordinance, as may be amended.

1102.07 PREMATURE SUBDIVISION: Any concept plan, preliminary plat, final plat deemed premature by the City Council pursuant to the following criteria, shall be denied:

Subd. 1. Conditions for Establishing a Premature Subdivision. A subdivision may be deemed premature should any of the following conditions not be met:

1. Consistency with the Comprehensive Plan including any of the following:
 - a. Land use plan.
 - b. Transportation plan.
 - c. Utility (sewer and water) plans.
 - d. Local water management plan.
 - e. Capital improvement plan.
 - f. Comprehensive Development Study
 - f. Growth management policies.
2. Consistency with Infill Policies. A proposed urban subdivision shall meet the City's infill policies:
 - a. The urban subdivision must be located within the utility service area or the staged growth area as established by the City's Comprehensive Plan.

- b. The cost of utilities and street extensions must be covered by one or more of the following:
 - (1) One hundred (100) percent of the street and utility costs are privately financed by the developer.
 - (2) The cost of regional and/or oversized trunk utility lines can be financed by the developer and reimbursed when development occurs within the service area.
 - (3) The cost and timing of the expenditure of City funds is consistent with the City's Capital Improvement Plan and Comprehensive Development Study.
 - c. The cost, operation and maintenance of the utility system are consistent with the normal costs as projected by the Water and Sewer Rate Study.
 - d. The developer payments will offset additional costs of utility installation or future operation and maintenance.
3. Roads or Highways to Serve the Subdivision. A proposed subdivision shall have adequate roads or highways when:
- a. Traffic generated by a proposed subdivision will not degrade the level of service outside of the proposed subdivision to a level worse than the existing level of service.
 - b. The existing level of service must be C or better for any street providing access to the subdivision. If the existing level of service is D, E or F, the subdivision developer must provide, as part of the proposed project, improvements needed to ensure a level of service C or better.
 - c. Existing roads providing access to the subdivision have the structural capacity to accommodate projected traffic from the proposed subdivision or the developer will pay to correct any structural deficiencies.
 - d. The traffic generated from a proposed subdivision shall not require City street improvements that are inconsistent with the Big Lake Comprehensive Development Study and Capital Improvement Plan or the developer shall pay to correct any street deficiencies.
4. Water Supply. A proposed subdivision shall be deemed to have an adequate water supply when:
- a. The City water system has adequate wells, storage, or pipe capacity to serve the subdivision.

- b. The water utility extension is consistent with the Big Lake Water Study and offers the opportunity for water main looping to serve the urban subdivision.
 - c. The extension of water mains will provide adequate water pressure for personal use and fire protection.
5. Waste Disposal Systems. A proposed subdivision shall be served with adequate waste disposal systems when:
- a. The urban sewerred subdivision is located inside the City’s utility service area.
 - b. The City has sufficient utility service area and pipe capacity to serve the subdivision if developed to its maximum density.
 - c. The subdivision will result in a sewer extension consistent with Big Lake Sewer Plan, Comprehensive Development Study and Capital Improvement Plan.

1102.08: UTILITY SERVICE AREA ALLOCATION: The City shall determine utility service area availability as part of the review of a submitted preliminary plat/phasing plan. City approval of the plan shall constitute a commitment by the City to allocate utility service area at the time of final plat approval according to the phasing plan. The criteria in Subd. 1., below shall be considered in the review of the preliminary plat/phasing plan.

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

1. A finding is made that the development of the property is not premature.
2. The existing or proposed zoning of the property is consistent with the Comprehensive Plan.
3. Development of the subdivision will meet environmental design standards of the Big Lake Subdivision and Zoning Ordinances.
4. The allocation is applied only to net buildable acreage.
5. A utility extension can be made to the subject property.
6. A roadway extension can be made to the subject property.
7. Development of the property shall not adversely affect the health, welfare, and general safety of the community.
8. The area of the utility service allocation is consistent with the growth management policy established by the Big Lake City Council.

1102.09: PLANNED UNIT DEVELOPMENT (PUD). In recognition of changing trends, techniques and materials in the process of urban development, the City Council and Planning Commission shall provide flexible means to permit development in terms of planned unit development. A planned unit development shall be considered as a conditional use and may involve mixed development of a single parcel based upon the land uses allowed in the Comprehensive Plan. The PUD shall be reviewed and adjudged in accordance with an integrated design and coordinated physical development which shall provide for and ensure high standards of development. Each application for PUD shall be considered as an individual case and shall be reviewed in terms of its land use, circulation and traffic patterns, population and marketability, construction design, and timing. Of greatest concern shall be the PUD's relationship to the general public health, safety, convenience and welfare. A conditional use to allow PUD construction shall be granted only if:

1. The PUD is designed to be in harmony with the natural features of the landscape. Steep slopes, wetlands, and natural features are to be preserved to the maximum extent possible. No disruption of the natural drainage system shall occur.
2. Any PUD flexibility granted shall not violate the intent of the subdivision design standards.
3. Utility lines such as power transmission and telephone lines shall be placed underground.
4. The PUD meets the standards of Zoning Ordinance Section 1011 (Planned Unit Developments).

1102.10: COMMON INTEREST COMMUNITY (CIC) PLATS: All Common Interest Community plats shall provide a master plan for the project to include building/unit placement for all units within the project including future phases. All units shall be required to be numbered consecutively throughout the development starting with "Unit 1". Said numbering system shall then continue throughout the development utilizing the numbering system identified by the master plan, even if certain buildings are constructed out of order.

SECTION 1103 - ADMINISTRATIVE SUBDIVISION

SECTION

- 1103.01: Application
- 1103.02: Qualification
- 1103.03: Filing and Review of Application
- 1103.04: Submittal Requirements
- 1103.05: Procedure
- 1103.06: Recording

1103.01: APPLICATION: The provisions of this Section shall apply only to those subdivisions classified as Administrative Subdivisions where the intent is to adjust a lot line or divide an existing platted lot into two (2) lots. The Administrative Subdivision is an abbreviated review process however all standards and requirements of this Ordinance shall apply to the proposed subdivision.

1103.02: QUALIFICATION: The following may be considered an Administrative Subdivision. In the event circumstances warrant platting of the following Administrative Subdivisions, the City Zoning Administrator may require the subdivision to be processed as a plat in accordance with Sections 1106 (Preliminary Plat) and 1107 (Final Plat) of this Ordinance. The City Administrator or designated representative may authorize approval of the Administrative Subdivision upon finding:

1. The property to be subdivided is a platted lot of record in the office of the County Recorder of Sherburne County prior to February 7, 1977, or is a lot which is part of a plat which has been legally recorded with Sherburne County; and
2. The parcel of land shall not have been part of an Administrative Subdivision within the last five (5) years; and
3. The division will not result in more than two (2) lots; and
4. The property to be divided is not part of a Planned Unit Development; and
5. All newly created lots must meet the minimum standards of the Zoning District in which they are located; and
6. The subdivision will not cause any structure on the land to be in violation of the Zoning Ordinance; and
7. In the event a new lot is created, a park dedication fee shall be paid; and

8. Any drainage, utility, trail, right-of-way or access easements required by the City must be granted; and
9. The subdivision of attached residential dwellings in conformance with Big Lake Zoning Ordinance Section 1041.10 (Subdivision of Attached Residential Dwellings); and
10. The subdivision of multiple tenant commercial and industrial buildings in conformance with Big Lake Zoning Ordinance Section 1041.11 (Subdivision of Multi-family, Commercial and Industrial Buildings).

1103.03: FILING AND REVIEW OF APPLICATION: Whenever any subdivision of land as outlined in Section 1103.01 (Application) of this Ordinance is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure on such proposed subdivision shall be granted, the subdividing owner or his authorized agent, shall file an application and secure approval of an Administrative Subdivision.

Subd. 1. The Administrative Subdivision application shall be considered to be officially filed when the City Zoning Administrator or designee has received the application and has determined that the application is complete.

1103.04: SUBMITTAL REQUIREMENTS:

1. Complete application form.
2. Application fee and escrow.
3. Acreage calculations for the existing and proposed lots.
4. A Certificate of survey (full size and a 11" x 17" reduction) prepared by a licensed land surveyor identifying the following:
 - a. Scale (engineering only) at not larger than one (1) inch equals one hundred (100) feet.
 - b. Name and address, including telephone number, of legal owner and/or agent of property.
 - c. North point indication.
 - d. Boundaries, dimensions, and area of existing lots being subdivided and new lots to be created.
 - e. Legal descriptions of existing lots and legal description of proposed new lots.

- f. Easements of record.
- g. Water courses including delineated wetlands. The ordinary high water level (OHWL) of any DNR protected waters, public waters and 100 year flood elevations of all watercourses (wetlands, ponds, lakes, streams, etc.).
- h. All encroachments, easements, or rights-of-way encumbering the property.
- i. Existing buildings, structures, and improvements within the parcel to be platted and those one hundred (100) feet outside the boundaries of the subject parcel.
- j. Locations, widths and names of all public streets, rights-of-way or railroad rights-of-way showing type, width and condition of the improvements, if any, which pass through and/or are within one hundred (100) feet.
- k. Proposed driveway locations and locations of existing driveways within one hundred (100) feet.
- l. Location of any abandoned wells.
- m. The toe and top of any bluffs present.
- n. Additional data requirements determined appropriate by the Zoning Administrator to ensure compliance with City requirements.
- o. Drainage and utility easements, minimum ten (10) feet wide, along all lot lines. These easements may be centered on a lot line shared between lots created by the Administrative Subdivision.
- p. Any required right-of-way dedication.
- q. A copy of percolation tests and soil borings for all lots if required by the City Engineer.
- r. The existing and proposed lot corners shall be staked at the site for review by the Zoning Administrator.

1103.05: PROCEDURE:

- 1. A development application form with required fees shall be submitted to the City of Big Lake.
- 2. The Zoning Administrator shall request input by the City's planning, engineering, and legal staff, as appropriate, and shall forward copies of the application to agencies and utility companies responsible for review of the application.

3. Administrative Subdivision of land abutting upon any existing or proposed trunk highway, county road or highway or county state-aid highway shall be subject to review of the Minnesota Department of Transportation and/or Sherburne County Highway Department. Written notice and a copy of the proposed Administrative Subdivision shall be filed with the Minnesota Department of Transportation and/or Sherburne County Highway Department for review and comment. Final action on an Administrative Subdivision shall not be taken until the minimum thirty (30) day review period has elapsed.
4. Administrative Subdivision of land located within a Shoreland District or Floodplain District shall be subject to review of the Minnesota Department of Natural Resources. Written notice and a copy of the proposed Administrative Subdivision shall be filed with the Minnesota Department of Natural Resources. Final action on an Administrative Subdivision shall not be taken until the minimum ten (10) day review period has elapsed.
5. The Zoning Administrator shall have the authority to request additional information pertinent to the Administrative Subdivision. Failure to provide the necessary supportive information may be grounds for denial of the request.
6. Decision. The Zoning Administrator shall reach a decision on the requested Administrative Subdivision within one hundred twenty (120) days of complete application, unless the applicant agrees to an extension of the review period.
 - a. The Zoning Administrator may approve the Administrative Subdivision with conditions that must be met to ensure the Administrative Subdivision is compliant with the regulations of the Big Lake Subdivision and Zoning Ordinances, as may be amended, and other applicable requirements.
 - b. The Zoning Administrator shall prepare findings and deny a subdivision if the Administrative Subdivision is found to be premature as defined by the criteria of Section 1102.07 (Premature Subdivision) of this Ordinance or fails to comply with regulations of the Big Lake Subdivision and Zoning Ordinances, as may be amended, or other applicable requirements.
6. Decision Appeal. The applicant may appeal an Administrative Subdivision denial following the procedures outlined in Section 1005 (Appeals) of the Big Lake Zoning Ordinance.
7. Prior to certification by the City of the approval of the Administrative Subdivision, the applicant shall supply the deed(s) granting to the City the easements and/or right of way required in Section 1103.04 (Submittal Requirements) of this Ordinance.

1103.06: RECORDING: If the Administrative Subdivision is approved by the Zoning Administrator, the applicant shall record the deed, and the accompanying survey, in the Office of the Sherburne County Recorder within sixty (60) days after the date of approval, otherwise the approval of the Administrative Subdivision shall be considered void.

Subd. 1. When the land for which the Administrative Subdivision abuts a state highway, county road, or county highway, a certificate or other evidence showing submission of the Administrative Subdivision to the Minnesota Department of Transportation and/or Sherburne County Highway Department shall be filed with Sherburne County Recorder of Deeds, with the Administrative Subdivision.

Subd. 2. When the land for which the Administrative Subdivision is located within a Shoreland District or Floodplain District, the Department of Natural Resources shall be notified of the disposition of the Administrative Subdivision Application within ten (10) days of the decision to approve, deny or conditionally approve the application.

SECTION 1104: SIMPLE SUBDIVISION

SECTION

- 1104.01: Purpose
- 1104.02: Qualification
- 1104.03: Information Requirements
- 1104.04: Procedure

1104.01: PURPOSE: The Simple Subdivision procedure is intended to allow for the expedited procedure to subdivide land in those limited cases where strict adherence to the standard subdivision process is not required. The Simple Subdivision procedure is not intended to be a substitute for the standard subdivision process set forth in this Chapter. The intent is to create an expedited process whereby no concept plan is required and the City Council holds the public hearing for preliminary plat and both the preliminary and final plats may be reviewed by the City Council at the same meeting.

1104.02: QUALIFICATION: The following may be considered as a Simple Subdivision.

1. The property to be divided will result in four (4) or fewer lots.
2. The property has not previously been the subject of division by either administrative subdivision or simple subdivision.
3. The property to be divided is not part of a Planned Unit Development (PUD).
4. All newly created lots must meet the lot, yard and performance standards of the underlying Zoning District.
5. No variances are required to complete the subdivision as proposed.
6. The subdivision will not cause any structure on the land to be in violation of the Zoning Ordinance.
7. All standards, requirements, and improvements required of a standard subdivision are required for Simple Subdivisions.

1104.03: INFORMATION REQUIREMENTS: All data required for preliminary plat as outlined in Sections 1106.02 and 1106.04 and all data required for final plat as outlined in Section 1107.02 of this Chapter, shall be submitted to the Zoning Administrator along with a Development Application form, filing fees and escrows.

1104.04: PROCEDURE:

1. A development application form with required fees shall be submitted to the City of Big Lake.
2. The Zoning Administrator, upon receipt of the application, shall notify the applicant in writing within fifteen (15) City business days if the application is found to be incomplete.
3. The Zoning Administrator shall request input by the City's planning, engineering, and legal staff, as appropriate, and shall forward copies of the application to agencies and utility companies responsible for review of the application.
4. Simple Subdivision of land abutting upon any existing or proposed trunk highway, county road or highway or county state-aid highway shall be subject to review of the Minnesota Department of Transportation and/or Sherburne County Highway Department. Written notice and a copy of the proposed Simple Subdivision shall be filed with the Minnesota Department of Transportation and/or Sherburne County Highway Department for review and comment. Final action on a Simple Subdivision shall not be taken until the minimum thirty (30) day review period has elapsed.
5. Simple Subdivision of land located within a Shoreland District or Floodplain District shall be subject to review of the Minnesota Department of Natural Resources. Written notice and a copy of the proposed Simple Subdivision shall be filed with the Minnesota Department of Natural Resources. Final action on a Simple Subdivision shall not be taken until the minimum ten (10) day review period has elapsed.
6. The Zoning Administrator shall have the authority to request additional information pertinent to the Simple Subdivision. Failure to provide the necessary, supportive information may be grounds for denial of the request.
7. The Zoning Administrator shall publish notice of the proposed Simple Subdivision public hearing and mail notice to property owners within three hundred fifty (350) feet of the subject site.
8. The Zoning Administrator shall forward the Simple Subdivision preliminary and final plat submittals to the Park Committee for consideration at their regularly scheduled meeting. The applicant is required to attend all meetings with advisory boards and the City Council. Failure of the applicant to attend a meeting may result in the denial of the application.
9. The City Council shall hold a public hearing on the proposed preliminary plat. Notice of the public hearing shall be published in the official newspaper designated by the City Council at least ten (10) days prior to the hearing. The City shall mail written notification of the proposed preliminary plat to property owners located within three hundred fifty (350) feet of the subject site. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property

owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.

10. The City Council shall take public testimony at the public hearing and evaluate the requested preliminary plat and final plat against the performance standards of this Chapter, the Big Lake Zoning Ordinance, and other City requirements. The City Council shall make findings and approve, deny or approve the preliminary plat with conditions necessary to satisfy City regulations and to protect the public health, safety and welfare. The City Council may act to approve, deny or approve the final plat with conditions at the same meeting.
11. The City Council shall take action on the application within one hundred twenty (120) days following delivery of a complete application in accordance with the regulations of this Chapter, unless an extension is agreed to in writing by the applicant.
12. The City Council shall take action on the application which shall include findings of fact, and shall be entered in the proceedings of the City Council and transmitted to the applicant in writing. The lack of a simple majority Council vote to affirmatively approve a preliminary or final plat shall be a denial of the requested application.
13. The developer shall record the plat within ninety (90) days after the date of approval, otherwise the approval of the final plat shall be considered void, unless the developer requests an extension, in writing, and receives approval from the City Council. The subdivider shall, immediately upon recording, furnish the City Administrator with a print and reproducible tracing of the final plat showing evidence of the recording. No building permits shall be let for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by Sherburne County.
14. When the land for which the final plat abuts a state highway, county road, or county highway, a certificate or other evidence showing submission of the preliminary plat to the Minnesota Department of Transportation and/or Sherburne County Highway Department shall be filed with Sherburne County Recorder of Deeds, with the final plat.
15. When the land for which the final plat is located within a Shoreland District or Floodplain District, the Department of Natural Resources shall be notified of the disposition of the final plat within ten (10) days of the decision to approve, deny or conditionally approve the application.
16. Record plans are to be completed by the City Engineer. Electronic copies of all final plan documents shall be submitted to the City Engineer.

SECTION 1105 - CONCEPT PLAN

SECTION

- 1105.01: Concept Plan
1105.02: Information Required for Concept Plan
1105.03: Filing and Review of Application

1105.01: CONCEPT PLAN: The preparation of a concept plan shall be required for all Planned Unit Developments or plats where any deviation or variance from the Subdivision or Zoning Ordinance are requested. The purpose of the concept plan is to obtain informal review comments prior to filing a formal preliminary plat application. On the basis of the concept plan, the City shall informally advise the developer as promptly as possible of the extent to which the proposed subdivision generally conforms to the design standards of this Ordinance. Concept plan review does not convey any legal development rights to the applicant.

1105.02: INFORMATION REQUIRED FOR CONCEPT PLAN: The concept plan shall include ten (10) large scale copies and one (1) reduced scale (11” by 17”) copy of detailed written materials, plans and specifications to include the following information:

Subd. 1. Additional large scale copies shall be provided for each of the following, if applicable:

1. Project is adjacent to a county road or county state aid highway (3)
2. Project is adjacent to a state highway or interstate highway (2)
3. Project lies within a Shoreland District or Floodplain (1)
4. Project lies adjacent to Big Lake Township or within an Orderly Annexation Area (2)
5. Concept plans shall be submitted in electronic format to the City Engineer.

Subd. 2. General Location and Site Description.

1. Name and address of developer/owner.
2. Date of plan preparation and dates of revision.
3. Scale of plan (engineering scale only – one (1) inch equals one hundred (100) feet).
4. North arrow indication.
5. Legal description.

6. Property location map illustrating the site location relative to adjoining properties and streets.
7. Scaled drawing (engineering scale only) illustrating property boundaries.
8. Current and proposed land use and zoning.
9. Aerial photo with concept plan overlay.
10. Additional information as required by the Zoning Administrator.

Subd. 3. Resource Inventory. A resource inventory, mapped at a scale of no less than one (1) inch to one hundred (100) feet shall include:

1. Topographic contours at ten (10) foot intervals (USGS Map) and showing slopes of more than twelve (12) percent.
2. General soil type locations and identification of soil type characteristics such as hydric soils, depth to bedrock, and suitability for wastewater disposal systems, if applicable (Sherburne County Soil Survey information).
3. Hydrologic characteristics including surface waters, floodplains, wetlands, natural swales, and drainageways (available from USGS maps, National Wetlands Inventory and Sherburne County Soil Survey information).
4. Site vegetation including:
 - a. Cover type (pasture, woodland, etc.).
 - b. Woodland area boundaries.
 - c. Vegetative type descriptions (deciduous, coniferous or mixed) by plant community, relative age, and condition.
 - d. Current land use and land cover (cultivated areas, paved areas, etc.), all buildings and structures on the land, and all encumbrances, such as easements or covenants.
 - e. Transportation systems including adjoining streets.
 - f. Visual resources (i.e., photographs) showing views onto the tract from surrounding roads and public areas, as well as views from within the tract.
 - g. Cultural resources. Brief description of historic character of land, buildings, and structures, historically important landscapes, and archeological features.

1105.03: FILING AND REVIEW OF APPLICATION:

Subd. 1. Procedure:

1. Pre-Application Meeting. An applicant shall meet with City staff to discuss a proposed development and investigate the City requirements for pursuing a development application.
2. Neighborhood Meeting. The City strongly recommends the property owner/applicant hold a neighborhood meeting for informal comment and feedback after submitting a formal concept application.
3. A development application form for concept plan along with the associated information and fee established by the City Council shall be submitted to the City of Big Lake.
4. The Zoning Administrator shall submit copies of the concept plan and associated information to other staff, committees, consultants, or agencies as appropriate.
5. The Zoning Administrator shall forward the concept plan submittals to the City's advisory boards and City Council for their consideration at regularly scheduled meetings to solicit informal review and comment on the project's acceptability in relation to the City's Comprehensive Plan and development regulations. The applicant is required to attend all meetings with advisory boards and the City Council. Concept plan review does not convey any legal development rights to the applicant. Failure of the applicant to attend a meeting may result in the denial of the application.

SECTION 1106 – PRELIMINARY PLAT

SECTION:

- 1106.01: Preliminary Plat
- 1106.02: Information Required for Preliminary Plat
- 1106.03: Determination of Requirement for Environmental Review Documents
- 1106.04: Additional Information Required
- 1106.05: Filing and Review of Application

1106.01: PRELIMINARY PLAT: After the completion of the concept plan process the owner or developer shall file with the City of Big Lake an application for preliminary plat. The preliminary plat stage is the point in the process that all information pertinent to the proposed development is furnished by the developer for review by the City Staff, City advisory committees, and the City Council, any other applicable agencies, and the public. The information provides a basis for approval or denial of the application. The information submitted in the application shall address both existing conditions and changes that will occur during and after development. The preliminary plat is a plan of how property will be subdivided and developed.

Subd. 1. Additional information or modifications may be required by the City Staff, City advisory committees, or City Council and additional information may be requested during the review process. In certain cases, some information required by these standards may not be appropriate or may need to be modified in order to provide an adequate basis for making a decision.

1106.02: INFORMATION REQUIRED FOR PRELIMINARY PLAT: Preliminary plat information is typically furnished on plan sheets. However, some information is more appropriately submitted in other forms. The plat, and associated information, shall be submitted in a form that is legible, organized and understandable. The preliminary plat application shall consist of maps and accompanying documents. An owner or applicant shall submit ten (10) large scale copies (not less than one (1) inch equals one hundred (100) feet) and one (1) reduced scale copy (11” by 17”) of detailed written materials, plans and specifications to include the following information:

Subd. 1. Additional large scale copies shall be provided for each of the following, if applicable:

1. Project is adjacent to a county road or county state aid highway (3)
2. Project is adjacent to a state highway or interstate highway (2)
3. Project lies within a Shoreland District or Floodplain (1)

4. Project lies adjacent to Big Lake Township or within an Orderly Annexation Area (2)
5. Preliminary plats shall be submitted in electronic format to the City Engineer.

Subd. 2. Plans:

1. Certificate of survey.
2. Preliminary plat.
3. Topography map showing topographic contours at one (1) foot intervals and showing slopes of more than twelve (12) percent.
4. Preliminary grading, drainage and erosion control plan.
5. Preliminary utility plan.
6. Wetland delineation report and mitigation plan if wetlands are proposed to be impacted.
7. Yield plan (if determined necessary by the City Administrator).
8. Environmental evaluations (if determined necessary).
9. Storm Water Management Plan.
10. Soils Report.
11. Tree Inventory.

Subd. 3. Certificate of Survey prepared by a licensed land surveyor identifying the following:

1. Scale (engineering only) at not larger than one (1) inch equals one hundred (100) feet.
2. North point indication.
3. Existing parcel boundaries to be platted with dimensions and area.
4. Existing legal description.
5. Easements of record.
6. Delineated wetland boundary, also including the ordinary high water level (OHWL) of any lakes or Department of Natural Resources (DNR) waters. Floodplain as shown on Federal Emergency Management Agency (FEMA) FIRM map.

7. All encroachments.
8. Existing buildings structures and improvements within the parcel to be platted and those one hundred (100) feet outside the boundaries of the subject parcel.
9. Location, widths and names of all public streets, rights-of-way or railroad rights-of-way showing type, width and condition of the improvements, if any, which pass through and/or are within one hundred (100) feet.
10. The outside boundary of the subject property is to be clearly marked with survey monuments.

Subd. 4. Preliminary Plat

1. The proposed name of the plat which name shall not duplicate the name of any plat theretofore recorded in the County.
2. Date of application, name, address, phone number and applicable license or registration number of the owner, developer, agent, applicant, engineer, surveyor, planner, attorney or other principle involved in the development of the plat.
3. Proof of ownership or legal interest in the property in order to make application.
4. Existing Comprehensive Plan land use and zoning designation within and abutting the proposed plat. Any zoning changes needed, or reference to any zoning or similar land use actions that are pertinent to the proposed development.
5. Total acreage of the land to be subdivided and total upland area (land above the ordinary high water mark of existing wetlands, lakes and rivers).
6. Boundary line survey and legal description.
7. North arrow and graphic engineering scale of one (1) inch equals one hundred (100) feet.
8. Existing covenants, liens, or encumbrances.
9. Proposed lot lines, dimensions, and the gross and buildable acreage of all lots. When lots are located on a curve in a road or cul-de-sac, the lot width at the building setback line shall be shown. Proposed lot and block numbers.
10. Building pad, minimum building setbacks shown on each lot indicating dimensions of the setbacks. Location and width of buffer yards where the subdivision adjoins a collector or arterial street, railroad right-of-way or overhead transmission lines.
11. Layout of streets, showing right-of-way widths, centerline street grades and approximate radii of all curbs, proposed contours within the entire plat, and names of streets.

Proposed street names shall be submitted, the name of any street heretofore used in the City or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event the name shall be used.

12. Access, right-of-way widths, driveways, and street classifications shall be consistent with the Big Lake Comprehensive Plan.
13. Parks, trails, sidewalks or other areas intended for public use or common ownership.
14. Any required zoning changes.
15. Minimum lot areas and widths shall be shown and conform with the proposed zoning for the site.
16. Lot areas shall consist of buildable land as defined by the Big Lake Zoning Ordinance and lots which contain water bodies, powerline or pipeline easements shall show the lot area outside of the waterbody/easement.
17. Dates of plan preparation and revision dates.
18. All delineated wetlands and the ordinary high water level (OHWL) of DNR protected waters.
19. Tree inventory identifying vegetation of the site, according to general cover type (pasture, woodland, etc.), defining boundaries of woodland areas and individual significant trees as defined by Section 1101 (Rules and Definitions) of this Ordinance and a tree protection plan per Section 1108.12 (Tree Protection and Replacement) of this Ordinance. Vegetative types shall be classified as generally deciduous, coniferous or mixed and described by plant_community, relative age and condition.
20. Any additional information as requested by the Zoning Administrator.

Subd. 6. Preliminary Grading, Drainage and Erosion Control Plan. The developer shall submit a preliminary grading, drainage and erosion control plan utilizing a copy of the current certificate of survey as a base for the site in question, prepared by a licensed engineer. The grading plan shall be designed to avoid premature disruption of land and long-term storage of excess materials. The grading plan shall depict the following information:

1. Scale (engineering only) not larger than one (1) inch equals one hundred (100) feet.
2. North point indication.
3. Location of natural features including, but not limited to, tree lines, delineated wetlands, water courses, ponds, lakes, streams, drainage channels, ordinary high water level (OHWL) and 100 year storm elevations, bluffs, steep slopes, etc.

4. Existing contours at one (1) foot intervals shown as dashed lines for the subject property and extending one hundred (100) feet beyond the outside boundary of the proposed plat.
5. Proposed grade elevations at one (1) foot intervals shown as solid lines.
6. Proposed plan for surface water management, ponding, drainage and flood control, including the normal water level and high water level of all ponds and watercourses.
7. Provision for groundwater management including sub-surface drains, disposals, ponding, and flood controls.
8. Location of all existing storm sewer facilities including pipes, manholes, catch basins, ponds, swales and drainage channels within one hundred (100) feet of the subject property. Existing pipe sizes, grades, rim and invert elevations and normal and high water elevations must be included.
9. If the subject property is within or adjacent to a 100 year floodplain, flood elevation and locations must be shown.
10. Spot elevations at drainage break points and directional arrows indicating site, swale and drainage on lots and streets.
11. Lot and block numbers, building style, building pad location and elevations at the lowest floor and garage slab for each lot.
12. Locations, sizes, grades, rim and invert elevations of all proposed storm water facilities, including ponds, proposed to serve the subject property.
13. Phasing of grading.
14. The location and purpose of all oversize, non-typical easements.
15. All soil erosion and sediment control measures to be incorporated during and after construction must be shown. Locations and standard detail plates for each measure shall be in accordance with City standards and included on the plan.
16. All re-vegetation measures proposed for the subject property must be included on the plan, including seed and mulch types and application rates.
17. Drainage plan, including the configuration of drainage areas and calculations for one (1) year, ten (10) year, and one hundred (100) year 24-hour storm events and five hundred (500) year event if required by City Engineer.
18. Layout of proposed streets showing centerline gradients, section widths, and typical cross sections.

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

Subd. 7. Preliminary Utility Plan. The developer shall submit a preliminary utility plan utilizing a copy of the current certificate of survey as a base for the site in question, prepared by a licensed engineer, depicting the following information:

1. Scale (engineering only) not larger than one (1) inch equals one hundred (100) feet.
2. The location, dimensions, and purpose of all easements.
3. Location and size of existing sanitary sewers, water mains, culverts, or other underground facilities within the subject property and to a distance of one hundred (100) feet beyond the outside boundary of the proposed plat. Data such as grades, invert elevations, and location of catch basins, manholes and hydrants shall also be shown.
4. Location and size of proposed sanitary sewers, water mains, culverts and other stormwater facilities, or other underground facilities within the subject project and to a distance of one hundred (100) feet beyond the outside boundary of the proposed plat. Data such as grades, invert elevations, and location of catch basins, manholes and hydrants shall also be shown.
5. Water mains shall be provided to serve the subdivision by extension of an existing municipal system wherever feasible.
6. Municipal sanitary sewer trunk facilities, laterals and service connections shall be designed and installed in accordance with the design standards approved by the City Engineer.
7. The location of hydrants and valves for all proposed water mains.
8. All other utilities shall be located and designed in accordance with the requirements of the City Engineer.
9. Date of plan preparation and dates of all revisions.

Subd. 8. Property corners, proposed parks and trails shall be staked in the field to allow City Staff, Board and Commission Members and the City Council to view the subject site and areas proposed to be dedicated for public parks, open space and trails.

Subd. 9. Development Contracts.

1. The City Engineer shall have a development financial requirement worksheet prepared and attached to the development contract.
2. The developer shall meet with the City staff to finalize the terms of the development contract.

3. Upon finalization of the development contract, the City Clerk shall have the final copy of the contract signed by all appropriate parties. The development contract shall be recorded against the property.
4. Financial securities shall be posted with the City as outlined in the development contract.
5. Final grading and utility plans shall be approved by the City Engineer and made a part of the development contract.
 - a. No grading shall be allowed until after approval of a preliminary plat and development contract and required financial securities are posted with the City.
 - b. No construction/installation of sanitary sewer or water facilities or streets shall be allowed until approval of a development contract for the sewer, water, and streets and required financial securities are posted with the City.

1106.03: DETERMINATION OF REQUIREMENT FOR ENVIRONMENTAL REVIEW DOCUMENTS:

Subd. 1. The Zoning Administrator shall review the preliminary plat and shall determine if the project meets or exceeds a mandatory thresholds for an Environmental Assessment Workshop (EAW), or Environmental Impact Statement (EIS) pursuant to Minnesota Rules. If such documents are required, the Zoning Administrator shall notify the developer of the requirement.

Subd. 2. An escrow deposit in addition to the standard requirements shall be submitted by the applicant to cover City costs reviewing and administering an EAW, EIS or AUAR.

1106.04: ADDITIONAL INFORMATION REQUIRED:

1. Evaluation by the applicant that the subdivision would not be determined to be premature pursuant to the criteria outlined by the Comprehensive Plan and Subdivision Ordinance.
2. Phasing Plan. All preliminary plats shall include a phasing plan that includes:
 - a. The sequence of development and approximate areas, number of lots in each phase, total area and buildable area per phase, serially numbered with a description of each phase. Information shall be provided regarding the number of dwelling units, proposed improvements, and common facilities for each. Each phase of a preliminary plat shall be consistent with growth management criteria of the City Council.

- b. Any trail, sidewalks and parks within the approved phase of the preliminary plat shall be constructed along with streets and utilities and shall be clearly marked on a site map which shall be an attachment to all sales agreements for individual lots.
 - c. A site grading plan that is coordinated with the phasing plan to avoid premature disruption of land or long term storage of excess materials.
 - d. A development agreement that includes a financial security to ensure completion of common facilities, trails, and landscaping shall be provided.
3. Documents outlining the content of proposed conservation easements, restrictive covenants, deed restrictions, and establishment of homeowners associations for review. Where the plat is intended to include common open spaces, these documents shall address ownership and long-term maintenance of these open spaces areas.
4. Information or easements showing how public utilities, drainage, and roads can be extended to serve adjacent property.
5. Landscape and screening plans showing landscape plantings for street boulevards, subdivision entrances, and buffer yards, and specifying plant locations, varieties, sizes, including elevations of monument signs and the location, ownership, and maintenance responsibilities, of the monument signs.
6. Traffic study for the subdivision including traffic generation, traffic distribution of the existing capacity of existing streets, and resulting level of service (LOS) of existing streets at the subdivision build out.
7. Examples of Building Product. Illustration of building footprint, floor plans, and building elevations.
8. Soil tests for areas where streets are proposed and other soil information as requested by the City Engineer.
10. Three (3) copies of a wetland replacement plan shall be provided (if applicable).
11. The preliminary plat submittal must include a build out plan (ghost plat) illustrating a realistic future urban lot and block layout and street system in the following situations. Development represented by this ghost plat must be consistent with the future land use as depicted in the Comprehensive Plan.
 - a. If the proposed development would fully or partially isolate adjacent land such that development of the adjacent land would involve access through the proposed development, a ghost plat for the adjacent land shall be submitted to show that the proposed development will not isolate the adjacent land and make it undevelopable according to City standards.

1106.05: FILING AND REVIEW OF APPLICATION:**Subd. 1.** Procedure:

1. Pre-Application Meeting. Prior to submitting a preliminary plat application (following a concept plan review, if one occurs), the property owner/applicant shall meet with the City Staff to discuss the preliminary plat application. Through this meeting, the Zoning Administrator may summarize the City's concept plan review comments and offer suggestions pertaining to additional information or design changes that may assist in expediting the preliminary plat review.
2. Neighborhood Meeting. The City strongly recommends the property owner/applicant hold a neighborhood meeting for informal comment and feedback prior to preliminary plat application.
3. The person applying for preliminary plat approval shall submit to the City a complete application and all other information required according to the deadline and meeting schedule established by the City. The application shall address the informational requirements of Section 1106.02 (Information Required for Preliminary Plat) of this Ordinance and issues identified through the concept plan review procedure.
4. A complete preliminary plat application shall include:
 - a. Maps and written narrative of the information requirements outlined in Section 1106.02 (Information Required for Preliminary Plat) of this Ordinance.
 - b. Applications shall be accompanied by a fee and processing escrow established by the City Council.
5. The Zoning Administrator, upon receipt of the application, shall notify the applicant in writing within fifteen (15) City business days if the application is found to be incomplete.
6. The Zoning Administrator shall refer copies of the preliminary plat to other staff, committees, consultants, or agencies as appropriate.
7. A preliminary plat abutting upon any existing or proposed trunk highway, county road or highway or county state-aid highway shall be subject to review of the Minnesota Department of Transportation and/or Sherburne County Highway Department. Written notice and a copy of the proposed preliminary plat shall be filed with the Minnesota Department of Transportation and/or Sherburne County Highway Department for review and comment. Final action on a preliminary plat shall not be taken until the minimum thirty (30) day review period has elapsed.
8. Preliminary plats located within a Shoreland District or Floodplain District shall be subject to review of the Minnesota Department of Natural Resources. Written notice and

a copy of the proposed preliminary plat shall be filed with the Minnesota Department of Natural Resources at least ten (10) days prior to the public hearing.

9. Upon receipt of a complete application, the Zoning Administrator shall prepare a report and refer the application to the City advisory committees, including but not limited to the Park Advisory Committee, Economic Development Authority, the Planning Commission, as well as the City Council.
10. The application shall be reviewed by City advisory committees. The advisory committees recommendations will be forwarded to the Planning Commission and City Council for their consideration of the application at a public hearing.
11. The Planning Commission shall hold a public hearing on the proposed preliminary plat. Notice of the public hearing shall be published in the official newspaper designated by the City Council at least ten (10) days prior to the hearing. The City shall mail written notification of the proposed preliminary plat to property owners located within five hundred fifty (500) feet of the subject site. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.
12. The Planning Commission shall take public testimony at the public hearing and evaluate the requested preliminary plat against the premature subdivision criteria of Section 1102.07 (Premature Subdivision) of this Ordinance, the performance standards of this Ordinance, the performance standards of the Big Lake Zoning Ordinance, and other City requirements. The Planning Commission shall make findings and offer a recommendation for either preliminary plat approval or denial. The Planning Commission may offer a recommendation of approval with conditions necessary to satisfy City regulations.
13. The Zoning Administrator shall prepare a staff report of the findings and recommendations of the Planning Commission. The findings may include specific conditions of approval or findings related to denial of the plat.
14. The City Council shall take action on the application within one hundred twenty (120) days following delivery of a complete application in accordance with the regulations of this Ordinance, unless an extension is agreed to in writing by the applicant. The City Council may act on the preliminary plat if it does not receive a recommendation from the Planning Commission within sixty (60) days of receipt of a complete application. If it approves the preliminary plat, the City Council may impose conditions it considers necessary to protect the public health, safety and welfare.
15. The City Council shall take action on the application which shall include findings of fact, and shall be entered in the proceedings of the City Council and transmitted to the applicant in writing. The lack of a simple majority Council vote to affirmatively approve a preliminary plat shall be a denial of the requested application.

16. Subject to the approval of the City Engineer, grading of the site included in the preliminary plat may occur after approval of the preliminary plat and the approval and recording of a development contract, payment of fees and posting of required securities with the City.

SECTION 1107 - FINAL PLAT

SECTION

- 1107.01: Filing and Requirements for Application
- 1107.02: Information Required for Final Plat
- 1107.03: Review Approval or Denial
- 1107.04: Form and Content
- 1107.05: Recording
- 1107.06: Record Plans

1107.01: FILING AND REQUIREMENTS FOR APPLICATION: Approval of a preliminary plat by the City Council is an acceptance of the general layout, as submitted, and indicates that the developer may proceed toward final plat approval in accordance with the City Council approval of the preliminary plat, including conditions and the City growth management policy.

Subd. 1. A complete application for final plat shall be submitted no later than one (1) year after the date of approval of the preliminary plat, or a time as provided in the developers contract. Otherwise, the preliminary plat approval shall be considered void, unless an extension is requested in writing, and for good cause, is granted by the City Council.

Subd. 2. The final plat applications for subsequent phases, as described by the approved phasing plan, shall be submitted within one (1) year of approval of the final plat for the previous phase. An extension may be requested in writing for City Council approval.

Subd. 3. In considering time extensions for final plat submittals, the City Council shall consider the reasons for the extension. If the developer is unable to fulfill the schedule of the approved phasing plan, the City Council may consider allocating to a different development project the utility service area that was committed to the next phase of the plat. The subject plat would then wait until the following year for final plat or utility service area approval for its next phase.

Subd. 4. The final plat application shall have incorporated all the conditions of City Council approval of the preliminary plat. Formal review of the final plat shall not occur until such a time as a complete set of preliminary plat documents, incorporating all City Council conditions of approval, is received by the City. In all other respects, the final plat shall substantially conform to the preliminary plat. It may constitute only that portion of the approved preliminary plat which the developer proposes to record and develop at that time, provided that such portion conforms with all the requirements of this Ordinance and further provided that the remaining phased of the development are platted as outlots.

Subd. 5. Approval of the engineering specifications required by this Ordinance pertaining to water supply, drainage, domestic waste water, potable water, street lighting, gas and electric service, grading, roadway standards, widths, and surfacing of streets, shall be completed

by the City Engineer and appropriate development contracts prepared prior to approval of the final plat by the City Council.

1107.02: INFORMATION REQUIRED FOR FINAL PLAT:

Subd. 1. The City may require ten (10) large scale copies (22” by 34”) and one (1) reproducible reduction at 11” by 17” and one electronic copy in a format compatible with the City’s computer system of the preliminary plat and of supporting documents illustrating all changes and conditions that were required as part of preliminary plat approval. This revised preliminary plat will provide the historical record of the subdivision approval by which subsequent final plats shall be considered.

1. Additional large scale copies shall be provided for each of the following, if applicable:
 - a. Project is adjacent to a county road or county state aid highway (3)
 - b. Project is adjacent to a state highway or interstate highway (2)
 - c. Project lies within a Shoreland District or Floodplain (1)
 - d. Project lies adjacent to Big Lake Township or within an Orderly Annexation Area (2)
2. All final plat plans shall be forwarded to the City Engineer in electronic format.
3. One (1) up-to-date (within three (3) months) title insurance commitments for the property being subdivided, as the City Attorney may require.
4. One (1) copy of any title declaration, conservation easements, deed restrictions, restrictive covenants, homeowner's association documents, or common interest community documents.
5. Documents and information necessary to fulfill the conditions of approval of the preliminary plat.
6. Final Plat General Information.
 - a. Name of the subdivision. The first phase of a development shall be called out as the “First Addition.” Subsequent phases shall be consecutively numbered.
 - b. Location by section, township, range, county, and state as well as descriptive boundaries of the subdivision based upon an accurate traverse, giving angular and linear dimensions.

- c. Scale (engineering only) not larger than one (1) inch equals one hundred (100) feet.
 - d. North point indication.
 - e. The location of monuments shall be shown and described. Monuments shall be at all property corners and at the edge of all wetlands as required by Section 1066, (Wetlands Overlay District) of the Zoning Ordinance.
 - f. Location and accurate dimensions of all lots, outlots, streets, and other features. Lots and blocks shall be numbered.
 - g. A listing of the total area of each lot and outlot measured in gross square feet per lot, area per block and total area of the plat.
 - h. A listing of the lot width of all lots, measured at the front yard setback line.
 - i. The exact location, widths and names of all proposed streets.
 - j. The location and width of all easements to be dedicated.
 - k. Land dedicated as public park shall be labeled as outlot(s) on the final plat and the deed for said outlot(s) shall be given to the City with the final plat.
 - l. Name and address of the registered surveyor of the plat with certification by in the form required by Minnesota Statutes 505.03, as may be amended.
 - m. Statement dedicating all easements for installation and maintenance of utilities and drainage facilities over, under, and along the areas designated as drainage and utility easements.
 - n. Statement dedicating all streets or other rights-of-way to the public.
 - o. Final grading and construction plans shall be prepared and submitted in accordance with City standards.
 - p. Copies of permits from Department of Natural Resources (DNR), Corp of Engineers, Minnesota Pollution Control Agency (MPCA), Minnesota Department of Health, and other agencies as applicable. Such permits shall be obtained prior to City approval of the final plat.
 - q. Final wetland report and mitigation plan.
 - r. Final storm water management plan.
6. Additional Final Plat Information.

- a. The final plat shall substantially conform to the approved preliminary plat and phasing plan.
 - b. Unless otherwise approved as part of a development contract, for plats that consist solely of individual single family residential lots, final plat applications for subsequent phases shall not be approved until building permits have been issued for fifty (50) percent of lots in the preceding phase. This paragraph applies only when the preceding phase consists of fifty (50) or more lots.
 - c. City Attorney approval of the status of title/property ownership related to the final plat.
 - d. Completed development contract including all required financial securities and timeframe for final plat and final grading completion.
 - e. Conditions attached to approval of the preliminary plat shall be fulfilled or secured by the development contract, as appropriate.
 - f. All fees, charges, and escrow related to the preliminary or final plat shall be paid in full.
2. The City Council shall act on the final plat by motion. The motion shall include findings of fact supporting the approval or denial, and shall be entered in the proceedings of the City Council. The lack of a simple majority Council vote to affirmatively approve the final plat shall be a denial of the requested application.
 3. Sewer, water, and streets shall only be installed in the area included in the approved final plat. No construction/installation of sanitary sewer or water facilities or streets shall be allowed until: approval of a final plat, and approval of a development contract for the sewer, water, and streets, and recording of the contract.

Subd. 2. Denial of Plat. The City 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 or Sherburne County.
- 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, design, or use contemplated.
- c. That the site is not physically suitable for the proposed density of development.

- d. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage.
- e. That the design of the subdivision or the type of improvements are likely to cause serious public health problems.
- f. 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.
- g. That the proposed subdivision, its site, or its design adversely affects the flood-carrying capacity of the floodway, increases flood stages and velocities, or increases flood hazards within the floodway fringe or within other areas of the City.
- h. The proposed subdivision is inconsistent with the policies and standards of the State defined Shoreland Districts or Wetland Overlay Districts.

1107.04: FORM AND CONTENT: The final plat shall be of the form and content as prescribed in the Minnesota Land Surveyors Association Plat Manual of Minnesota Guidelines, as may be amended, and by State Statute.

1107.05: RECORDING:

Subd. 1. After approval of the final plat by the City Council, the developer shall submit three (3) full size mylar copies of the final plat, one 11” x 17” reduction of the final plat and dedication page, and one (1) electronic copy in a format compatible with the City’s computer system.

Subd. 2. After approval and execution of the development contract, the contract shall be recorded.

Subd. 3. Parks, drainage and utility areas or other public areas shall be designated as outlots and dedicated to the City.

Subd. 4. The developer shall record the plat within ninety (90) days after the date of approval, otherwise the approval of the final plat shall be considered void, unless the developer requests an extension, in writing, and receives approval from the City Council. The subdivider shall, immediately upon recording, furnish the City Administrator with a print and reproducible tracing of the final plat showing evidence of the recording with the exception of model homes specifically permitted by the development contract. No building permits shall be let for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by Sherburne County.

1. When the land for which the final plat abuts a state highway, county road, or county highway, a certificate or other evidence showing submission of the preliminary plat to the Minnesota Department of Transportation and/or Sherburne County Highway Department shall be filed with Sherburne County Recorder of Deeds, with the final plat.
2. When the land for which the final plat is located within a Shoreland District or Floodplain District, the Department of Natural Resources shall be notified of the disposition of the final plat within ten (10) days of the decision to approve, deny or conditionally approve the application.

Subd. 4. Recording Final Plats of Multi-Phased Plats: If a preliminary plat is final platted in phases unless otherwise provided in the development contract, all phases must be final platted into lots and blocks, not outlots, within two (2) years after the preliminary plat has been approved by the City Council or the preliminary plat of all phases not so final platted within the two (2) year period shall be void.

1107.06: RECORD PLANS: Record plans are to be completed by the City Engineer. Electronic copies of all final plan documents shall be submitted to the City Engineer.

SECTION 1108 - DESIGN STANDARDS

SECTION

- 1108.01: Land Requirements
- 1108.02: Blocks
- 1108.03: Lots
- 1108.04: Environmental Subdivision Design
- 1108.05: Streets and Alleys
- 1108.06: Easements
- 1108.07: Storm Water Management
- 1108.08: Erosion and Sediment Control
- 1108.09: Public Utilities
- 1108.10: Flood Warning Signs in Flood-Prone Areas
- 1108.11: Property Dedication
- 1108.12: Tree Protection and Replacement

1108.01: LAND REQUIREMENTS:

Subd. 1. Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for the purposes proposed by reason of potential flooding, topography, adverse soil conditions, rock formations, or wetlands.

Subd. 2. Proposed subdivisions shall be coordinated with surrounding properties and/or neighborhoods, so that the City as a whole may develop efficiently and harmoniously.

1108.02: BLOCKS:

1. Length. The length, width, and acreage of blocks shall be sufficient to accommodate the size of lots required for the area by the Zoning Ordinance and to provide for convenient access, circulation, control and safety of street design. The maximum length of blocks shall be one thousand five hundred (1,500) feet and the minimum length four hundred (400) feet. Blocks over nine hundred (900) feet long may require pedestrian ways at least thirty (30) feet wide at their approximate center. The use of additional pedestrian ways to schools, parks, and other destinations may be required.
2. Arrangement. A block shall be so designed as to provide two (2) tiers of lots unless it adjoins a major collector, arterial street, railroad, thoroughfare, watercourse or park or where topographic or other conditions render the block arrangement unreasonable.

1108.03: LOTS:

1. Area. The minimum lot area, width and depth shall not be less than that established by the Big Lake Zoning Ordinance in effect at the time of adoption of the preliminary plat. Minimum lot area shall consist of buildable land exclusive of utility transmission easements and pipeline easements that encumber lot development. The Zoning Ordinance requires that ninety (90) percent of the minimum lot size standard for the underlying Zoning District be platted outside of utility transmission and pipeline easements and the ordinary high watermark of ponds, wetlands and public waters.
2. All lots shall abut by their full frontage (lot width required by the Big Lake Zoning Ordinance) on a publicly dedicated street or a street that has received legal status.
3. Butt Lots. Butt lots shall be platted at least twenty (20) percent five feet wider than the interior lots in the block.
4. Corner Lots. Corner lots shall be platted twenty percent (20%) wider and larger in area than the minimum lot size specified in the Zoning Ordinance. The larger lot size is intended to provide the appropriate building setback from both streets and allow for a minimum twenty (20) foot landscaped buffer yard where a lot abuts a collector, arterial street, railroad, pipeline or utility transmission easement, as required in the Big Lake Zoning Ordinance.
5. Side Lot Lines. Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
6. Width. Every lot must have the minimum width measured at the required front yard setback.
7. All residential lots shall be designed with a minimum twenty (20) foot flat area behind the home for use as recreation space, decks, patios etc. Said space shall be unencumbered by utility easements, wetlands, or steep slopes.
8. Single and Two Family Lot Access. All new single and two family urban lots shall be designed to receive access from a local street. Direct lot access from an arterial or major collector street for these lots shall be prohibited except where topographic or other conditions as determined by the City Engineer justify access to an arterial or major collector street.
9. New commercial, industrial, and multiple family lots fronting on an arterial or major collector street shall be designed to minimize the number of direct access points through the following methods listed in preferential order. If the highest preference is not possible, the next preference shall be utilized until an access method is possible.
 - a. Access from a local street.

- b. Frontage road serving multiple properties.
 - c. Frontage driveway or connected parking lot with cross easements serving multiple properties.
 - d. Shared driveways.
 - e. One driveway access, no closer than two hundred (200) feet to another driveway and that meets the City's minimum spacing standards from a street intersection. All driveways shall be reviewed for consistency with the access management guidelines of the Big Lake Transportation Plan.
10. Setback Lines. Setback or building lines shall be shown on all lots shall not be less than the setback required by the Big Lake Zoning Ordinance.
11. Wetlands. Wetlands may be contained within abutting lots but shall be protected by a minimum thirty (30) foot buffer extending outward from the delineated wetland boundary. Lots with wetlands shall have sufficient dimensions and area outside the ordinary high water mark to meet or exceed the minimum lot area and width specified in the underlying Zoning District in which the lots are located.
12. Grading for drainage. Lots shall be graded so as to provide drainage away from building locations and shall conform to the approved final grading plan. Storm water drainage from an improved lot shall not be directed at an adjoining property at a rate above a predevelopment condition except where drainage is directed to a designed drainage easement.
13. Natural Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic places or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
14. Frontage on Two Streets. Double frontage, or lots with frontage on two (2) parallel streets shall not be permitted except where lots back on major collector or arterial streets, City or State highways, or where topographic or other conditions render subdividing otherwise unreasonable. Additional lot depth and a minimum twenty (20) foot wide landscaped buffer yard shall be provided for all double frontage lots for accommodate landscaping and/or berms.
15. Irregular Shaped Lots. On single family residential lots determined to be irregular in shape (e.g., triangular), the developer shall demonstrate to the City an ability to properly place principal buildings and accessory structures upon the site which are compatible in size and character to the surrounding area.
16. Building Expansion. All single-family residential lots shall be designed in consideration of potentials for buildings accommodating garages, porches and decks, etc. without need

for setback variance. Said buildings and structures are to be compatible in size and character with the surrounding area.

17. Lot Remnants/Outlots. All remnants of lots below minimum lot size left over after subdividing a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels. Outlots may be platted within a subdivision to delineate future development phases, commonly owned open spaces or land to be dedicated to the public for park, drainage and utility or other public purpose. The outlet shall be sized in a manner to accommodate its intended use. An outlot shall be platted into a lot and block prior to issuance of a building permit. No building permits shall be issued for an outlot except for City structures allowed as a recreational or utility component in an open space area.

1108.04: ENVIRONMENTAL SUBDIVISION DESIGN:

Subd. 1. Purpose. The intention of environmental subdivision is to compatibly integrate development with the natural features of the site to accomplish the following objectives:

1. The preservation of natural habitat areas and land forms unique to Big Lake.
2. The creation of open spaces for passive and active recreational uses.
3. The creation of well designed residential neighborhoods that feature common open space.
4. The establishment of a unified landscape amenity for the enjoyment of the City residents.

Subd. 2. Open Space Classification Designations. Each open space area shall be classified in one of the following categories: natural habitat, neighborhood recreation, or pedestrian corridor open space, and shall conform to the type of use, location criteria, and deed restrictions of that classification.

1. Natural Habitat. The development shall be designed to protect natural habitat open spaces in a contiguous, connected configuration. Natural habitat open spaces may include, but are not limited to wetlands, slopes, bluffs, dense woods, watercourses, lakes, ponds, streams, shorelands, and other environmentally sensitive areas or desirable viewsheds. Natural habitat open spaces may be preserved as conservation easements or outlots with shared ownership among the property owners or dedicated to a public agency.
2. Neighborhood Recreation. The development shall locate neighborhood recreation open spaces such that they are an integral part of the neighborhood of surrounding home sites, at an elevation appropriate to their intended recreational use, defined by coherent boundaries, and accessible to all neighborhood residents. Neighborhood recreation open spaces should be accessible by the public, be located to allow for public view of the

facility and may include, but are not limited to, greenways, commons, playgrounds, ball fields, gardens, etc.

3. Trail Corridors. Trail corridor open spaces may include, but are not limited to, established regional trails, local pathways, or paved walkways. Public trail corridors that are located off-road, shall be a minimum of thirty (30) feet in width. Private trail corridors may be established by easement or outlot under the ownership of a homeowners association. Trail corridor open space shall be used for pedestrian and/or bicycle travel. Motorized vehicles shall be prohibited.
4. Habitable structures shall not be permitted in any of the designated open spaces. Open and recreational structures may be permitted within open spaces.

Subd. 3. Ownership and Management. Each designated open space designated shall be owned and managed according to the following means, subject to City approval.

1. Open space may be owned in common by the property owners created through subdivision of the original tract. Management shall be the responsibility of that subdivision's homeowner association. In the case where at least one (1) open space is held in common ownership, a homeowner association shall be established for that subdivision. Membership in the association by all property owners in the subdivision shall be mandatory. The homeowners association documents or the declaration of covenants, conditions and restrictions shall be submitted as part of the preliminary plat application and shall contain the following information:
 - a. The legal description of the common lands or facilities.
 - b. The restrictions placed upon the use and enjoyment of the lands or facilities including the persons or entities entitled to enforce the restrictions.
 - c. A mechanism for resolving disputes among the owners or association members.
 - d. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes, and insurance premiums.
 - e. The conditions and timing of the transfer of ownership and control of land or facilities to the association or to common ownership.
2. Natural Habitat. Open space may be deeded to an established land trust or non-profit organization. Management shall be the responsibility of the land trust or non-profit organization. Maintenance may be performed by the neighborhood homeowner association, through written agreement between the association and the land trust or non-profit organization.

- a. Open space may be protected by establishing conservation easements in perpetuity in favor of an established land trust or non-profit organization as provided in Minnesota Statutes 84.64 – 84.65 as may be amended. Unless the document establishing the restrictions specifically provides to the contrary, the City shall have no responsibility for the maintenance or management of the area subject to the restrictions. The form and content of the deed or other instrument establishing the restrictions must be approved by the City prior to the execution and delivery thereof. Notwithstanding any provision of this Ordinance to the contrary, the City may, in cases where conservation restrictions are utilized to meet open space dedication requirements of this Ordinance, waive the requirement that the area subject to the restrictions be platted as a separate outlot.
 - b. Open space containing drainage systems shall be platted as an outlot and dedicated to the City.
3. Neighborhood Recreational and Trail Corridor. Recreational open space or trail corridors intended as public parks or public trails shall be dedicated to the City. Management and maintenance of the public recreational areas shall be the responsibility of the City.

Subd. 4. Residential Lot Siting.

1. Residential lot areas shall consist of buildable land as defined in Section 1101 (Rules and Definitions) of this Ordinance.
2. Residential lots shall be sited in a manner that protect existing specimen trees and significant tree cover on the site to the maximum extent considered to be reasonable by the City Council.
3. View Shed. The lots of a neighborhood may be arranged such that a majority of the principle structures will take visual advantage of an identifiable feature, building, structure, greenway, wetland, woods, lake, stream, or other open space which could be described as a view shed.
4. Streetscape. The lots may be arranged such that the principle structures face a local street enhanced with landscaping, street trees, boulevards, medians, or other landscaping techniques appropriate to the City's street design standards.

1108.05 STREETS AND ALLEYS: The arrangement, character, extension, width, grade, and location of all streets shall conform to the Big Lake Design Guidelines Manual, Comprehensive Plan and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by the streets.

Subd. 1. Streets.

1. Streets, Continuous. Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.
2. The arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations approved by the City Engineer.
3. Temporary Cul-de-Sac. In those instances where a street is terminated pending future extension in conjunction with future subdivision and more than two hundred (200) feet between the dead-end and the nearest intersection, a temporary turn around facility shall be provided at the closed end, in conformance with cul-de-sac requirements. The temporary cul-de-sacs shall be completed with curb to the end and paved to cul-de-sac radius width behind the curb. This temporary cul-de-sac must be placed inside a temporary roadway easement if it is located outside street right-of-way. 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. Financial security will be required for removal or restoration as determined by the City Engineer. Said temporary cul-de-sacs shall be posted with signage indicating that the road is a proposed through road to alert the public that the road is planned to continue into the next development upon future subdivision. Temporary cul-de-sacs shall be completed with curb to the end and paved to cul-de-sac radius width behind the curb.
4. Provisions for Re-subdivision of Large Lots and Parcels. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate re-subdivision, with provision for adequate utility connections for such re-subdivision.
5. Subdivisions Abutting Major Rights-of-Way. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. or State highway, County Road, or local collector street, provision may be made for a service street approximately parallel and adjacent to the boundary of such right-of-way; provided that due consideration is given to proper circulation design, setbacks from an intersection on the major rights-of-way, or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, or for lot depths.

6. Widths. Right of way widths and pavement width (face to face) of curb shall be as shown in the City Plan, and where not shown in the Plan shall not be less than as follows:

| Classification | Right of Way | Pavement Width |
|-------------------------|---------------------|-----------------------------|
| Major Collector/Parkway | 100 feet | Determined by City Engineer |
| Minor Collector | 80 feet | Determined by City Engineer |
| Residential Street | 60 feet | 32 feet |
| Service Roads | 50 feet | 28 feet |
| Cul-de-sac Streets | 60 feet | 32 feet |
| Cul-de-sac Radius | 60 feet | 45 feet |

7. Street Intersections. Insofar as practical, streets shall intersect at right angles, and in no case shall the angle formed by the intersection of two streets be less than sixty (60) degrees. Intersections having more than four corners shall be prohibited. Adequate land for future intersections and interchange construction needs shall be dedicated.
8. Deflections. When connecting street lines deflect from each other, or when a single street deflects at one point, by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than five hundred (500) feet for arterials, three hundred (300) feet for collectors, and two hundred (200) feet for all other streets. The City Council may allow greater or lesser sight distances and of such radii as the City Engineer shall determine for special cases.
9. Street Intersection Offsets. Street intersection jogs shall have a centerline off-set of one hundred fifty (150) feet or more when applied to minor streets and service streets. In all other cases they shall be avoided.
10. Tangents. A tangent of at least one hundred (100) feet shall be introduced between points of reverse curves of arterial and collector streets.
11. Cul-de-Sacs. The maximum length of a street terminating in a cul-de-sac shall be five hundred (500) feet measured from the centerline of the street of origin to the end of the right-of-way.
12. Centerline Gradients. All centerline gradients shall be at least ~~four~~ five-tenths (0.5) percent and Minor arterials and residential streets not exceed eight-tenths (0.8) percent.
13. Vertical Curves. Vertical curves shall meet (30) mph requirements.
14. Marginal Access Streets. Marginal access streets shall be so aligned that their use by through traffic shall be discouraged.
15. Service Streets. Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, the City Council may require a street approximately parallel to and on each side of the right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. The service

streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. The distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

16. Half Streets. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this Ordinance, and except where the City Council finds it shall be practicable to require the dedication of the other half when adjoining property is subdivided. Wherever there is a half street adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract prior to the granting of access and an escrow shall be established for future road construction.
17. Private Streets. Private streets shall not be approved nor shall public improvements be approved for any private streets.
18. Reserve Strips. Reserve strips controlling access to streets shall be prohibited except under conditions approved by the City Council.
19. Access Management Requirements. 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 on State highways and one-quarter (1/4) mile on county roads 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.
20. 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.
21. Access of local streets onto arterial and collector streets shall be discouraged at intervals of less than five hundred (500) feet.
22. Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided within the subdivision to meet the standards of this Ordinance.
23. Additional right-of-way and roadway widths may be required by the Council to promote public safety and convenience when special conditions require it.

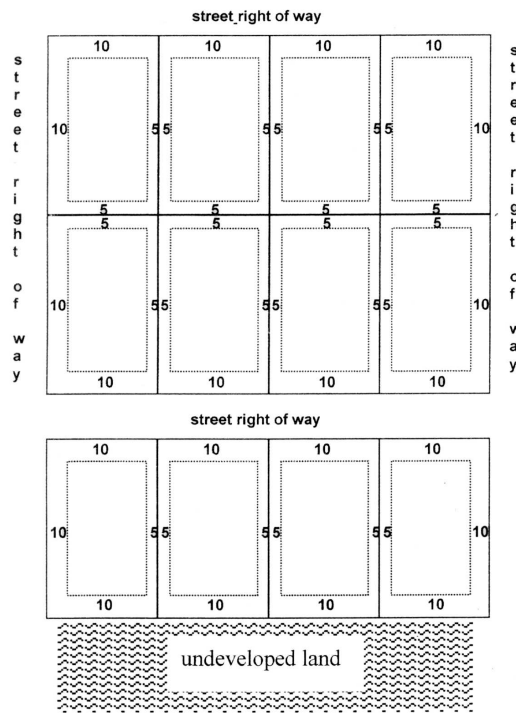
24. Dedication. All proposed streets shown on the plat shall be in conformity to City, County and State plans and standards and be offered for dedication as public streets unless otherwise determined by the City Council.
25. Hardship to Owners of Adjoining Property Avoided. The street arrangements shall not be such as to cause hardship, as determined by the City Council, to owners of adjoining property.
26. Grading. The full width of the right-of-way of all streets and alleys dedicated in the plat shall be graded to the lines and cross sections as shown on the grading plan submitted to and approved by the City Engineer. Exceptions to the width of grading may be granted where topography or tree cover warrant.
27. 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 and be provided to the City Engineer.
28. Base and Surfacing. All streets shall be improved with a concrete or bituminous surface. Streets to be paved shall be surfaced in accordance with City standard specifications. No building permit shall be issued for any lot or parcel in a subdivision prior to the installation of base course. Wear course bituminous shall be installed the following construction season or two (2) years later, if City so designates. Exceptions to this provision may be granted by the City Council at their discretion as part of a development contract.
29. Concrete Curb and Gutter. All curb shall be concrete with integral gutter. The standard curb shall be vertical face (Type B6-18 or D4-18) in accordance with City standard design templates. Radius of curvature of the street shall accommodate as minimum thirty (30) mph traffic unless approved by the City Engineer. In new residential developments where access location to lots are not known, a surmountable concrete 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. Radius curvature of streets shall accommodate minimum thirty (30) mile per hour traffic unless otherwise approved by the City Engineer.
30. Boulevards. All boulevards shall have four (4) inches of topsoil (black dirt) placed on them and then shall be sodded or seeded.
31. Sidewalks. Concrete sidewalks, are required on one (1) side of residential streets and may be required on both sides of the streets and on pedestrian ways as directed by the City Council. All sidewalks shall meet the specifications and width standards as outlined by the City of Big Lake Standards and as required by the City Engineer. Sidewalk are to be installed before the bituminous wear course. The developer shall notify the buyers of all sidewalks to be constructed within the project.

32. Driveways. Concrete or asphalt driveways shall be constructed from the curb to the property line. All driveway aprons between the back of curb and the sidewalk shall be concrete. In cases where driveways are constructed after curbing and sidewalks are in place, the sidewalk for the width of the driveway shall be reconstructed to driveway specifications. Where driveways shall be permitted to access onto thoroughfare or collector streets, provisions shall be made for an on-site turn around area which would provide access to the thoroughfare or collector street in a forward direction. All driveway aprons between back of curb and sidewalk shall be concrete.
 - a. Townhome projects shall be designed to provide driveways that allow for shared access between units to provide additional front yard landscaped (with plant and trees) and irrigated areas between driveways.
33. Lighting. Streetlights conforming to City specifications shall be installed at the locations approved by the City Engineer. Easements may be required along property lines from utility easements on rear lot lines to rights-of-way so as to provide for a street light interval not to exceed five hundred (500) feet.
34. Signs. The developer shall submit a signage plan to the city for approval and the developer shall install signage in accordance with the approved plan. The design of said signs shall be in accordance with City standard specifications. Letters shall be at least six (6) inches high, green on a white background.
35. Street Trees. In all new subdivisions, street and yard trees shall be planted in accordance with Section 1027, (Landscape, Screening and Tree Preservation) of the Zoning Ordinance. No trees shall be planted within thirty (30) feet of the intersection of curb lines on corner lots. Street trees shall be planted not less than 40 feet apart and shall be placed three (3) to five (5) feet inside the property line and not in the "boulevard." This provision shall not apply to tree plantings on City parkways where the City Council may permit the planting of trees in landscaped medians or boulevard areas.
36. Streets in Flood Hazard Area. No street shall be approved if its final surface is at a lower elevation than one (1) foot below the regulatory flood protection elevation. The City Council may require profiles and elevations of finished streets for areas subject to flooding. Fill may be used for streets, provided such fill does not unduly increase flood heights and provided any such fill would not result in a stage increase violating the Requirements of Minnesota Statutes Chapters 104 and 105, as such chapters may be amended, supplemented, or replaced from time to time, and any applicable requirements imposed by the Federal Emergency Management Agency pursuant to its rules and regulations. Drainage openings shall not restrict the flow of water so as to unduly increase flood heights and provided any such drainage opening would not violate the requirements of Minnesota Statutes, Chapters 104 and 105, as such chapters may be amended, supplemented, or replaced from time to time, and any applicable requirements imposed by the Federal Emergency Management Agency pursuant to its rules and regulations.

1108.06: EASEMENTS:

1. Lot Lines. Drainage and utility easements at least ten (10) feet wide shall be provided on all lot lines (see diagram below). These easements may be centered on common rear and side lot lines. At a minimum, these easements shall be ten (10) feet wide along all lot lines on streets and along all boundaries with land not being developed. The easements shall provide continuity of alignment from block to block. At deflection points, an easement for a pole line anchor shall be provided where necessary. The following exceptions to these requirements shall be permitted:

A. The easement width requirements may be reduced or waived for subdivisions in the “TOD” Transit Oriented Development District and the “DD” Downtown Design Overlay District, subject to the approval of both the Zoning Administrator and the City Engineer.



2. Drainage Channels. Easements shall be provided along each side of the centerline of any waterway or drainage channel. The easements shall be of a sufficient width to provide for proper maintenance and protection of the waterway or channel, stormwater runoff, and the installation and maintenance of drainage systems. Easement width to be determined by the City Engineer. Easement width shall be determined by the City Engineer.

3. Utilities. Easements shall be provided for all sanitary sewer, water main, and stormwater facilities. The easements shall be of a sufficient width to provide for access, proper maintenance, and protection of the facilities.

1108.07: STORM WATER MANAGEMENT

Subd. 1. Storm Water Drainage Facilities. The developer shall submit a storm water management plan to the City and said plan shall comply with all federal, state and local requirements. Storm water drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from building and on-site waste disposal to accommodate frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to protect against surface erosion and siltation of surface water and to prevent the discharge of excess runoff onto adjacent properties. The natural drainage shall be used as far as is feasible for the storage and flow of runoff. Developer shall submit a storm water management plan to the City Engineer. Developer must comply with all Federal, State and local requirements including but not limited to the Minnesota Pollution Control Agency's NPDES Construction Permit Requirements and Minnesota Stormwater Manual in place at the time of application. The following requirements shall also apply:

1. No existing ditch, stream, drain or drainage channel shall be deepened, widened, re-routed or filled without written permission from the City Engineer and other governmental agencies.
2. Where drainage channels must be constructed to augment the natural drainage system, such channels, as well as the natural drainageways, may be planned as a part of a recreational trail system. When this is done, channels shall be designed to be aesthetically compatible for recreational trail use.
3. The Stormwater Management Plan shall include the following information:
 - A. Identification and description
 - i. Project name;
 - ii. Project type (residential, commercial, industrial, road construction, or other);
 - iii. Project location;
 - iv. County parcel identification number (legal description), section, township and range; and
 - v. Names and addresses of all record owner(s).
 - B. A map of existing site conditions showing the site and immediately adjacent areas;
 - C. The name and address of the applicant, the section, township and range, north point, date, and scale of drawing, and number of sheets, and list of names and addresses of all owners of the property;
 - D. Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivisions, towns, and districts or other landmarks;
 - E. A delineation of all streams, rivers, public waters, intermittent streams, and wetlands located on and within ½ mile of the site, including depth of water, floodway and flood fringe boundary, a description of all vegetation which may be found in the water, a statement of general water quality and any classification given to the water body or

- wetland by the State Department of Natural Resources, the State Pollution Control Agency, or the U.S. Army Corps of Engineers;
- F. Location and area of all existing impervious surfaces;
 - G. Location and dimensions of existing stormwater drainage systems including drain tile, ditches, and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate stormwater is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where stormwater collects;
 - H. Site soils information including but not limited to runoff and infiltration rates;
 - I. Description of the existing vegetative cover and clearly delineating any vegetation proposed for removal; and
 - J. 100-year floodplains, flood fringes, and floodways.

Subd. 2. Storm Water Drainage Standards.

- 1. All developments are responsible for control of surface or storm water to equal or improve pre-development conditions such that:
 - A. Volume, Total Suspended Solids (TSS), Total Phosphorus (TP) such that there is no net increase from pre-project conditions on an annual average basis for new developments and such that there is a net reduction from pre-project conditions on an annual average basis for redevelopment projects.
 - i. For projects where site constraints limit the ability to provide the required control practices within the project boundary; the project shall provide for downstream improvements for that portion that cannot be treated within project boundaries. Such project may include:
 - a. Linear projects where reasonable effort has been made to obtain sufficient right-of-way to install required control practices and said efforts have been unsuccessful;
 - b. Sites where infiltration is prohibited; and
 - c. Other locations as determined by the City Engineer.
 - ii. Projects that have made reasonable effort but been unable to fully meet TSS and TP requirements within the project limits may upon authorization by the City Engineer utilize the following methods to meet that portion not met onsite:
 - a. Provide treatment that yields the same benefits in an offsite location to the same receiving water that receives runoff from the project site. If this is not feasible then;
 - b. Provide treatment that yields the same benefits in an offsite location within the same Minnesota Department of Natural Resources catchment area as the project site. If this is not feasible then;
 - c. Provide treatment that yields the same benefits in an offsite location within an adjacent Minnesota Department of Natural Resources catchment area up-stream of the project site. If this is not feasible then;

- d. Provide treatment that yields the same benefits at a site approved by the City.
2. The developer shall also complete all water quality improvements within 24 months of the project being initiated unless an extension is approved by the City Engineer.
3. Development drainage systems shall be provided that accept flow from upstream areas, that control, convey, and pond development runoff, that limit outflow to the natural pre-development rate, and that do not have detrimental impacts on downstream properties.
4. All pipe conveyance shall be of 24-hour, ten (10) year design return frequency.
5. Flood protection shall be provided for one hundred 24-hour (100) or five hundred (500) year design return frequency, as required by the City Engineer.
6. All ponding, detention or retention shall be designed for 24-hour, 100 year frequency storm condition with a positive outlet.
7. Flood protection shall be provided for one hundred 24-hour (100) year or five hundred (500) year design return frequency as required by the City Engineer.
8. All storm runoff rates shall be calculated by the Soil Conservation Service Method TR55 or other method authorized by the City Engineer.
9. TSS and TP compliance shall be documented to show compliance using a method approved by the City Engineer.

Subd. 3. Investigation of practices. The following stormwater management practices shall be investigated in developing a Stormwater Management Plan in the following descending order of preference:

1. Infiltration of runoff on site, if suitable soil conditions are available for use; except that infiltration shall be prohibited where:
 - A. Industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
 - B. Vehicle fueling and maintenance occur
 - C. Less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock can be achieved.
 - D. High levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
 - E. Soil infiltration rates are more than 8.3 inches per hour.
 - F. Soils are predominately Hydrologic Soil Group D (clay), except where soil amendment will allow for appropriate infiltration.
 - G. Infiltration shall be restricted without higher engineering review, sufficient to provide a functioning treatment system without adverse impacts to groundwater, when:
 - i. Soil infiltration rates are more than 8.3 inches per hour.

- ii. Soils are predominately Hydrologic Soil Group D (clay), except where soil amendment will allow for appropriate infiltration.
- iii. Within the City's Drinking Water Supply Management Area (DWSMA)
 - H. Flow attenuation by use of open vegetated swales and natural depressions;
 - I. Stormwater retention facilities; and
 - J. Stormwater detention facilities.

Subd. 4. Projects must include creation of new or retrofit existing structural stormwater best management practices or utilize properly designed regional structural stormwater best management practices. Routine maintenance of existing structural stormwater best management practices does not meet the requirement to provide stormwater management under this division.

Subd. 5 Structural Stormwater Best Management Practices installed to fulfill the requirements of this Ordinance shall be maintained in compliance with the approved maintenance plan. Where no plan is in place they shall be maintained in compliance with accepted Industry Standard and Minnesota Pollution Control Agency recommendations. No Structural Stormwater Best Management Practices shall not be removed or altered in such a way to decrease structural Stormwater Best Management Practices effectiveness without:

1. Authorization of the City Engineer or designee; and
2. Providing new or improved Structural Stormwater Best Management Practices providing or exceeding that amount lost due to the alteration or removal.

Subd. 6. The City Engineer shall approve all subdivision grading, drainage, and wetland mitigation plans.

1108.08: EROSION AND SEDIMENT CONTROL: The development shall be constructed to comply with the requirements of the Minnesota Pollution Control Agency (MPCA), Phase II storm water permit.

Subd. 1. The following guidelines shall be applied in the subdivision:

1. The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
2. 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.
3. When soil is exposed, the exposure shall be for a time period as outlined by the MPCA Phase II Storm Water Permit.
4. 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 (4)

inches 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. The soil shall be restored to a minimum depth of six (6) inches or a depth as may be established by the City Engineer.

5. Natural vegetation shall be protected wherever possible.
6. Runoff water shall be diverted to a sedimentation basin before allowed to enter the natural drainage system, as determined by the City Engineer,. Storm water runoff from the developed site shall not, at any time, exceed the rate existing prior to development except as may be approved by the City Council.
7. 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.

1108.09: PUBLIC UTILITIES:

Subd. 1. Watermain. Watermain size shall be a minimum eight (8) inch diameter. Watermain shall be ductile iron pipe and shall meet all the requirements of the City Engineer's Association of Minnesota standard utility specification for watermain and service line installation and American Water Works Association standard.

1. Mains shall be valved at intervals not to exceed eight hundred (800) feet. Valve type shall be as defined in the City Standard Specifications.
2. "Dead end" mains shall be looped if exceeding the allowed length of a cul-de-sac. The distribution system may require installing a larger main to benefit the entire water service in the City. The City Engineer shall determine location and size of mains larger eight (8) inches in residential areas. In commercial/industrial areas, watermain up to twelve (12) inches may be required to meet normal distribution required in the development. The cost of normal distribution size and appurtenances shall be the responsibility of the developer. Size of pipe over and above the normal shall be installed and financed in accordance with City policy.

Subd. 2. Water Supply. An individual well may be used for irrigation purposes only.

Subd. 3. Fire Hydrants. Installation shall be pursuant to plans approved by the City Engineer and local fire fighting authority and shall be located in accordance with Insurance Service Office (ISO) standards.

1. Hydrants shall be placed at the end of all "dead ends," cul-de-sacs and at intersections. Hydrant type and installation shall be in accordance with the City Standard Specifications.

Subd. 4. Sanitary Sewer. Sanitary Sewer shall be a minimum of eight (8) inch pipe and shall be of a material approved for use in the City by the City Engineer. Sanitary sewer grades and installation shall conform to the Recommended Standards for Sewage Works latest edition by the Great Lakes – Upper Mississippi River Board of State Sanitary Engineers and the City Engineer’s Association of Minnesota standard utilities specification for sanitary sewer. Main size shall be determined by the sewage flow and grade in accordance with the City of Big Lake Comprehensive Development Study.

1. Size of pipe shall be determined by lateral service and/or trunk service. Trunk service shall be the responsibility of the property served and City Council shall establish cost distribution policy. Lateral service shall be the responsibility of the property serviced and cost shall be borne by the serviced property.
2. Sanitary sewer service shall be a minimum of four (4) inches and shall be installed in accordance with the City’s Standard Specifications.
3. House Services. Each house service shall be run from the main to the property line, where a cap or plug shall be placed until the service is extended to the structure. A one (1) inch Type K copper water service, or approved equal; corporation cock, curb box and stop; and four (4) inch PVC plastic pipe, or approved equal, sewer service shall be the minimum requirements. All services shall be installed in accordance with the City’s Standard Specifications.
4. Electronic final design plans shall be submitted to the City so that record drawings can be completed by the City Engineer.

Subd. 5. Sanitation. Water and sewer lines shall be installed and connected to the public system to serve all lots within the proposed subdivision under the provisions of applicable statutes and ordinances. The City Council shall require the installation of water and sewer mains, at the applicant’s expense or under the provisions of applicable statutes and ordinances, unless said applicant can prove to the City Council that extension of the existing water system is not feasible in the development of the subdivision and that adequate water facilities will be otherwise provided, in which case the City Council may permit the installation of individual wells.

Subd. 6. Telephone, electric, cable, gas service lines and/or other public utilities are to be placed underground in accordance with City standards.

1. Developers shall apply for City permits to install underground utilities in public rights-of-way.
2. The City shall approve all utilities prior to installation.
3. Public utilities shall be installed in a joint trench in accordance with City standards.
4. Conduit shall be installed for all road crossings.

5. Public utility installation shall not occur until one (1) week after all curb has been backfilled.

1108.10: FLOOD WARNING SIGNS IN FEMA DESIGNATED FLOOD AREAS:

The limits of the areas which have been or would be inundated by the 100-year flood shall be delineated as reasonably practical at three hundred (300) foot intervals by means of firmly placed markers of sufficient size to be easily read from a distance of twenty (20) feet. The markers shall record the maximum known depth of flooding or height to the flood protection level, whichever is greater. All flood warning signs in floodprone areas shall be in accordance with the above requirements or any additional requirements as provided by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study and the Flood Insurance Rate Map. The subdivision markers shall meet the following specifications:

1. The markers shall be on substantial permanent metal posts.
2. The marker(s) shall have notification painted white and shall be stenciled or otherwise lettered with the inscription “100-year flood elevation.” This lettering is to be of a permanent nature.
3. The marker be firmly placed in the ground and be at least two (2) feet above the ground.
4. The cost of preparing and installing such markers shall be borne by the applicant and the markers shall be installed prior to the sale of lots and construction of any buildings or structures.

1108.11: PROPERTY DEDICATION:

Subd. 1. A portion of any subdivision shall dedicate to the City a reasonable portion of the proposed subdivision for public streets, roads, utility easements, water facilities, storm water drainage and holding areas or ponds and other similar utilities and improvements.

Subd. 2. As a prerequisite to any subdivision approval, and at the sole determination by the City, applicants and/or developers shall dedicate land for parks, playgrounds, public open spaces or trails and/or shall make a cash contribution to the City’s park dedication fund roughly related to the anticipated effect of the subdivision on the park and trail system. The amounts listed in this Section are the City’s best estimate of the dedication or cash contribution needed to offset the effect of the subdivision on the park and trail system. The requirement may also be met with a combination of land and cash if approved by the City Council.

1. The owner or developer may at the option of the City, pay to the City, for use in acquisition and development of parks, a cash payment to the City. The payment shall be based upon a formula established by resolution of the City Council. The dedication or cash payment shall also be subject to the following:

- a. Dedication credit shall not be granted for the construction of recreation facilities unless the facilities and land area are dedicated to and accepted by the City;
- b. If a new subdivision is designed to be platted in several additions, all public recreation space, school sites or other public use lands in the total subdivision area, except streets, alleys, or easements other than those leading directly to the sites, shall be dedicated at the time of platting of the first addition unless otherwise approved by the City Council. Areas to be dedicated shall be brought to a suitable condition by the developer prior to acceptance by the City.

Subd. 3. Land shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access and location, and future park needs pursuant to the Comprehensive Plan. Wetlands, ponding areas, and drainage ways shall not be eligible for park dedication credit. Park land to be dedicated shall be above the ordinary high water level. Grades exceeding twelve (12) percent or areas unsuitable for park development will not be considered for dedication unless specifically accepted by the City Council for an intended public purpose. Land with trash, junk, pollutants and/or unwanted structures is not acceptable.

Subd. 4. The applicant shall confer with City Staff and the Park Committee at the time of concept plan and/or prior to the preliminary plat public hearing, to secure a recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds or other public property. The preliminary plat shall show the location and dimensions of all areas to be dedicated in this manner. Such contribution requirement recommendation(s) will be sent to the Planning Commission for review and comment and subsequently to the City Council for their approval.

Subd. 5. When a proposed park, playground, recreation area, school site or other public ground has been indicated in the City's Comprehensive Plan and is located in whole or in part within a proposed plat, it shall be dedicated to the appropriate governmental unit. If the applicant elects not to dedicate an area in excess of the land required hereunder for such proposed public site, the City may consider acquiring the excess land through purchase or other means.

Subd. 6. Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas may be used for credit, at the discretion of the City Council, against the land or cash dedication requirement for park and recreation purposes, provided the City Council finds it is in the public interest to do so.

Subd. 7. The City, upon consideration of the particular type of development, may require that a lesser parcel of land should be dedicated due to particular features of the development. In such cases, a cash contribution shall be required above the land dedication to ensure that compensation is received for the full amount of the impact on the City's park and trail system.

Subd. 8. In all new residential subdivisions, ten (10) percent of the area subdivided shall be dedicated for public recreation space. This ten (10) percent shall be calculated on the net area, which is the gross area of the subdivided property minus the area of wetlands, lakes and rivers below the ordinary high water mark. The land dedicated for public recreation shall be in addition to property dedicated for streets, alleys, easements, or other public ways. No areas may be dedicated for public use until such areas have been approved by the City Council as suitable and necessary for the health, safety, convenience and general welfare of the City.

Subd. 9. In all new commercial and industrial subdivisions, four (4) percent of the area subdivided shall be dedicated for public recreation space. This four (4) percent shall be calculated on the net area, which is the gross area of the subdivided property minus the area of wetlands, lakes and rivers below the ordinary high water mark. The land dedicated for public recreation shall be in addition to property dedicated for streets, alleys, easements, or other public ways. No areas may be dedicated for public use until such areas have been approved by the City Council as suitable and necessary for the health, safety, convenience and general welfare of the City.

Subd. 10. When a subdivision is proposed, the developer shall make a dedication of land for public park and trail use, as provided for in Subd. 8, and Subd. 9 of this Section, or shall pay a fee in lieu of such land dedication as established by City Council resolution. Said amount is the City's best estimate of the effect of the subdivision on the City's park system.

Subd. 11. All land proposed for trail and/or bikeway dedication shall be subject to the recommendations of the Park Committee and approval of the City Council.

Subd. 12. The City may elect at its sole discretion to receive a cash dedication or a combination of cash, land, and development of the land for park and/or trail use. Cash dedications shall be calculated based upon the following:

1. At the time of subdivision, a calculation will be conducted to determine the average fair market value of the land to be subdivided, based on annual tax valuation or other relevant data. The average fair market value of the land will be multiplied by the appropriate dedication percentage. The result of this calculation is equal to the total cash value of the park dedication for the project. The formula is outlined as follows:
 - a.
$$\text{Average Fair Market Value of Land to be Subdivided} \times \text{Percent of Land to be Dedicated} = \text{Total Cash Value of Park Dedication for the Subdivision.}$$
2. The value of the land dedication, if any, is determined based upon the following formula:
 - a.
$$\text{Total Land Dedication Acres} \times \text{Cash Value of Park Dedication for the Subdivision} = \text{Dedicated Land Value}$$
3. To determine the combined land and cash dedication requirement, the following formula should be used:

- a. Total Cash Value of Park Dedication for the Subdivision – Dedicated Land Value = Cash Dedication Requirement.

Subd. 13. Planned unit developments with mixed land uses shall make cash and/or land contributions in accordance with this Section based upon the percentage of land devoted to the various uses.

Subd. 14. Park cash contributions are to be calculated and established based on land value at time of final plat. Cash dedications shall be included in the development agreement and paid prior to the City's signature of and release of the final plat. For subdivisions that do not require a development agreement, the cash dedication shall be paid before the City releases the signed approval of the subdivision for recording.

Subd. 15. Cash contributions for parks and trails shall be deposited in the City's Park Fund or multi-purpose trail fund and shall only be used for park acquisition or development, and trail acquisition or development as determined by the City.

Subd. 16. Property being replatted with the same number of lots and same number of dwelling units shall be exempt from all park land dedication requirements. If the number of lots or the number of dwelling units or principal structures is increased, or if land outside of the previously recorded plat is added, then the park land dedication and/or park cash contributions shall be based on the additional units/lots and on the additional land being added to the plat.

Subd. 17. If the applicant or developer does not believe that the estimates contained in this Section fairly and accurately represent the effect of the subdivision has on the park or trail system of the City, the applicant or developer may request that the City prepare an in-depth study of the effect of the subdivision on the park and trail system and an estimate of that effect in money and/or land. All costs of such study shall be paid by the developer or applicant. If the developer requests the preparation of such a study, no application for the development shall be deemed complete until the study has been completed and a determination is made as to the appropriate amount of land or money necessary to offset the effects of the subdivision.

1108.12: TREE PROTECTION AND REPLACEMENT

Subd. 1. Affected areas. The following process for protecting significant trees shall be required for all new development.

Subd. 2. Tree Protection. Subdividers are required to protect at minimum forty (40) percent of the existing significant trees on the property. If the tree removal exceeds the allowed sixty (60) percent, the list for removal shall be sorted by caliper inch, with the smallest of the trees counting towards the allowed removal. Required replacement shall be calculated using the largest of the trees proposed for removal. All specimen trees are encouraged to be preserved. If two (2) or more trees are preserved on any lot in the front yard, the landscape plan requirements of two (2) two and one half (2 ½) inch caliper trees is waived for that specific lot.

Subd. 3. Inventory Required. All applicants are required to submit a tree inventory and plan for review and approval as part of the development process. All tree inventories shall be prepared by a licensed land surveyor and a forester or a landscape architect and include the following:

1. The location of all existing significant trees on the property. Each tree shall be identified by a unique identification number.
2. The 40%+ of significant trees proposed to be protected as part of the development. Significant trees intended for removal shall be clearly distinguishable from those intended for preservation. Proposed lot lines, building pads, driveways, streets, easements, and any areas in which tree disruption is anticipated shall be shown.
3. All required plantings, including:
 - a. All trees for landscaping, screening, or other requirements. Identify areas where existing trees are being proposed to meet requirements, and
 - b. The location and size of replacement trees (if the development intends to remove greater than 60% of the existing trees).
4. The final tree design of all lots showing the significant trees intended for preservation and any required plantings.
5. A matrix listing the unique identification number for the significant tree, the species or common name, the proposed lot and block on which the tree resides, the size in caliper inches, and an indicator as to whether the tree is intended for removal or preservation. The matrix shall be sorted by lot and block number and conclude with a tabulation of the following:
 - a. Total number of significant trees on site.
 - b. Total number of significant trees proposed for removal.
 - c. Total number of significant trees proposed for preservation.
 - d. Calculation of the percentage proposed for removal.
 - e. If the percentage for removal exceeds 60%, the number of trees which exceed the allowed removal.
6. If the percentage of removal is greater than 60%, a second matrix shall be provided which sorts the significant trees by caliper inch and identifies all trees for which replacement is required. This matrix shall conclude with a tabulation of the following:

- a. Total number of caliper inches for which replacement is required
 - b. Calculation of the required caliper inches to be replaced and shown as required plantings within the tree preservation plan.
7. Required replacements shall be calculated using the largest of trees proposed for removal.

Subd. 4. Inventory Updates. Inventories may need to be updated throughout the construction of developments due to changes in the grading plans and other construction related events. Additionally, a finalized inventory shall be submitted by the developer upon completion of a development to verify all requirements have been met. Inventory updates shall be subject to the following guidelines:

1. Updated inventories shall require that all significant trees on the site are examined by a forestry specialist, and that all impacted trees are identified. Impacted trees shall be identified as removed on the updated inventory.
2. Updated inventories shall be subject to the same guidelines and submitted in the same format as the original inventory called for by this section.
3. For lots that have obtained a certificate of occupancy, the updated inventory shall reflect the trees on the lots as identified on a final tree survey or other approved method.
4. If an updated inventory indicates actual removal exceeded the planned removal as approved with the development, the developer shall be required to provide additional replacement trees as outlined by this section.
5. If the revised inventory indicates fewer trees have been removed than planned, the developer shall receive a credit for the additional caliper inches preserved. Said credit may only be used towards planned future removal of trees. Under no circumstances shall this credit be used to eliminate required plantings as part of the development, nor can said credits be used to avoid existing obligations to ongoing or completed construction.

Subd. 5. Protection During Development. The developer is responsible for all trees on a site until a certificate of occupancy is granted, and for trees on the remainder of the property until all improvements are accepted. A tree protection plan must be provided, as described below:

1. Installation of snow fencing or polyethylene laminar safety netting at the drip line or critical root zones of groups of trees to be saved.
2. Installation of signage at all tree protection areas that instruct workers to stay out.
3. Installation of erosion control measures.

4. Tree protection measures shall be kept in place and in good condition until all grading and construction activity has stopped.
5. Prevention of soil chemistry change due to concrete wash out and leakage or spillage of toxic materials such as fuels or paints.

Subd. 6. Protection Timeline. Trees identified on the tree preservation plan shall be protected by the developer throughout the development process. Upon accepting the preservation/reforestation work completed by the developer, the City's enforcement of the tree preservation plan shall cease.

Subd. 7. Replacement Rate Guidelines. Planned and unplanned tree removal shall be subject to the following guidelines:

1. Trees planned for removal beyond the allowed sixty (60) percent shall be subject to a required replacement as defined by this section. For every tree planned to be lost beyond the allowed sixty (60) percent, a replacement tree shall be required at a rate of one (1) inch for every one (1) inch of tree loss.
2. In the event a tree tagged for preservation is identified for removal in conjunction with a permitted activity, the required replacement shall be one (1) caliper inch for every one (1) caliper inch of tree loss.
3. In the event a tree identified for preservation is removed without authorization, the required replacement shall be two (2) caliper inches for every one (1) caliper inch of tree loss.

Subd. 8. Replacement Type Guidelines. Replacement trees shall be subject to the following guidelines:

1. Deciduous Trees: No less than two and a half (2.5) caliper inches.
2. Coniferous Trees: No less than six (6) feet high.
3. Replacement trees shall be species similar to the trees which were destroyed or damaged or shall be the species identified in Zoning Ordinance Section 1027 (Landscaping, Screening, and Tree Preservation).
4. Unacceptable Trees: The following trees are unacceptable because of structural instability, susceptibility to disease, or because they are invasive species:
 - a. Silver Maple
 - b. Siberian Elm
 - c. Cottonwood

5. Replacement trees shall not be placed on easements or street rights-of-way. Prior to planting replacement trees, the applicant shall submit for City review and approval, the locations of the replacement trees.

Subd 9. Prohibited Actions.

1. No soil disturbance shall occur within the subdivision until the tree protection, preservation, replacement, and/or reforestation plan(s) are approved, financial securities have been submitted and development agreement approved, and tree protection measures are in place on site.
2. Construction staging areas and areas for the storage of equipment and stockpiling of materials shall not be within tree protection areas.
3. Fill shall not be placed against tree trunks, under the drip line, or in critical root zones of trees to be saved.
4. Pruning of oak trees shall not take place from April 1st through July 15th. If wounding of oak trees occurs, a non-toxic tree wound dressing must be applied immediately. Excavators shall have a non-toxic tree wound dressing with them on the development site.

Subd. 10. Security for Tree Preservation, Replacement, and Reforestation. To ensure tree preservation efforts are successful, the following shall be required:

1. Developers subject to this section shall be required to provide the City with a letter of credit, cash, or escrow, in favor of the City, in an amount of one hundred and twenty-five (125) percent of the tree replacement/planting estimate.
2. All replacement, reforestation, and other required plantings shall be planted during an ideal planting season for a particular species, unless otherwise authorized by the City. The developer shall submit a useable inventory of trees planted during an applicable planting season.
3. All trees planted during a specified planting season shall be warranted through two complete growing seasons. The City shall inspect the trees listed in the developer's inventory from the previous year to ensure the health of the tree.

As trees are declared healthy by the City upon inspection, the developer may request reductions to the security amount provided adequate funds remain equal to 125% of the cost to complete remaining work.

SECTION 1111 – REQUIRED IMPROVEMENTS

SECTION

- 1111.01: Required Public Improvements
- 1111.02: Water Facilities
- 1111.03: Sanitary Sewer
- 1111.04: Required Private Improvements
- 1111.05: Storm Sewer
- 1111.06: Street Improvements
- 1111.07: Subdivision Monuments
- 1111.08: Wetland Monuments
- 1111.09: Payment of Installation of Improvements
- 1111.10: Utility Area & Unit Charges
- 1111.11: Financial Guarantee
- 1111.12: Development Contract
- 1111.13: Improvements Completed Prior to Approval of the Final Plat
- 1111.14: Trunk Facilities
- 1111.15: Alternate Installation
- 1111.16: Construction Plans, Inspection and Warranty
- 1111.17: Maintenance of Improvements
- 1111.18: Certificate of Occupancy

1111.01: REQUIRED PUBLIC IMPROVEMENTS:

Subd. 1. No final plat shall be approved by the City Council until improvements and construction of the land, streets, sidewalks and trails, together with all other necessary facilities in the plat have been designed and satisfactorily arranged in accordance with provisions of the regulations outlined in this Ordinance for land improvement and construction and conditions of subdivision approval. The developer shall be required to provide the improvements listed in this Ordinance installed in accordance with the engineering policy, standards and specifications, as may be amended. The improvements shall be subject to inspection and approval by, and accomplished in such sequence as determined by the City Engineer.

Subd. 2. In addition to construction on land, streets, and trails, the developer, as part of the final plat, shall install and pay for light poles, fixtures and street name signs as approved by the City and the utility company serving the location. Such installations shall be completed before the street is surfaced.

1111.02: WATER FACILITIES:

Subd. 1. Municipal water facilities shall be installed in accordance with the standards and specifications as required by the City Council and subject to the approval of the City Engineer. The developer shall make connection to the municipal water supply and water

distribution facilities adequate to serve the subdivision including mains, hydrants, valves and service lines to the property lines shall be installed. The minimum size water main for single family residential development shall be eight (8) inches and the minimum size main required for other types of development shall be as determined by the City Engineer. Where a water main of a size larger than necessary to serve the subdivision is required to be constructed the City Council may, at its discretion, assess the cost thereof over the benefited area which may include land outside of the subdivision under construction or consideration.

Subd. 2. Private. Private wells shall be for irrigation purposes only.

1111.03: SANITARY SEWER:

Subd. 1 All residential, commercial and industrial units within the sanitary sewer service area as defined by the Comprehensive Plan shall be served by sanitary sewer and shall be connected to the public collection and treatment facilities. Sanitary sewer facilities shall be installed in accordance with the standards and specifications as required by the City Council and subject to the approval of the City Engineer. The developer shall make connection thereto and install sanitary sewer facilities including service lines to each lot, adequate to serve the subdivision. The minimum size sanitary sewer to be installed in any street or easement to serve single family residential development shall be eight (8) inches in diameter and the minimum size sewer required for other types of development shall be as determined by the City Engineer. Where sanitary sewer of a size larger than necessary to serve the subdivision shall be required to be constructed, the City Council, may at its discretion, assess the cost thereof over the benefited area which may include land outside of the subdivision under construction or consideration.

1111.04: REQUIRED PRIVATE IMPROVEMENTS:

Subd. 1. As part of the final plat, the following private improvements shall be required where applicable to a new subdivision:

1. Where public sewer and water facilities are not available for extension into the proposed subdivision, the City may permit the use of individual water and sewer systems in accordance with City and State regulations, as may be amended. Where connection to the municipal sanitary sewer system is not feasible, the subdivider or the purchasers of individual lots shall install on-site sewage disposal facilities meeting the requirements of the City, County, Minnesota State Board of Health and the Minnesota Pollution Control Agency.

1111.05: STORM SEWER:

Subd. 1. Complete and adequate storm sewer and/or other surface drainage facilities shall be provided as approved by the City Engineer.

1111.06: STREET IMPROVEMENTS:

1. The full width of the right-of-way of each street and alley dedicated in the plat shall be cleared and graded in accordance with the plan approved by the City Engineer. Boulevards shall be graded to an approved gross slope not less than two (2) percent, nor more than six (6) percent.
2. All streets shall be improved in accordance with the standards and specifications for street construction as required by the City Council.
3. All streets to be surfaced shall be of an overall width in accordance with the standards and specifications for construction as approved by the City Council. The portion of the right-of-way outside the area surfaced shall be sodded or rip rapped by the developer if deemed necessary by the City Engineer.
4. Concrete curb and gutter shall be constructed in accordance to the standards and specifications for street construction as set forth and approved by the City Council.
5. The developer shall submit a storm water management plan subject to review of the City Engineer.
6. Trees and boulevard sodding shall be planted in conformance with the standards and specifications required by the City Council.
7. Street signs in accordance with the approved signage plan.
8. Driveway approaches and sidewalks of standard design or pedestrian pathways as may be required by the City Council shall be installed.
9. Street Lighting Requirements. The minimum requirement for street lighting facilities shall be one (1) eight thousand (8,000) lumen light, or equal, at each street intersection within or abutting the subdivision. At least one (1) street light shall be erected within blocks having a length of nine hundred (900) feet or greater and no street light shall be located within two hundred fifty (250) feet of another street light. Light standards shall be approved by the City.
10. Sidewalks shall be installed as specified in Section 1107, Design Standards of this Ordinance.

1111.07: SUBDIVISION MONUMENTS:

Subd. 1. Durable iron monuments meeting the minimum requirements of State law shall be set at all angle and curve points on the outside boundary lines of the plat and also at all block and lot corners and at all intermediate points on the block and lot lines indicating changes

of direction in the lines and witness corners. Monuments shall be placed by a Registered Land Surveyor. Monument placement shall meet the current accepted standards of practice for surveying including the Sherburne County Surveyor requirements

Subd. 2. All lot corners and survey control monuments shall be set in accordance with State Statute.

Subd. 3. 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.

Subd. 4. All Federal, State, City, or other official benchmarks, monuments, or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat.

Subd. 5. To ensure that all irons and monuments are correctly in place following the final grading of a plat and construction of utilities, financial security will be required as determined by the City Engineer.

1111.08: WETLAND MONUMENTS: A monument shall be required at each lot line where it crosses a wetland buffer with a maximum spacing of two hundred (200) feet of wetland edge.

1111.09: PAYMENT FOR INSTALLATION OF IMPROVEMENTS: All public improvements for new subdivisions shall be furnished and installed at the sole expense of the developer. 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 and will be outlined in the development contract.

Subd. 1. Prior to installation of any required improvements by the developer and prior to approval of the final plat, the developer shall enter into a development contract and post cash financial securities.

1. The developer shall furnish and construct improvements at their sole cost and in accordance with plans and specifications and usual development 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 development contract by any subcontractor authorized to proceed there under and with any other work being done or contracted by the City in the vicinity. The agreement shall require all public and private utility material standards and installation requirements to be met and shall be approved by the City Engineer.

2. 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 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 amount shall equal to one hundred twenty five (125) percent of the Engineer's estimate.
3. 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 may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat.
4. Guaranteed completion of the required improvements undertaken by the developer as approved by the City within a specified time after commencement of any construction in the subdivision, or the portion thereof less than the entire subdivision to be developed at any one time as approved by the City Council, provided, that the City Council for good cause may extend the period of time in which the improvements must be installed.
5. If the required improvements are not completed within the specified time period or a period approved by the City Council as hereinabove provided, all financial securities shall be turned over and delivered to the City and applied to the cost of the required improvements. Any balance after the improvements have been made, shall be returned to the developer upon written request.
6. No developer shall be permitted to start work on any other subdivision improvements without special written approval of the City Engineer.

1111.10: UTILITY AREA AND UNIT CHARGES:

Subd. 1. The following utility area and unit charges shall be collected with any new subdivisions in accordance with the public improvement financing policy of Big Lake, as may be amended:

1. Trunk sewer area and unit charges.
2. Trunk water main area and unit charges.

1111.11: FINANCIAL GUARANTEE:

Subd. 1. The development agreement contract shall require the developer 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.

1. Escrow Deposit, Certified Check:
 - a. If an escrow deposit or certified check is required, the escrow deposit or certified check shall be made with the City Finance Director in a sum equal to the total costs for all the improvements to be furnished and installed by the developer pursuant to the contract, which have not been completed prior to approval of the plat. The total costs shall include costs of inspection by the City.
 - b. 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 developer under said contract, and for any damages sustained on account of any breach thereof.
 - c. Upon completion of the work and termination of any liability, the balance remaining in said deposit or check shall be refunded to the applicant.
2. Irrevocable Letter of Credit.
 - a. If the applicant is required to furnish an Irrevocable Letter of Credit, the sum shall be payable to the order of the City and delivered to the City in an amount 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. The total costs shall include costs of inspection by the City.
 - b. The Irrevocable Letter of Credit shall be approved as to form by the City Attorney and filed with the City Administrator.
 - c. 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.

1111.12 DEVELOPMENT CONTRACT:

Subd. 1. Prior to commencing grading or the installation of any required improvements and prior to approval of the final plat, the developer shall enter into a written development contract with the City requiring the developer to furnish, construct, and complete said grading and improvements in accordance with plans and specifications and usual agreement conditions and/or pay appropriate costs for improvements or other costs associated with the plat. Further, the contract shall provide for the development of any restrictions, covenants, easements, signage, park or open space requirements, or other conditions of the approved preliminary plat

and provide for the proper execution, recording or other action required. Approval of the development contract shall be by City Council resolution.

Subd. 2. For a project involving a phasing plan, the initial development contract shall allow for grading, wetland mitigation, and installation of stormwater management facilities on the entire site included in the approved preliminary plat. Such work may begin after approval of the preliminary plat but only after approval, execution, and recording of the development contract and payment of financial securities. Such work must comply with the approved grading plan.

Subd. 3. The construction of streets, facilities for sanitary sewer and water, and other improvements beyond grading, wetland, and stormwater facilities shall not begin until approval of a final plat. Each subsequent phase shall require a separate development contract for improvements beyond those covered in previous contracts. Improvements in each phase shall not begin until the final plat for that phase is approved and the development contract for the phase is approved, executed, and recorded.

Subd. 4. The initial development contract (for grading) may address construction of streets and facilities for sanitary sewer and water for the first phase and list the financial securities and other requirements. However, the contract shall stipulate that the work on these improvements shall not begin until approval of the final plat for the first phase and the provision of all financial securities by the developer.

1. Each approved and executed development contract shall be recorded. Each contract shall require that it is to be binding upon the developer, his or their heirs, personal representative, and assigns. It shall stipulate that:
 - a. All improvements called for in the plat, or in any supplementary contracts, must be complete within the time specified by the City.
 - b. No private construction shall be conducted on any lots in the plat or filing of applications for building permits for said construction on said lots, until all improvements required under the City regulations for the proposed subdivision have been made or arranged in a manner provided for in this section.
2. The development contract shall include provisions for construction work inspection by the City and assurance that the developer will conform with current testing requirements and quality control procedures of the City of Big Lake. The developer shall provide documentation from a qualified testing laboratory and/or registered professional engineer that all improvements have been constructed in accordance with the requirements of the approved plans and specifications.
3. The development contract shall require the developer to provide a certification from a registered land surveyor or engineer that the land included in the plat has been graded in conformance with the approved grading plan prior to the issuance of building permits.

4. The development contract shall require the developer to provide a financial security to ensure payment of fees related to the subdivision and completion of all improvements.
5. A time schedule for completion of the work shall be determined by the City upon recommendation of the City Engineer after consultation with the developer and shall be reasonable in relation to the work to be done, the seasons of the year, and proper coordination with construction activity in the subdivision.
6. The development contract shall include action remedies in the event of default including:
 - a. The City may complete the improvements by contract or force and obtain reimbursement of its costs from the posted security deposit.
 - b. The City reserves the right to withhold building permits for violation of any terms of the development contract.
7. The development contract shall require, when a plat includes an area of 100 year flood, as indicated on the Flood Insurance Rate Map of the Federal Emergency Management Agency (FEMA), an application for a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) shall be submitted to FEMA, and a copy furnished to the City, prior to the issuance of any building permits in the platted area. The development contract may include financial security to ensure the preparation of the FEMA application.

1111.13: 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 the applicable standards and is evidence of payment for the work that has been completed is presented in such form s the City reasonably requires.

1111.14: TRUNK FACILITIES: Where a larger size watermain, sanitary sewer, storm drain or similar facility is required to serve areas outside the subdivision, the larger facility required shall be constructed. Additional costs shall be allocated as outlined in the developers contract.

1111.15: ALTERNATE INSTALLATION: The City may elect to install any or all of the requirement improvements pursuant to a cash escrow agreement or other financial arrangements with the applicant.

1111.16: CONSTRUCTION PLANS, INSPECTION AND WARRANTY:

Subd. 1. A minimum of four (4) copies of the construction plans shall be furnished to the City for City Engineer review and approval and provide electronic copy of plans to City Engineer. Additional copies may be required by the City. Construction plans for the required improvements shall conform in all respects with all applicable ordinances and standards of the City. Construction documents shall be prepared, at the expense of the developer, 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 approval and for an estimate of the total cost of the required improvements. Upon approval, they shall become a part of the development contract.

Subd. 2. Inspection. 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.

Subd. 3. The 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 developer shall be responsible for having all such inspections and testing completed at their expense.

1111.17: MAINTENANCE OF IMPROVEMENTS: The developer shall be required to maintain all improvements in the subdivision or on the individual subdivided lots and provide for snow removal and maintenance of streets, if required, until acceptance of said improvements by the City Council in coordination with the development contract.

1111.18: CERTIFICATE OF OCCUPANCY: No certificate of occupancy shall be issued by the 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.

SECTION 1113 - ENFORCEMENT

SECTION

- 1113.01: Violations
- 1113.02: Penalties
- 1113.03: Application to City Personnel
- 1113.04: Injunction

1113.01: VIOLATIONS: The violation of any provision of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to fine or imprisonment or both, as set forth in Minnesota Statutes plus, in either case, the cost of prosecution.

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

Subd. 2. Receiving or Recording Unapproved Plats. It shall be unlawful for a private individual to receive or record in any public office any plans, plats of land laid out in building lots and streets, alleys or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this Ordinance, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.

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

1113.02: PENALTIES: Any person who shall violate any of the provisions of this Ordinance 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.

1113.03: APPLICATION TO CITY PERSONNEL: The failure of any officer or employee of the City to perform any official duty imposed by this Ordinance shall not subject the officer or

employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

1113.04: INJUNCTION: In the event of a violation or the threatened violation of any provision of this Ordinance, or any provision or condition of a permit issued pursuant to this Ordinance, the City, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.

SECTION 1114 – SEVERABILITY, SUPREMACY, AND EFFECTIVE DATE

SECTION

- 1114.01: Severability
- 1114.02: Supremacy
- 1114.03: Effective Date

1114.01: SEVERABILITY:

Subd. 1. Every section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

Subd. 2. If any court of competent jurisdiction shall judge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect other properties, buildings or structures.

1114.02: SUPREMACY

Subd. 1. When any condition imposed by a provision of this Ordinance on the use of land or building or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any City ordinance or regulation, the more restrictive conditions shall prevail.

Subd. 2. This Ordinance is not intended to abrogate any easements, restrictions, or covenants relating to the use of land within the City by private declaration or agreement, but where the provisions of this Ordinance are more restrictive than any such easement, restriction, or covenant, or the provision of any private agreement, the provisions of this Ordinance shall prevail.

1114.03: EFFECTIVE DATE.

Adopted by the Big Lake City Council this 8th day of October 2003.