

TITLE 11

SUBDIVISION REGULATIONS

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CHAPTER 1

GENERAL SUBDIVISION PROVISIONS

SECTION:

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11-1-1: **SHORT TITLE:** This title shall be known as the *SUBDIVISION ORDINANCE OF THE CITY* and will be referred to herein as "this title".
(Amended Ord. 10, 2-15-1972)

11-1-2: **INTERPRETATION, SCOPE AND APPLICATION OF PROVISIONS:**

- A. Interpretation And Scope: All land subdivisions within the city shall equal or exceed the standards set forth in this title. The standards established by this title are not intended to repeal, abrogate, annul or impair private agreements or restrictive covenants, including state and county regulations running with the land, which are equal to or more restrictive than the standards hereby established; except, that the most restrictive shall apply.

- B. Application Of Provisions: The provisions of this title shall apply to all Registered Land Surveys within the city, and the standards, regulations and procedures hereof shall govern the subdivision of land by Registered Land Survey. Building permits shall be withheld on tracts that have been subdivided by unapproved Registered Land Surveys, and the City shall decline to accept tracts as streets or roads or to improve, repair or maintain such tracts within an unapproved Registered Land Survey. (Amended Ord. 10, 2-15-1972)

11-1-3: **PLATTING AUTHORITY:** The Council shall serve as the platting authority in accordance with Minnesota State Statutes Chapter 462.358. No plat, replat, subdivision of land or Registered Land Survey shall be filed or accepted for filing by the County Recorder unless it is accompanied by a certified copy of a resolution adopted by the affirmative vote of a majority of the members of the Council approving such plat, replat, subdivision of land or Registered Land Survey. (Amended Ord. 10, 2-15-1972; Amended Ord. 355, 9-18-07))

11-1-4: **DEFINITIONS:** For the purpose of this title, certain words and terms are hereby defined as follows:

ALLEY: A public right-of-way which affords a secondary means of access to abutting property. No alley shall be allowed.

ANDOVER
REVIEW
COMMITTEE
(ARC): Consists of a representative of the following departments:

Administration
Building
Engineering
Finance
Fire
Community Development
Police/Public Works (Amended Ord. 355, 9-18-07)

BLOCK: An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination thereof with a stream or lake.

BOULEVARD: That portion of the street right-of-way between the curb line or edge of street that has no curb and the property line. (Amended Ord. 355, 9-18-07)

BUILDABLE LOTS: Lots that conform to the requirements of Section 11-3-6 of this title.

BUTT LOT: A lot located between two (2) corner lots.

CITY: The City Administrator or his/her designee. (Amend. Ord. 355, 9-18-07)

CITY COUNCIL: Council of the City of Andover.

COMPREHENSIVE

PLAN: Unless otherwise stated, it is the general plan for land use, transportation, and community facilities adopted by the City Council. (Amended 9-18-07, Ord. 355)

DESIGN

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

EASEMENT: A grant by a property owner for the use of a portion of land for the express purpose of constructing and maintaining streets, trails, slopes, sidewalks, grade transitions, utilities, including, but not limited to, electric and telephone lines, sanitary and storm sewer lines, water lines, surface drainageways, cable TV, communication lines, and gas lines. (Amended 9/18/07, Ord. 355)

ENGINEER: Denotes the City Engineer unless otherwise stated.

FINAL PLAT: A drawing or map of a subdivision that meets all of the requirements of the City and is in such form as meets state and county requirements for purposes of recording.

**GRADE, SLOPE
OR GRADIENT:**

The rate of vertical rise or drop from any fixed horizontal line or point.

IMPROVEMENTS: The construction or installation of public or private utilities including, but not limited to, potable water systems, sanitary sewer systems, storm sewers, roads and other thoroughfares, sidewalks, trails, curbs and gutters, paving, barricades, trees and other plantings, lighting, fuel or energy and the transmission thereof, transportation systems or facilities connected therewith and communication systems which are necessary, desirable or convenient in the maintenance of the health, safety and the general welfare. (Amended 9/18/07, Ord. 355)

LOT: A parcel of land delineated upon and thereafter described by

reference to a plat, Registered Land Survey or Auditor's Subdivision, or other similar recorded dedicatory document.

**MAINTENANCE
ACCESS:**

An access for the use of a portion of land and/or easement for the express purpose of maintaining municipal watermain, sanitary sewer, storm sewer, and other municipal facilities. (Amended 9/18/07, Ord. 355)

OPEN SPACES:

Areas set aside for the preservation of natural open spaces to counteract the effects of urban congestion and monotony.

OWNER:

Any combination involving a person; firm; corporation, including a foreign, domestic or nonprofit corporation; a partnership, including a limited partnership; a trust; a political subdivision of the state; or other legal entity or business organization, having sufficient legal proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title.

**PARKS AND
PLAYGROUNDS:**

Public lands and open space in the city dedicated for use for recreation purposes.

TRAIL:

A public right-of-way or easement to provide access for pedestrians and multi-users which also may be used for underground public and private utilities. (Amended 9/18/07, Ord. 355)

**PLANNING
COMMISSION:**

The Planning Commission of Andover.

**PRELIMINARY
PLAT:**

The tentative drawing or chart indicating the proposed layout of the subdivision to be submitted hereunder in compliance with the Comprehensive Plan and those regulations including required supporting data.

**PROTECTIVE
COVENANTS:**

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

**REQUIRED
PUBLIC**

IMPROVEMENTS: Those improvements in any proposed subdivision, including streets, water and sanitary sewer systems, storm water drainage systems, sidewalks, trails, emergency access drives, and others which are required in connection with the approval of any plat or other subdivision. (Amended 9/18/07, Ord. 355)

RIGHT-OF-WAY: A strip of land acquired by dedication, reservation, prescription or condemnation occupied or intended to be occupied by a street, sidewalk, trail, snow storage, traffic control signs and devices, utilities and utility structures and drainage. (Amended Ord. 314, 10-4-2005; Amended 9/18/07, Ord. 355)

**SEASONAL
HIGH WATER
MARK:**

The highest anticipated ground water table, or elevation shown by a geotechnical study accepted by City Staff. (Amended 9/18/07, Ord. 355; Amended Ord. 426, 1/2/13)

SKETCH PLAN: An informal drawing or sketch of the proposed development submitted to the City for consideration prior to submittal of the preliminary plat. (Amended 9/18/07, Ord. 355)

STREET: A public or private roadway intended to be used for the passage or travel by vehicles, pedestrians, bicyclists and related maintenance equipment. (Amended Ord. 314, 10-4-2005; Amended 9/18/07, Ord. 355)

Arterial Streets: The major traffic carriers feeding to the state highway system. City arterials are comprised mostly of existing county roads in the City as defined in the Comprehensive Plan. (Amended 9/18/07, Ord. 355)

**Local Rural
City Street:**

A street located in the rural area that serves abutting properties and the local needs for a neighborhood. (Amended 9/18/07, Ord. 355)

**Local Urban
City Street:**

A street located in the urban area used primarily for access to the abutting properties and the local needs for a neighborhood. (Amended 9/18/07, Ord. 355)

**Major Collector
Street:**

Collector street with more than 2,500 average daily trips (ADT). (Amended 9/18/07, Ord. 355)

Minor Collector Street:	Collector street with 2,500 or fewer average daily trips (ADT). (Amended 9/18/07, Ord. 355)
Cul-De-Sac:	A street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
Service Street:	A street which is adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic. (Amended 9/18/07, Ord. 355)
STREET WIDTH:	The distance between the back of the curb to the back of the curb or from the edge of pavement to edge of pavement if curbing does not exist. (Amended 9/18/07, Ord. 355)
SUBDIVIDER:	Any person, firm or corporation having sufficient proprietary interest in land in order to subdivide the same under this title.
SUBDIVISION:	The division of a tract of land into two (2) or more lots or parcels of land for the purpose of transfer of ownership or building development. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
TOPSOIL BORROW:	For general use as a turf growing medium shall meet the requirements outlined in the most current MNDOT standard specifications for construction and be in accordance with MNDOT 3877 topsoil borrow or as approved by the City Engineer. (Amended Ord. 10, 2-15-1972; amd. 2003 Code; Ord. 273, 9-2-2003)
TRAIL WAY:	A public right-of-way or easement to provide access for pedestrians and multi-users which also may be used for underground public and private utilities. (Amended 9/18/07, Ord. 355)
TRAFFIC IMPACT STUDY:	A study of existing traffic and anticipated traffic conditions with and without the traffic impacts of the development. The study should include proposed mitigation of impacts and resulting traffic conditions. (Amended 9/18/07, Ord. 355)

11-1-5: **EASEMENTS TO BE DEDICATED:**

- A. Dedication Of Easements: Final plats shall identify and dedicate all easements for utilities, drainage, street rights-of-way, surface water ponding and such other public uses as shall be found necessary, convenient or desirable by the City to ensure the timely extension of utilities to adjacent properties. Lots served by municipal services shall have a minimum 5-foot drainage and utility easements along the side, front and rear lot lines. Lots without municipal services shall have 10-foot drainage and utility easements along all property lines. Easements for trails and vehicle maintenance access will be dedicated on a separate document. (Amended 9/18/07, Ord. 355; Amended Ord. 426, 1/2/13)
- B. Submission To City Council: Prior to the submission of a final plat, Registered Land Survey or land subdivision to the City Council for approval, the subdivider shall furnish the City with all easements for trails maintenance access, and such other public uses as shall be found to be necessary, convenient or desirable by the City. Said easements shall be in proper form for recording in the office of the County Recorder. Duplicate certificates of title shall be made available for the filing of easements on registered land. No final plat shall be approved by the City Council until there has been full compliance with this section. (Amended 9/18/07, Ord. 355)
- C. Necessity of Easement Determined: In the case where the land subdivision is to be approved administratively and the city determines that an easement is necessary as stated in this section, the City Council shall act on the subdivision to determine the need and extent of the easement to be dedicated. The subdivider shall furnish the City with all easements found to be necessary by the City Council. (Amended Ord. 10, 2-15-1972; Amended 9/18/07, Ord. 355)

11-1-6: **RESTRICTIONS ON FILING AND RECORDING CONVEYANCES:**

- A. Restrictions On Filing And Recording:
 - 1. No conveyance of land to which these regulations are applicable shall be filed or recorded if the land is described in the conveyance by metes and bounds or by reference to an unapproved Registered Land Survey made after April 21, 1961, or to an unapproved plat made after such regulations became effective. This provision does not apply to a conveyance if the land described:
 - a. 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

b. Was the subject of a written agreement to convey entered into prior to such time; (Amended Ord. 10, 2-15-1972)

c. Was a separate parcel of not less than two and one-half (2 1/2) acres in area and one hundred fifty feet (150') in width on January 1, 1966, or is a single parcel of land not less than five (5) acres in area and having a width of not less than three hundred feet (300'), 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 feet (300') in width, except land that is in the Rural Reserve area and is further restricted by the subsection that follows; and except as allowed by City Code Section 13-1. (Amended 9/18/07, Ord. 355)

d. Is located in the Rural Reserve area (as designated in the Andover Comprehensive Plan) and is residential or agricultural land of not less than forty (40) acres or less than five hundred feet (500') in width 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 forty (40) acres in area or five hundred feet (500') in width. The following exception is allowed, excluding minor parcels that will not allow for additional building units that will not impede future development of the Rural Reserve upon approval of the City Council. (Ord. 274, 9-2-2003)

e. When a property owner, either residential or commercial, wishes to move interior lot lines and by doing so does not create any additional buildable lots by moving said property lines, and the moving of said property lines does not create any lot which is below the standards for the applicable zoning district in which it lies, such new property descriptions may be approved administratively by the City if the resulting configuration will have no adverse effects on surrounding property. Should the City determine the moving of interior lot lines may have an adverse effect on either adjoining property or may circumvent other applicable zoning restrictions, the City then shall require the request be processed as a variance to this title by both the Planning Commission and the City Council. Any lot so re-aligned shall be accompanied by a certificate of survey. (Amended 9/18/07, Ord. 355)

B. Hardship: In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of this title, the Council may waive such

compliance by adoption of a resolution to that effect. The conveyance may then be filed or recorded.

- C. Penalty: Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this section shall forfeit and pay to the City a penalty of not less than one hundred dollars (\$100.00) for each lot or parcel so conveyed. The City may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction. (Amended Ord. 10, 2-15-1972)

11-1-7: RESTRICTIONS ON ISSUANCE OF PERMITS:

- A. Improvements: All electric, cable TV, telephone, communications equipment and gas distribution lines or piping, streets, sidewalks/trails and other similar improvements shall be constructed only within public right-of-way, which is designated on an approved plat, or properly indicated on the official map of the City, or which has otherwise been approved by the Council. (Amended Ord. 10, 2-15-1972; Amended 9/18/07, Ord. 355)
- B. Access: No permit for the erection of any building shall be issued unless such building is to be located upon a parcel of land abutting a public street right-of-way which has been accepted and is currently maintained by the City, or which has otherwise been approved by the City Council. This limitation on issuing permits shall not apply to Planned Unit Developments approved by the City Council pursuant to Title 13, Chapter 3 of this code. (Amended Ord. 10, 2-15-1972; amd. 2003 Code)
- C. Limitations: No building permit shall be issued for the erection of any building on any land conveyed in violation of the provisions of this title. No permit shall be issued for the erection of any building on any tract of land described by metes and bounds and consisting of less than five (5) acres and having a width of less than three hundred feet (300'). (Amended Ord. 10, 2-15-1972)

11-1-8: VARIANCES:

- A. Variances from the requirements of this title, and Title 12: Zoning Regulations, may be granted by the City Council as provided in City Code 12-14-7, except that any variance requests shall be made as part of the preliminary plat approval process. (Amended Ord. 407, 6-21-11)

11-1-9: ENFORCEMENT AND PENALTY:

- A. Unless approved as a final plat as provided herein, no plat shall be entitled to record in the County Recorder's office or have any validity, and the City shall not issue building permits for any structure on a lot in any proposed subdivision. The City shall not permit any public improvements to be installed unless the preliminary plat is approved and the Development Guidelines for publicly or privately installed infrastructure improvement requirements have been met. (Amended 9/18/07, Ord. 355)
- B. Any firm, person, or corporation who violates any of the provisions of these regulations, shall be charged with a misdemeanor and, upon conviction thereof, shall be punished as defined by state law. (Amended 9/18/07, Ord. 355)
- C. The platting, replatting, subdividing or conveyance of land not in accordance with the requirements of this title may be enforced by mandamus, injunction, or any other appropriate remedy in any court of competent jurisdiction. (Amended Ord. 10, 2-15-1972)

CHAPTER 2

SUBDIVISION PLATS AND PROCEDURES

SECTION:

- 11-2-1: Sketch Plan
- 11-2-2: Preliminary Plat
- 11-2-3: Final Plat

11-2-1: **SKETCH PLAN:**

- A. **Procedure:** Prior to platting any tract of land, the subdivider may prepare a subdivision sketch plan for review and comment by the Andover Review Committee (ARC), Planning Commission and the City Council. A public hearing by the Planning Commission shall be held in accordance with Chapter 12-14-8. A Sketch Plan Fee shall be required of the subdivider for the submission of a sketch plan. Any review time by the ARC shall be billed towards the subdivider. (Amended 9/18/07, Ord. 355)
- B. **Compliance With City Provisions; Modifications:** On the basis of the subdivision sketch plan, the ARC, Planning Commission and the City Council will advise the subdivider of the extent to which the plan conforms to the Comprehensive Plan, design standards of this title and to other ordinances of the city, county, and state. There will be discussion on possible modification necessary to secure approval of the plan. (Amended Ord. 10, 2-15-1972; amd. 2003 Code; Amended 9/18/07, Ord. 355)
- C. **Submission And Review:** The sketch plan shall be submitted and reviewed in accordance with the following procedures:
 - 1. The applicant shall submit a Sketch Plan Review fee as defined in the Fee Schedule adopted by Ordinance by the City Council.
 - 2. The subdivider shall submit ten (10) copies of the sketch plan to the City for review by the Andover Review Committee (ARC). The ARC shall review and comment on the sketch plan within ten (10) days of the submittal by the subdivider.
 - 3. After the public hearing and the Planning Commission review and comment, the sketch plan shall be placed on the next available City Council agenda for Council review and comment. (Amended 9/18/07, Ord.

355)

- D. Required Information: The subdivider shall provide the information as listed on the Sketch Plan application. (Amended 9/18/07, Ord. 355)
- E. Additional Requirements: The subdivider shall be required to show adjacent property and any other property as determined necessary for proper review as required by the ARC, Planning Commission, and City Council. (Amended Ord. 10, 2-15-1972) (Amended 9/18/07, Ord. 355)

11-2-2: **PRELIMINARY PLAT:**

- A. Minimum Lot Size: There shall be no conveyance of land described by metes and bounds if the conveyance is less than five (5) acres in area and three hundred feet (300') in width; except as allowed by City Code Section 13-1. (Amended 9/18/07, Ord. 355)
- B. Procedure: Prior to platting and subdividing any tract of land into more than two lots, the following procedures shall be followed:
 - 1. ARC Review:
 - a. The subdivider shall file ten (10) copies of the preliminary plat with the City for review by the Andover Review Committee.
 - b. The Andover Review Committee shall review preliminary plat submissions pursuant to Minnesota State Statutes and the City Code. (Amended 9/18/07, Ord. 355)
 - 2. Fee: At the time of the filing of the preliminary plat, the subdivider shall pay a preliminary plat fee as defined in the Fee Schedule adopted by Ordinance by the City Council. (Amended 9/18/07, Ord. 355)
 - 3. Required Data: Preliminary plat applications shall not be considered complete until the requirements listed on the Preliminary Plat Checklist have been met. The Preliminary Plat Checklist is on file with the City. (Amended 9/18/07, Ord. 355)
 - 4. The City staff shall submit a written report to the Planning Commission, which shall deal with drainage, streets, and other planning and engineering matters pertinent to said preliminary plat. Said report shall be submitted to the Planning Commission prior to the public hearing prescribed in this section. (Amended 9/18/07, Ord. 355)
 - 5. Public Hearing Process: Public Hearings shall be held pursuant to Minnesota State Statute 462.358 and according to City Code Title 12-14-

8. At said hearing, all persons interested in the plat shall be heard.
(Amended Ord. 314, 10-4-2005; Amended 9/18/07, Ord. 355)

6. Council Action:

a. After the Planning Commission acts on the preliminary plat, the Council shall approve, disapprove, or modify the preliminary plat. The date of the meeting shall be at the discretion of the City and in adherence to the 120-Day Rule as defined in Minnesota State Statute 462.358 Subd. 3b. (Amended 9/18/07, Ord. 355)

b. If the Council should deny the plat, the grounds for any such denial shall be set forth in the proceedings of the Council and reported to the subdivider within fourteen (14) days thereafter. (Amended 9/18/07, Ord. 355)

c. Approval of a preliminary plat by the Council is tentative only, subject to the compliance with all requirements and recommendations in the preliminary plat resolution as a basis for preparation of the final plat. (Amended 9/18/07, Ord. 355)

6. Petition To Rezone: At the time of the filing of the preliminary plat, the subdivider shall submit to the City a petition for rezoning to the proposed future use of said land if the land is not already so zoned. The owner of said land shall join in said petition. (Amended 9/18/07, Ord. 355)

11-2-3: **FINAL PLAT:**

A. Procedure: Prior to Council approval of a final plat, the following procedures shall be followed:

1. Application: The Final Plat Fee shall be paid at the time of Final Plat Application. The fee is determined by the Fee Ordinance adopted by the City Council. (Amended 9/18/07, Ord. 355)

2. Filing Of Final Plat: Within one year following approval of the preliminary plat, unless an extension of time is requested in writing by the subdivider and granted by the Council, the subdivider shall file seven (7) copies of the final plat with the City and shall pay a filing fee as set by ordinance². The final plat shall incorporate all changes required by the Council, and in all other respects, it shall conform to the preliminary plat as approved. If the final plat is not filed within one year following approval of the preliminary plat, the approval of the preliminary plat shall be considered void, unless an extension is applied for and granted by the Council. (Amended 9/18/07, Ord. 355)

² See subsection 1-7-3H of this code.

3. Plat Phasing: The final plat may constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; provided, that such portion shall conform to all requirements of this title, and provided further, that the remaining portions of the preliminary plat not proposed to be recorded, developed and submitted as a final plat, or granted an extension, shall be subject to the right of the City to adopt new or revised platting and subdivision regulations, as provided in Minnesota State Statute 462.358 Subdivision 3c. (Amended Ord. 10, 2-15-1972; amd. 2003 Code) (Amended 9/18/07, Ord. 355)
 4. Filing Of Plat And Abstract: At the time of filing the final plat with the City, the subdivider shall also file with the City an abstract of title or registered property abstract, certified to date, evidencing ownership of the premises involved in the plat. (Amended 9/18/07, Ord. 355)
 5. Required Final Plat Data: Final Plat applications shall not be considered complete until the requirements listed on the Final Plat Checklist have been met. The Final Plat Checklist is on file with the City. (Amended 9/18/07, Ord. 355)
 6. Compliance With Law: The final plat shall be prepared in accordance with all applicable laws and regulations of controlling governmental agencies. (Amended 9/18/07, Ord. 355)
- B. Council Action: The Council shall act on the final plat within sixty (60) days of the date on which it was filed with the City, per State Statute 462.358 Subd. 3b. The final plat shall not be approved if it does not conform to the preliminary plat, including all changes required by the Council, or does not meet the engineering and design standards and specifications of the City. (Amended 9/18/07, Ord. 355)
- C. Recording Final Plat: Following approval of the final plat by the Council, the Clerk shall promptly notify the subdivider of said approval, and within one (1) year thereafter, the final plat shall be recorded with the County Recorder. The subdivider shall forthwith furnish the City with a receipt from the County showing evidence of the recording of the final plat. The subdivider shall submit a digital copy of the final plat to the City Engineer. Failure of the subdivider to comply with the requirement of recording shall be cause for rescission of approval. (Amended 9/18/07, Ord. 355; Amended Ord. 463, 6-21-16)

CHAPTER 3

DESIGN STANDARDS

SECTION:

- 11-3-1: General Requirements
- 11-3-2: Street Plan
- 11-3-3: Streets
- 11-3-4: Easements
- 11-3-5: Blocks
- 11-3-6: Lots
- 11-3-7: Parks, Playgrounds, Open Space And Public Uses
- 11-3-8: Trails (Amended 9/18/07, Ord. 355)

11-3-1: **GENERAL REQUIREMENTS:**

- A. The Planning Commission, in its review of a preliminary plat, shall determine whether the proposed subdivision is in conformity with the Comprehensive Plan and shall take into consideration the requirements of the City and the best use of the land. Particular attention shall be given to the arrangement, location and widths of streets, drainage and lot sizes and arrangements. (Amended 9/18/07, Ord. 355)
- B. The preliminary plat shall cover all of the owner's contiguous land or any other property of the owner as deemed necessary by the Planning Commission in consideration of rural and urban differences, the zoning ordinance and the Comprehensive Plan. (Amended 9/18/07, Ord. 355)
- C. Where the parcel of land is subdivided into tracts larger than required for building lots, such tracts shall be divided so as to allow for the opening of streets and ultimate extension of adjacent streets.
- D. Unplatted portions of land (outlots) or private easements controlling access to public ways shall not be approved within the plat. (Amended Ord. 10, 2-15-1972)
- E. Minnesota Statutes 462.358, Subdivision 2A, authorizes the City to condition approval of the subdivision of property on the construction and installation of certain utilities. The intent of this section is to specifically set out the required improvements that promote and protect the public health, safety and general welfare. The City reserves the right to require additional improvements if deemed necessary by circumstances and conditions unique to these particular lands. No subdivision of land is allowed in the area designated on the Comprehensive Plan as "Rural

Reserve" unless storm sewer, sanitary sewer and a municipal water supply are constructed to serve the area being divided. (Ord. 274, 9-2-2003)

F. Required Buffer Area From Rural Areas or Neighborhoods: All residential developments constructed with municipal sewer and water may be required to provide buffering from rural neighborhoods outside of the City's Municipal Urban Service Area (MUSA) except when adjacent to areas outside of the existing MUSA that are planned for future urban development. (Amended 9/18/07, Ord. 355)

1. Buffer Area Location: Buffer areas shall be located as close to property lines between proposed urban and existing rural properties as practicable.
2. Buffer Area Requirements: Buffer areas shall provide a consistent level of physical separation and/or visual screening to provide a transition between urban and rural developments. The extent of the requirements shall be determined by the City Council at the time that the preliminary plat is reviewed. These requirements shall be based on the existing and proposed topography and vegetation within and surrounding the proposed development and may include one or more of the following:
 - a. Additional lot width or depth to provide physical separation
 - b. Tree save areas to provide visual screening
 - c. Tree planting areas to provide visual screening
 - d. Relocation of drainage areas to preserve existing trees and/or area for new trees to be planted.
 - e. A combination of the above or others as needed to provide a significant and consistent buffer area.
3. Exemption: In the event that a significant and consistent buffer is provided by existing trees, wetlands, floodplain or other topographic or hydrologic features, the Council may determine that no additional requirements are necessary. (Amended Ord. 331, 6-6-2006)

11-3-2: **STREET PLAN:**

A. Compliance With Comprehensive Plan: The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Plan, the approved standard street specifications, and all applicable ordinances; and all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical convenience and safety, and in their appropriate relation to

the proposed uses of the area to be served.

- B. Continuation of Existing and Future Streets: The arrangement of streets in new subdivisions shall make provision for the continuation of existing and future streets in adjoining areas. (Amended 9/18/07, Ord. 355)
- C. Frontage Restrictions: No preliminary plat shall be approved wherein lots front on the right-of-way of state, county, or city arterial or major collector streets. Such lots may front on service roads with entrances to the above or at intervals as determined by the County or City. (Amended Ord. 10, 2-15-1972; Amended 9/18/07, Ord. 355))

11-3-3: **STREETS:**

A. Widths:

1. All right of way and street widths shall conform to the following minimum dimensions: (Amended 9/18/07, Ord. 355)

<u>Classification</u>	<u>Right of Way Width</u>	Typical Street Width Back of Curb to Back of Curb
Arterial	120 feet	Variable
Collector - major	80-120 feet, as determined by the City Engineer	Variable
Collector - minor	66-100 feet, as determined by the City Engineer	
Local urban city street	60 feet	33 feet
Local rural city street	60 feet	31 feet
Cul-de-sac	120 feet	93 foot diameter
Service	60 feet	33 feet

2. Additional right-of-way and street widths may be required depending upon anticipated traffic volume, planned function of street and character of abutting land use, and fire code requirements. (Amended 9/18/07, Ord. 355)

- B. Horizontal Curve Radius: The minimum horizontal curve radius on minor streets shall be fifty feet (50') or as required by the City Engineer.

(Amended Ord. 10, 2-15-1972)

- C. Grades: Streets grades shall not exceed seven percent (7%) for local and collector streets and four percent (4%) for arterials, and in no case shall they be less than one-half percent (0.5%) on streets with concrete curb and gutter. Grades within thirty feet (30') of street intersections shall not exceed two percent (2%). (Amended Ord. 10, 2-15-1972; amd. 2003 Code) (Amended 9/18/07, Ord. 355)
- D. Vertical Curves: Different connecting street gradients shall be connected with vertical curves. Vertical curves shall be designed in accordance with MNDOT guidelines with a minimum design speed of thirty (30) miles per hour or as required by the City Engineer.
- E. Street Jogs: Street jogs in local and service streets shall have a centerline offset of not less than one hundred fifty feet (150'). Street jogs shall be avoided in all other streets. (Amended 9/18/07, Ord. 355)
- F. Local Streets: Local streets shall be so aligned that their use by through traffic will be discouraged. (Amended 9/18/07, Ord. 355)
- G. Cul-De-Sacs: The maximum length of cul-de-sac streets shall be five hundred feet (500') measured along the centerline from the intersection to the center of the cul-de-sac area. Each cul-de-sac shall have a terminus of nearly circular shape, with a minimum right-of-way diameter of one hundred twenty feet (120.0'), and a minimum roadway diameter of ninety three feet (93.0') in the urban service area and the rural service area. Temporary cul-de-sacs shall be required in all new subdivisions to make provision for the continuation of future streets in adjoining areas when the length of the street exceeds two hundred ten feet (210.0') from the centerline of the intersecting streets. Each temporary cul-de-sac shall be required to have a minimum roadway diameter of eighty feet (80.0') and constructed with concrete curb and gutter. Property owners/developers benefiting from the street continuation shall be responsible for the removal of the temporary cul-de-sac and shall be required to replace the street in accordance with current city requirements and standards. The property line at the intersection of the turnaround and the straight portion of the street shall be rounded at a radius of not less than twenty feet (20.0'). (Amended 9/18/07, Ord. 355)
- H. Service Streets: In those instances where a subdivision abuts or contains an existing or planned major collector or arterial streets or a railroad right-of-way, the City Council may require a service street approximately parallel to and on each side of such right-of-way in order to provide protection to residential properties and to provide separation of through

and local traffic. The requirements of approach grades and future grade separations shall be considered in establishing the separation distance between said service streets and the street or railroad right-of-way. (Amended 9/18/07, Ord. 355)

- I. Half Streets: Half streets shall be prohibited except where necessary to complete the right-of-way of an existing half street.
- J. Reserve Strips: Reserve strips controlling access to streets are prohibited.
- K. Private Streets: Private streets shall not be approved. All proposed streets shown on the plat shall be offered for dedication as public streets.
- L. Adjoining Property: Street right-of-way shall be planned so as to provide proper access to adjoining property. (Amended 9/18/07, Ord. 355)
- M. Intersections: The angle formed by the intersection of streets shall not be less than sixty degrees (60°), with ninety degree (90°) intersections preferred. Intersections of more than four (4) corners are prohibited.
- N. Any driveway access to a street shall be at least sixty feet (60') from an intersection as measured from the intersecting rights-of-way. (Amended 9/18/07, Ord. 355)
- O. Boulevard Sodding¹: In subdivisions where municipal sewer and water are going to be installed, four inches (4") of topsoil and boulevard sodding shall be required. In subdivisions without municipal sewer and water, a minimum of four inches (4") of approved topsoil is required on the boulevard. The boulevard shall be sodded or seeded. If seeded, then the seed shall be mulched and disc anchored. Hydroseeding is approved in lieu of seed and mulch. (Amended 9/18/07, Ord. 355)
- P. Tangent: A tangent of at least one hundred feet (100') in length shall be introduced between reverse curves on arterial and collector streets, and a tangent of at least fifty feet (50') in length shall be introduced between reverse curves on all streets except selected minor streets and lanes. (Amended 9/18/07, Ord. 355)
- Q. Corners: Rights-of-way where any two local city streets intersect shall be rounded by a radius of not less than twenty feet (20'). Any rights of way where a city street and a county road intersect shall be rounded by a radius of not less than thirty (30) feet. (Amended 9/18/07, Ord. 355)

11-3-4: **EASEMENTS:**

¹ See also sections 9-1-5A, 9-10-3 and 11-4-8 of this code.

- A. Utility Easements: Easements at least ten feet (10') wide or as determined by the City Engineer, centered on rear and side lot lines, shall be provided for utilities where required by the platting authority. Utility easements shall have continuity of alignment from block to block and lot to lot. Lots served by municipal services shall have a minimum 5-foot drainage and utility easements along the side front, and rear lot lines. Lots without municipal services shall have a minimum 10-foot drainage and utility easements along all property lines. (Amended 9/18/07, Ord. 355; Amended Ord. 426, 1/2/13; Amended Ord. 438, 6-3-14)
- B. Drainage Easements: Where a subdivision is traversed by a wetland, watercourse, drainageway or stream, a drainage easement conforming substantially with the lines of such watercourse shall be provided, with further width as shall be adequate for storm water drainage of the areas. (Amended Ord. 10, 2-15-1972; Amended 9/18/07, Ord. 355)

11-3-5: **BLOCKS:**

- A. Lengths: The maximum length of blocks shall be one thousand three hundred twenty feet (1,320'). Trail easements at least twenty feet (20') wide may be required at the approximate center of blocks over six hundred sixty feet (660') in length. Provisions for additional accessways to schools, parks, and other public grounds may be required. (Amended 9/18/07, Ord. 355)
- B. Off Street Areas: Blocks intended for commercial, industrial, or uses other than single-family dwellings shall be so designed to provide adequate off street areas for parking, loading, and such other facilities as shall be required by the City Code. (Amended 9/18/07, Ord. 355)
- C. Width: All blocks shall be so designed to provide for two (2) tiers of lots unless conditions exist to render this requirement undesirable. (Amended Ord. 10, 2-15-1972)

11-3-6: **LOTS:**

- A. Minimum Lot Size: The minimum lot area and dimensions shall be as specified in the respective zoning districts of the City Code. (Amended 9/18/07, Ord. 355)
- B. Buildability Requirements: All lots shall have the lowest floor a minimum of three feet (3') above the seasonal high water mark or two feet (2') above the designated or designed 100-year flood elevation, whichever is higher unless evidence is submitted and certified by a geotechnical engineer that shall be reviewed and certified by an independent

geotechnical engineer hired by the city at the expense of the developer and approved by the City Council that a separation of less than three feet (3') can be achieved and is warranted. (Amended 9/18/07, Ord. 355)

1. Residential Lots Served By Municipal Sanitary Sewer: Lots served by municipal sanitary sewer shall remove all organic material and replace with granular material with no more than five percent (5%) organic material by volume for the front one hundred ten feet (110') of depth of the lot at a minimum width of the lot as required for that zoning district by the City Code. (Amended 9/18/07, Ord. 355)

2. Residential Lots Lacking Municipal Sanitary Sewer: No plats within the Metropolitan Urban Service Area (MUSA) shall be approved unless municipal sanitary sewer, municipal water and storm sewer are constructed to serve the proposed development. All lots lacking municipal sanitary sewer shall adhere to the following:

a. A building pad shall be created for each lot with a minimum size of three thousand six hundred (3,600) contiguous square feet. The building official shall determine that the dimensions of the building pad are adequate to locate a house in compliance with all applicable requirements.

b. The building pad shall be required to have a finished grade of at least six feet (6') above the seasonal high water mark.

c. All organic material shall be removed from the designated building pad area and replaced with granular material with no more than five percent (5%) organic material by volume.

d. There shall be two (2) designated by an MPCA licensed septic designer for the primary and secondary on-site drainfields. Such areas combined shall total at least 5,000 square feet and be staked after approval of the preliminary grading plan. The designated drainfield locations as stated above shall comply with City Code Title 10-4 "Individual Sewage Disposal Systems" as amended. (Amended 9/18/07, Ord. 355; Amended 11/4/20, Ord. 512)

e. The location of the primary and secondary drainfield sites shall be designated on the preliminary grading plan. The complete septic system design and specifications shall be prepared by an MPCA licensed septic designer and shall be submitted at the time of building permit application for new homes. (Amended 11/4/20, 512)

C. Location: All lots shall have at least 50 (fifty) feet of frontage on a

publicly dedicated and constructed street. Lot widths are a separate requirement that is measured at the front yard setback.

- D. **Corner Lots:** Corner lots shall be platted at least ten feet (10') wider than interior lots on all lots of less than three hundred feet (300') in width at the building setback line. Corner lots shall be a minimum of one hundred feet (100') wide as measured at the building setback line or ninety feet (90') wide for back to back lots.
- E. **Cul-De-Sac Lots:** The minimum lot width at the front setback line for cul-de-sac lots lacking municipal sanitary sewer is one hundred sixty feet (160'). Two (2) lots per cul-de-sac are allowed to utilize the reduced lot width. (Amended 9/18/07, Ord. 355; Amended 11/6/07, Ord. 358)
- F. **Butt Lots:** The use of butt lots shall be avoided wherever possible.
- G. **Watercourses:** Lots abutting upon a watercourse, drainageway, or stream shall have such additional depth or width as may be required to protect house sites from flooding and shall be subject to restrictions of the Department of Natural Resources, U.S. Army Corps of Engineers, the Coon Creek Watershed District, the Lower Rum River Watershed Management Organization, or any other regulatory agency. (Amended 9/18/07, Ord. 355)
- H. **Double Frontage Lots:** Lots with frontage on two (2) parallel streets shall not be permitted except where lots back on major collectors, arterial streets or highways. Double frontage lots shall have an additional depth for screen planting along the rear lot line of ten feet (10') as regulated by City Code Title 12-13-5. (Amended 9/18/07, Ord. 355)
- I. **Access To Arterials or Major Collectors:** In those instances where a plat is adjacent to a limited access arterial or major collector, no direct vehicular access shall be permitted from individual lots to such streets unless no access can be provided by other means. (Amended 9/18/07, Ord. 355)
- J. **Natural Features:** In the subdividing of land, regard shall be shown for all natural features, including tree growth, watercourses, historic places and similar amenities of the area which, if preserved, will add attractiveness and stability to the area.
- K. **Lot Remnants:** Lot remnants which are below the minimum lot area or dimension must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel.
- L. **Resubdivision:** The preliminary plat shall show a feasible plan for future

resubdivision by which lots may be resubdivided to meet the size and dimension standards of lots in areas served by municipal sewer where the city deems it necessary in those areas that can be served in the future.

- M. Wetland/Stormwater Pond Buffer: Pursuant to Title 13, Chapter 6 of this code a one rod (16.5 feet or 5 meters) wide area abutting a wetland and/or storm water pond that shall be left undisturbed or in its natural condition during the development, building and landscaping phases. The buffer strip shall not be included within the preceding one hundred ten foot (110') buildability requirement. (Ord. 273, 9-2-2003; Amended 9/18/07, Ord. 355))

11-3-7: **PARKS, PLAYGROUNDS, OPEN SPACE AND PUBLIC USES:**

- A. Lands For Public Use Required: Pursuant to Minnesota Statutes Section 462.358, as amended, the City Council of the City of Andover shall require all owners or developers, as a prerequisite to approval of a plat, subdivision or development of land, to convey to the City or dedicate to the public use for park or playground purposes, a reasonable portion of the area being platted, subdivided or developed as hereinafter specified. Said portion to be approved and acceptable to the City, or in lieu thereof, the owners or developers shall, at the option of the City, pay to the City for the use in the acquisition of public parks, open space and playgrounds, development of existing public park and playground sites, and debt retirement in connection with land previously required for public parks and playgrounds. Any park cash contributions for commercial/industrial zoned property is to be determined as identified in Subsection C. Any park cash contributions for residential zoned property are to be determined as identified in Subsection C of this section. The form of contribution (cash or land) shall be decided by the City based upon need and conformance with the approved City Park Comprehensive Plans. (Amended 9/18/07, Ord. 355; Amended 1/2/08; Ord. 361))

B. Dedicated Lands:

1. Requirements: Any land to be dedicated as a requirement of this section shall be reasonably adaptable for use for active park and recreation purposes 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, tree cover, access and location.

Also land dedication shall be selected based on the parkland need defined by the Andover Park System Plan. Active parkland areas shall be exclusive of wetlands, slopes exceeding twelve percent (12%), ponding

areas, or other features unsuitable for active park development. The City may accept natural open space or passive park containing unique natural environmental features as part of the parkland dedication. Selection of park land for dedication shall be at the discretion of the City Council, based on the policies and recommendations of the Comprehensive Plan and the Comprehensive Park System Plan. The Council may vary from these requirements if a development demonstrates unique attributes sufficient for parks and open space included in the development. (Amended 9/18/07, Ord. 355)

2. Maximum Area of Dedicated Land: Developers of land within the City of Andover shall be required to dedicate 10% of land to the city for park, or open space and playground purposes. (Amended 9/18/07, Ord. 355)

C. Cash Contribution In Lieu Of Lands:

1. Amount Determined:

a. In lieu of land dedication, the City may require from the developer or owner a cash contribution which is based on a fee per lot/unit basis for the development of residentially zoned property. In the case of the development of commercial/industrial zoned property, the City may require a cash contribution from the developer or owner which is based on a rate that is commensurate with single family residential (using three units per acre times the current fee per lot unit). These fees¹ are established and adopted by the City Council and are effective for any plat that has not received preliminary plat approval after the date of publication of this title. The fees would also apply to plats that have received preliminary plat approval, but have not received final plat approval by the City Council. If an extension is requested of the preliminary plat beyond the twelve (12) months, the fee that is in effect at the time of the extension is the fee that is to be contributed. Park cash contributions are to be paid to the city prior to the recording of the final plat at the county. The City Council may require the payment at a later time under terms agreed upon in the development agreement. Delayed payment may include interest at a rate set by the city. (Amended 9/18/07, Ord. 355; Amended 1/2/08, Ord. 361)

b. If the applicant or developer does not believe that the fees contained in the city fee schedule (pursuant to this park dedication analysis) fairly and accurately represent the effect of the subdivision on the park or trail system of the city, the applicant or developer may request that the city prepare an in-depth study of

¹ See subsection 1-7-3G of this code.

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 said study shall be borne by the developer or applicant. If the developer or applicant requests the preparation of such a study, a plat application may proceed as if the fee had been paid, pending a decision on the appeal of dispute over the proposed fee in lieu of dedication if:

1. The applicant puts the City on written notice of the proposed fee in lieu of dedication.
2. Prior to the City's final decision on the application, the fee in lieu of dedication is deposited in escrow, and
3. The applicant appeals under Minnesota State Statute 462.361 within 60 days of approval of the application.

If such appeal is not filed by the deadline, or the applicant does not prevail on the appeal, then the funds paid into the escrow must be transferred to the City. (Amended 9/18/07, Ord. 355)

c. If a combination of cash and land dedication is required, the cash contribution to the city would be determined as follows for residential zoned property:

Step 1: Total acreage of plat multiplied by ten percent (10%) (minimum required land dedication) yields the required land to be dedicated.

Step 2: "Total park dedication fee" will be determined by establishing the ultimate number of residential lots that can be achieved (if no park land was dedicated) multiplied by the park dedication fee per unit as per the fee schedule. (Amended 9/18/07, Ord. 355)

Step 3: Divide the "total park dedication fee" from Step 2 by the required land to be dedicated from Step 1. This yields the "fee per acre". (Amended 9/18/07, Ord. 355)

Step 4: Multiply the "fee per acre" from Step 3 by the acres of park to be dedicated, which is to include one half (1/2) of the street right-of-way adjacent to the park. The land must be exclusive of wetlands, slopes exceeding 12% ponding areas, or other features unsuitable for park land. This yields the dollar value of credit for land and for the right-of-way being dedicated. (Amended 9/18/07, Ord. 355)

Step 5: The “total park dedication fee: from Step 2 minus the dollar value of credit for land and right-of-way being dedicated from Step 4 yields the dollar amount and/or balance due in park dedication fee. (Amended 9/18/07, Ord. 355)

Step 6: Credit will be given towards the park dedication fee that is required for areas within the park that were required to be improved by the City and agreed to by the developer or owner. Those improvements may include grading of the park, which must be graded a minimum of two feet above the 100-year flood elevation or three feet above mottled soil or highest anticipated water level, whichever is higher. Improvements may also include, but are not limited to, installation of playground equipment, installation of individual sanitary sewer and water service (not the main lateral lines), and any other item that would relate to development of the park. (Amended 9/18/07, Ord. 355)

- D. Density And Open Space Requirements: Land area so conveyed or dedicated for park, open space and playground purposes may not be used by an owner or developer as an allowance for development as set out in the city zoning code. The land shall be in addition to and not in lieu of, open space requirements for Planned Unit Developments pursuant to Title 13, Chapter 3 of this code. (Amended 9/18/07, Ord. 355)
- E. Metes And Bounds Lot Splits: The Park and Recreation Commission may recommend to the City Council a cash payment in lieu of park land on metes and bounds lot splits less than twenty (20) acres in size. Where a cash contribution is required, the owner will be requested to contribute on a fee per lot or fee per unit as required by City Code 1-7-4 for the lot that is being split. The City will have the right to require park dedication for any future subdivision of the property. Credit shall be given for previously paid park dedication. (Amended 9/18/07, Ord. 355)

11-3-8: **TRAILS:**

Cash Contribution for Trails: The City shall have the authority to require a trail fee that will be charged at the time of subdivision. The fee shall be established annually with the City Fee Ordinance and is separate and distinct from the park dedication fee. The fee’s intent is to fund regional trails as shown in the Comprehensive Plan. (Amended 9/18/07, Ord. 355)

CHAPTER 4

REQUIRED IMPROVEMENTS

SECTION:

- 11-4-1: General Conditions
- 11-4-2: Development Contract
- 11-4-3: Financial Security
- 11-4-4: Construction Plans
- 11-4-5: Inspections
- 11-4-6: Preexisting Improvements
- 11-4-7: Completed Improvements Documented
- 11-4-8: Street Improvement Standards
- 11-4-9: Drainage Facilities
- 11-4-10: Subsurface Conditions
- 11-4-11: Water And Sewer Systems
- 11-4-12: Sidewalks And Pedestrianways
- 11-4-13: Public Utilities
- 11-4-14: Dead and / or Diseased Trees (Amended 9/18/07, Ord. 355)
- 11-4-15: Nonconforming Provisions (Amended 9/18/07, Ord. 355)
- 11-4-16: Official survey markers (Amended 9/18/07, Ord. 355)

11-4-1: **GENERAL CONDITIONS:**

Upon receipt of preliminary plat approval by the Council and prior to Council approval of the final plat, the subdivider shall make provision, in the manner hereinafter set forth, for the installation of all improvements required by the City. The improvements may include, but are not limited to, streets, sidewalks / trails, public water systems, sanitary sewer systems, surface and storm drainage systems, and public utility services. The improvements shall be at the sole expense of the subdivider, with the exception of Trunk Sanitary Sewer, Trunk Water Main, and Regional Trail Improvements. The installation of said improvements shall be in conformity with approved construction plans and specifications and all applicable standards and ordinances. Such improvements can be installed publicly or privately as identified in the City's Development Guidelines for Infrastructure Improvements. (Amended 9/18/07, Ord. 355)

11-4-2: **DEVELOPMENT CONTRACT:** Prior to the installation of any required improvements and prior to release of the final plat for recording, the subdivider shall enter into a contract with the city to construct said improvements at the sole expense of the subdivider , with exception to Trunk Sanitary Sewer, Trunk Water Main, and Regional Trail improvements and in accordance with approved construction plans and specifications and all applicable standards and

ordinances. Said contract shall provide for the supervision of construction by the Engineer, and said contract shall require that the city be reimbursed for all costs incurred by the city for engineering and legal fees and other expenses in connection with the making of such improvements. The performance of said contract shall be financially secured by a cash escrow deposit or irrevocable letter of credit as hereinafter set forth. (Ord. 10FF, 8-5-2002; Amended 9/18/07, Ord. 355)

11-4-3: **FINANCIAL SECURITY:** The development contract shall require the subdivider to make a cash escrow deposit or, in lieu thereof, to furnish a letter of credit in the following amounts and upon the following conditions:

- A. Escrow Deposit and / or Letter of Credit: The subdivider shall deposit with the Finance Director/Treasurer a cash amount as required by the city development contract with the total cost of improvements as estimated by the Engineer, and / or identified in the contract. In lieu of a cash escrow deposit, the subdivider may furnish an irrevocable letter of credit with a banking institution acceptable to the City. The amount shall include the estimated expenses of the city for engineering and legal fees and other expenses incurred by the city in connection with the making of such improvements. (Amended 9/18/07, Ord. 355)

- B. Conditions: The development contract shall provide for a completion date on which all of the required improvements shall be fully installed, completed and accepted by the city. The completion date shall be determined by the engineer and the subdivider, and shall be reasonable in relation to the construction to be performed, the seasons of the year and proper correlation with construction activities in the subdivision. The development contract shall provide that in the event the required improvements are not completed within the time allotted, the city shall be allowed to exercise its power to redeem the letter of credit or utilize the escrow deposit to complete the remaining construction to city standards and specifications. In the event the amount of funds recovered is insufficient to cover the cost of construction, the Council may assess the remaining cost to the lands within the subdivision. (Ord. 10FF, 8-5-2002; Amended 9/18/07, Ord. 355)

11-4-4: **CONSTRUCTION PLANS:** Preliminary construction plans and specifications for the required improvements conforming in all respects with the standards and ordinances of the city shall be prepared at the expense of the subdivider by a registered professional engineer licensed by the state. In urban areas, final construction plans and specifications will be prepared by the City Engineer at the expense of the subdivider and shall follow the Development Guidelines for Infrastructure Improvements. Such plans and specifications shall become a part of the development contract. (Amended Ord. 10, 2-15-1972; Amended 9/18/07, Ord. 355)

11-4-5: **INSPECTIONS:** All required improvements shall be inspected during the course of construction by the Engineer or their representative, and acceptance of said improvements by the city shall require the prior written certification by the Engineer that said improvements have been constructed in compliance with the plans and specifications. (Amended Ord. 10, 2-15-1972; Amended 9/18/07, Ord. 355)

11-4-6: **COMPLETED IMPROVEMENTS:** Improvements which have been completed prior to application for final plat approval or execution of the performance contract shall be accepted as equivalent improvements, provided the Engineer shall certify in writing that said improvements conform to city standards. (Amended Ord. 10, 2-15-1972; Amended 9/18/07, Ord. 355)

11-4-7: **COMPLETED IMPROVEMENTS DOCUMENTED:** Upon completion of installation of all required improvements in a rural development, the subdivider shall file with the City Engineer one mylar drawing, one paper drawing, and one digital copy of the plans and specifications showing all improvements as finally constructed and installed. If the completed improvements were constructed as an urban development, the City will prepare the final copies of plans and specifications as finally constructed and installed at the expense of the owner or developer. (Amended Ord. 10, 2-15-1972; Amended 9/18/07, Ord. 355)

11-4-8: **STREET IMPROVEMENT STANDARDS:**

A. With Municipal Sanitary Sewer And/Or Water:

1. Grading: The full width of the right of way of each street shall be graded, including the sub-grade of the areas to be paved, in accordance with the standards and specifications which have been approved by the City Council. (Amended 9/18/07, Ord. 355)
2. Paving: All streets shall be paved with concrete or bituminous surfacing in accordance with the standards and specifications that have been approved by the City Council. (Amended 9/18/07, Ord. 355)
3. Erosion Control: The portion of the right-of-way between the street and the property line shall receive a minimum of four inches (4") of approved topsoil and shall be sodded or a cash escrow provided prior to issuance of a certificate of occupancy by the city. (Amended 9/18/07, Ord. 355)
4. Curb And Gutter: Concrete curb and gutter shall be installed on both sides of the paved surface of all streets. (Amended 9/18/07, Ord. 355)
5. Street Signs: A street sign plan will be designed and approved by the

city as per the Minnesota Manual on Uniform Traffic Control Devices.
(Amended 9/18/07, Ord. 355)

6. Screening: Screen planting shall be as required by City Code Title 12-14-5. (Amended 9/18/07, Ord. 355)

7. Street Lights: The subdivider shall be responsible for the installation of lights as identified in the Development Agreement. (Amended 9/18/07, Ord. 355)

B. Without Municipal Sanitary Sewer And/Or Water:

1. Grading: The full width of the right-of-way of each street shall be graded, including the sub-grade, in accordance with the standards and specifications which have been approved by the City Council. (Amended 9/18/07, Ord. 355)

2. Paving: All streets shall be paved with concrete or bituminous surfacing in accordance with the standards and specifications that have been approved by the City Council. (Amended 9/18/07, Ord. 355)

3. Erosion Control¹: The portion of the right-of-way between the street and the property line shall receive a minimum of four inches (4") of approved topsoil and shall be sodded or seeded with the appropriate seed mixture and application rate, mulched, and the mulch disc anchored as required in the city standards. (Amended 9/18/07, Ord. 355)

4. Street Signs: A street sign plan will be designed and approved by the City as per the Minnesota Manual on Uniform Traffic Control Devices. (Amended 9/18/07, Ord. 355)

5. Screening: Screen planting shall be as required by City Code Title 12-14-5. (Amended 9/18/07, Ord. 355)

6. Street Lights: The subdivider shall be required to install street lights as identified in the Development Agreement. (Amended 9/18/07, Ord. 355)

C. Required Intersection Improvements on City or County Roads:

1. The subdivider shall be required to pay a proportionate share of all costs associated with required intersection improvements along County roads and City streets when new developments trigger the need for upgrades (i.e. right and left turn lanes, bypass lanes, and deceleration lanes). (Amended 9/18/07, Ord. 355)

¹ See also sections 9-1-5, 9-10-3 and 11-3-3N of this code.

2. The subdivider shall make the required improvements as a part of the street improvements for the new development as identified in the preliminary plat approval. (Amended 9/18/07, Ord. 355)

3. The City Council may elect to construct such improvements as an assessment project in which the subdivider shall accept an assessment for a proportionate share of the improvements as identified in the preliminary plat approval. (Amended 9/18/07, Ord. 355)

D. Phased Construction Requirements: To enable adjacent properties to develop in a timely manner, the City shall have the right to require as a part of the final plat of any phase the dedication of appropriate easements and / or right of way and extension of streets and / or utilities through future phases to such an extent as to assure that the extension of utilities to adjacent properties will be completed with the first phase. (Amended 9/18/07, Ord. 355)

11-4-9: **DRAINAGE FACILITIES:** Storm sewers, culverts and water drainage facilities shall be required when, in the opinion of the Engineer, such facilities are necessary to ensure adequate drainage for the area. All such drainage facilities shall be constructed in accordance with the City of Andover's Water Resource Management Plan and / or the Coon Creek Watershed District or Lower Rum River Watershed Management Organizations' plans. Drainage facilities shall be provided to convey surface water to publicly owned or controlled drainage facilities. (Amended Ord. 10, 2-15-1972; Amended 9/18/07, Ord. 355))

11-4-10: **GEOTECHNICAL REPORT:** The subdivider shall submit a standard geotechnical report with a history and recommendations regarding the site. In addition, the report shall include SCS soil types, mottled soil elevations or highest anticipated water table, existing groundwater elevation, and soil borings to a minimum depth of 20 feet. (Amended 9/18/07, Ord. 355)

11-4-11: **WATER AND SEWER SYSTEMS:** Where connection with the city water and sanitary sewer system is deemed feasible by the Council, the subdivider shall be required to install water and sanitary sewer mains and services in the subdivision in addition to permanent streets at the sole expense of the subdivider with exception to Trunk Sanitary Sewer and Water Main improvements as identified in the City's Assessment Manual. The Trunk costs will be reviewed by the City per the City's Development Guidelines for Infrastructure Improvements. (Amended Ord. 10, 2-15-1972; Amended 9/18/07, Ord. 355)

11-4-12: **SIDEWALKS AND PEDESTRIANWAYS:** Where sidewalks and trails are required by the City Council and pursuant to Minnesota State Statute, they shall be hard surfaced in accordance with city standards. Grades shall be approved by the Engineer. Sidewalks shall be placed in the public right-of-way in

a location determined by the City Engineer and shall be a minimum of five feet (5') wide. Regional Trail improvements (8' to 10' in width) are identified in the City's Transportation Plan. If a trail within a plat meets the definition and location of a regional trail, then the City will fund such improvements. If an internal trail is required through the platting process and does not meet the definition and location of a regional trail, then the improvements shall be at the sole expense of the subdivider. (Amended 9/18/07, Ord. 355)

(Amended Ord. 10, 2-15-1972)

11-4-13: **PUBLIC AND REGULATED PRIVATE UTILITIES:** (Amended 9/18/07, Ord. 355)

- A. **Underground Utilities:** All telephone, cable television, communications equipment, electric and gas service lines shall be placed underground within dedicated public ways or recorded easements in such manner as not to conflict with other underground services and in accordance with city standards. All underground installation of service lines within street rights-of-way shall be completed as determined by the City Engineer. (Amended 9/18/07, Ord. 355)
- B. **Utility Poles:** All utility poles, except those providing street lighting, shall be placed in rear lot line easements.
- C. **Easements:** All underground utility service lines, including water, drainage and sanitary sewer systems, which traverse private property shall be installed within recorded easements. (Amended Ord. 10, 2-15-1972)
- D. **Overhead Utilities:** All existing overhead utilities within the plat shall be buried at the expense of the subdivider. (Amended 9/18/07, Ord. 355)
- E. **Phased Construction Requirements:** As part of any phase of development the City shall have the right to require the dedication of appropriate easements and the construction of streets and utilities to the edge of the development through future phases. Extension of streets and utilities will enable adjacent properties to develop in a timely manner. (Amended 9/18/07, Ord. 355)

11-4-14: **DEAD AND / OR DISEASED TREES:** Dead and / or diseased trees shall be required to be treated and/or removed as per City Code Title 4-3 and as identified in the Development Agreement. (Amended 9/18/07, Ord. 355)

11-4-15: **NONCONFORMING PROVISIONS:** Nonconformance with the standards and ordinances of the city in the development of property by the subdivider or his/her agents shall be cause for the Engineer or the Administrator

to order cessation of all construction within the subdivision. In such event, no further construction shall be allowed until written authorization is obtained from the city. (Amended Ord. 10, 2-15-1972; Amended 9/18/07, Ord. 355)

11-4-16: **OFFICIAL SURVEY MARKERS:** Official survey markers or iron monuments shall be placed at the corner of each lot. The locations of each shall be shown on the final plat. (Amended 9/18/07, Ord. 355)

