

- F. 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 the requirements only if the engineer shall certify that he is satisfied that the existing improvements conform to applicable standards.
- G. Trunk Facilities.** Where a larger size water main, sanitary sewer, storm drain or similar facility is required to serve areas outside the subdivision, the larger facility required must be constructed. Additional cost is to be born by the benefiting properties and the assessments are to be determined accordingly by the City Council.
- H. Alternate Installation and Incomplete Improvements.**
1. The City Council may elect to install any or all of the required improvements pursuant to a cash escrow agreement or other financial arrangements with the subdivider.
 2. It is hereby the announced policy of the City that full and complete utility systems be installed in all needed areas as soon as is practicable and feasible. Accordingly, the City shall proceed as soon as it is practicable after final approval of a subdivision with installation within the subdivision of such improvements as may be determined to be necessary. In the event of small subdivisions or in subdivisions in which development may proceed slowly, or in other events in which the construction of surfaced streets, utility lines, or other improvements is clearly not feasible immediately following the approval of the final plat, the City Council may elect to commence assessment proceedings, utilize funds of a cash escrow agreement, or otherwise move to finance and install improvements when the subdivision is developed to the point of warranting the improvements. Such improvements are required in order to provide greater assurance of public health, assure reliability of water supply, provide for economy of installation, provide more effective fire fighting through hydrants, and otherwise protect the public health, safety, convenience, and general welfare.

10.0 General Provisions.

- A. Protection of Natural Features.** The City Council reserves the right to decline approval of a subdivision if due regard s not shown for the preservation of all natural features such as large trees, water courses, scenic points, historical spots and similar City assets which, if preserved, will add attractiveness and stability to the proposed development of the property.
- B. Public Sites and Open Spaces (Park Land Dedication).**
1. **Consideration of the Public Property.** As a condition of subdivision approval, the subdivider shall dedicate to the public a portion of any proposed plat or subdivision for conservation purposes or for public use as parks, recreational facilities, playgrounds, trails, wetlands or open space. The City planner and City engineer shall recommend to the City Council what portion is reasonable, the location, the need and the use.
 2. **Public Sites to be Reserved.** Where a proposed drainage way, park, playground, school site or other public site, as shown on the Comprehensive Land Use Plan, is embraced in part or in whole by the boundary of the proposed subdivision and such public sites are not dedicated, such sites shall be reserved and no action taken towards approval of a plan or plat for a period not to exceed ninety (90) days to allow the property governmental agency the opportunity to consider and take actions toward acquisition of such public ground or park by purchase or other methods.
 3. **Previous Subdivision.** When the property proposed to be subdivided has been previously subdivided and a land and / or cash in-lieu-of-dedication was made at the time of the original subdivision, no additional dedication shall be required if the new subdivision does not result in an increase in the number of residential dwelling units or amount of commercial / industrial building

area. If the number of residential dwelling units or amount of commercial / industrial building area increases, or if it is unknown if land and / or cash in-lieu of dedication was made at the time of original subdivision, then the dedication shall be based on the amount of dwelling unit / commercial / industrial building area increase from the original subdivision.

4. Land Dedication Requirements.

- a. Residential. In all new residential subdivision, a minimum of ten percent (10%) of the gross area subdivided shall be dedicated for public recreation space or open space. In the City's sole discretion, the ten percent (10%) may be calculated on the net area, which shall be the gross area of the subdivided property minus the area of wetlands, lakes, and streams below the ordinary high water mark. The land dedicated for public use shall be in addition to property dedicated for streets, alleys, easements, storm water ponding, 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 public health, safety, convenience and general welfare.
- b. Commercial or Industrial. In all new commercial or industrial subdivisions, seven percent (7%) of the gross area subdivided shall be dedicated for public space. In the City's sole discretion, the seven percent (7%) may be calculated on the net area, which shall be the gross area of the subdivided property minus the area of wetlands, lakes and streams below the ordinary high water mark. The land dedicated for public use shall be in addition to property dedicated for streets, alleys, easements, storm water ponding, 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 public health, safety, convenience and general welfare.
- c. Planned Unit Development (PUD). A Planned Unit Development with mixed land uses shall make land and / or cash contributions in accordance with this Section based upon the percentage of land devoted to various uses. Land area conveyed or dedicated shall be in addition to and not in lieu of open space requirements for PUD's.

5. Cash Requirements.

- a. Amount of Payment Required. When the subdivision is too small for practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider shall be required to pay a cash fee in lieu of such land dedication. The subdivider shall be required to pay a fee equal to ten percent (10%) of the fair market value of the land prior to subdivision or pay a cash fee as established by Ordinance of the City Council, whichever is the lesser of the two. The market value of the land shall be determined by utilization of tax assessment records, a report from a certified appraiser or by agreement between the City Council and the subdivider. A schedule of all fees, which may be amended by the City Council from time to time, established by this *Section*, shall be published and available at the City Hall. All park dedication fees shall be calculated according to the fee rates in effect upon the Council initial approval of the subdivision.
 - b. Timing of Payment. Cash contributions shall be paid prior to the City's signature of and release of the final plat, unless otherwise specified in the Development Agreement. For subdivisions that do not require a Plat, the cash contribution shall be paid before the City releases the signed Development Agreement for recording.
6. **Exemptions**. If the minor subdivision involves two or more legal buildable lots and the proposed subdivision will not result in the creation of an additional lot or lots, such minor subdivisions shall be exempt from the requirement of this Section.