

CHAPTER 12. SUBDIVISIONS

Section 1200 - General Provisions

1200.01 Citation. These regulations shall hereafter be known, cited, and referred to as the Subdivision Regulations of the City of Stewartville.
(Ord. 2011-1a, passed 4-26-11)

1200.02 Policy.

Subd. 1 Relation to Other Controls. It shall be the policy of the City of Stewartville to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City pursuant to the official comprehensive plan of the municipality for the orderly, planned, efficient, and economical development of the City .

Subd. 2 Character of Land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

Subd. 3 Improvements. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, and the capital budget and program of the City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building codes, zoning ordinances, and land use plan, and capital budget of Stewartville.

(Ord. 2011-1a, passed 4-26-11)

1200.03 Purposes. The Subdivision Regulations shall be the minimum requirements deemed necessary to insure and protect the health, safety, and welfare of the public. More specifically, the provisions of this ordinance are designed to:

- A. Assure that, to the minimum extent possible, all lands will be developed for the best possible use with adequate protection against deterioration and obsolescence.
- B. Assure that effective protection is given to the natural resources of the community, especially ground water and surface waters.
- C. Encourage well planned subdivisions through the establishment of adequate design standards.
- D. Discourage inferior developments that might adversely affect the local tax base.

- E. Create neighborhoods which will be of lasting credit to the community.
- F. Facilitate adequate provisions for transportation and other public facilities.
- G. Secure the rights of the public with respect to public lands and waters.
- H. Improve land records by the establishment of standards for surveys and plats.
- I. Safeguard the interests of the public, the homeowner, the subdivider, and units of local government.
- J. Provide a common ground for understanding between developers and local units of government.
- K. Prevent, where possible, excessive governmental operating and maintenance costs.
(Ord. 2011-1a, passed 4-26-11)

1200.04 Jurisdiction.

Subd. 1 General. These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of the City.

Subd. 2 Compliance Required. No land shall be subdivided within the corporate limits of the City until

- A. The subdivider or his or her agent shall submit a General Development Plan of the parcel to the Planning Commission through its Zoning Officer;
- B. Obtain approval of the General Development Plan and preliminary and final approval of the plat itself by the Planning Commission and City Council; and
- C. The approved plat is filed with the County Recorder.
(Ord. 2011-1a, passed 4-26-11)

1200.05 Statutory Authority. This Chapter is enacted pursuant to Minnesota Statutes Section 462.358, as amended.
(Ord. 2011-1a, passed 4-26-11)

1200.06 Interpretation, Conflict, and Separability.

Subd. 1 Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

Subd. 2 Conflicts. Conflict with Public and Private Provisions.

A. **Public Provisions.** The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provisions of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

B. **Private Provisions.** These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determination of the Planning Commission or the City Council in approving a subdivision in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

(Ord. 2011-1a, passed 4-26-11)

1200.07 Saving Provision. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

(Ord. 2011-1a, passed 4-26-11)

1200.08 Amendments. The Planning Commission may, of its own motion, or upon petition or at the direction of the City Council, cause to be prepared amendments supplementing or changing regulations established in this Chapter, but no amendment shall be effective until approved by the Council. Before any proposed amendment can be acted on, a public hearing shall be held by the Planning Commission with notice given in the official newspaper at least ten days prior to the hearing. Upon receiving the recommendation of the Planning Commission, the City Council shall also hold a public hearing as set forth above. If action is not taken within 60 days of the public hearing, another hearing shall be held with the same procedures.

(Ord. 2011-1a, passed 4-26-11)

1200.09 Compliance Required Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the

State to the City. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission and City Council for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the municipality and to the safety and general welfare of the future plot owners in the subdivision and of the community at large.

(Ord. 2011-1a, passed 4-26-11)

1200.10 Resubdivision of Land. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Planning Commission and the Council by the same procedure, rules, and regulations as for a subdivision. (Ord. 2011-1a, passed 4-26-11)

1200.11 Vacation of Plats.

Subd. 1 Procedure - Unsold Land. Any part of any plat may be vacated by the application of the owner of the premises, to the district court in accordance with Minnesota Statute 505.14, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, requesting and declaring the plat to be vacated.

Subd. 2 Approval. Such an instrument shall be approved by the Planning Commission and Council in like manner as plats of subdivisions. The City Council may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys, or proceed with vacation of all public streets, alleys and easements.

Subd. 3 Record. Such an instrument, together with the vacation documents, shall be executed, acknowledged, or approved, and recorded or filed, as approved by district court, in like manner as plats or subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

Subd. 4 Sold Land. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing. (Ord. 2011-1a, passed 4-26-11)

1200.12 Variances.

Subd. 1 General. The Planning Commission, on request of the applicant, may recommend that the Council grant a variance from strict compliance with the subdivision regulations contained in this Chapter when it finds that each of the following conditions exist:

A. That application of the subdivision regulations to the land will create an unusual and exceptional hardship not experienced by other property of similar intended use and condition.

B. That such variance is necessary for the preservation and enjoyment of substantial property rights.

C. That the authoring of such variance will not be of substantial detriment to the community and will not materially impair the purposes of the subdivision regulations or the public interest.

D. That the intended use and conditions of the property forming the basis for granting a variance are not of so general or recurrent a nature as to cause the formulation and adoption of a general subdivision regulation for similar uses and conditions.

Subd. 2 Conditions. In approving variances, the Planning Commission may suggest, and the Council may require such conditions as shall, in its judgement, secure substantially the objectives of the standards or requirements of these regulations.

Subd. 3 Procedures. A petition for any variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

(Ord. 2011-1a, passed 4-26-11)

1200.13 Enforcement, Violations, and Penalties.

Subd. 1 General:

A. It shall be the duty of the Zoning Officer to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.

B. No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Planning Commission and City Council in accordance with the provisions of these regulations, and filed with the County Recorder of Deeds.

Subd. 2 Violations and Penalties. Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be subject to a fine or imprisonment, or both, not to exceed the maximum penalty for a misdemeanor as proscribed by State law.

Subd. 3 Civil Enforcement. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful constructions, to

recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building structure or premises, and these remedies shall be in addition to the penalties described above.

(Ord. 2011-1a, passed 4-26-11)

Section 1210 - Definitions and Interpretation

1210.01 Interpretation.

Subd. 1 General. For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.

Subd. 2 Special Words. Unless the context clearly indicates to the contrary, words used in the plural number include the singular; the word “herein” means “in these regulations”; the word “regulations” means “these regulations”. A “person” includes a corporation, a partnership, and an incorporated association of persons such as a club; “shall” is always mandatory; a “building” includes a “structure”; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

(Ord. 2011-1a, passed 4-26-11)

1210.02 Words and Terms Defined.

Subd. 1 Zoning Officer. The officer as appointed by the Governing Body to administer these regulations and to assist administratively other Boards and Commissions.

Subd. 2 Alley. A public vehicular way which affords a secondary means of vehicular access to abutting property and which is not intended for general traffic circulation.

Subd. 3 Applicant. The owner of land proposed to be subdivided or his or her representative. Consent shall be required from the legal owner of the premises.

Subd. 4 Block. An area of land within a subdivision which is entirely bounded by streets or by streets, railroad rights-of-way, waterways, or exterior boundaries of the subdivision.

Subd. 5 Bond. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Governing Body. All bonds shall be approved by the Governing Body wherever a bond is required by these regulations.

Subd. 6 Buildable Area. That part of the lot not included within the open areas required by the Zoning Ordinance, official map, or other official control.

Subd. 7 Building. A structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel.

Subd. 8 Building Setback Line. A line parallel to a street between which line and the nearest street right-of-way line no building may be erected or placed.

Subd. 9 City Council or County Board. The governing body of the city or county.

Subd. 10 Commission or Planning Commission. The officially created planning commission of the city or county which has been established by ordinance.

Subd. 11 Comprehensive Development Plan (Master Plan). “Comprehensive municipal plan” means a compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both private and public, of the municipality and its environs and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan, and recommendations for plan execution. A comprehensive plan represents the Planning Commission's recommendations for the future development of the municipality.

Subd. 12 Comprehensive Plan. The comprehensive development plan prepared and adopted by the city or county indicating the general locations recommended for major land uses, streets, parks, public buildings, and other public improvements.

Subd. 13 Construction Plan. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission and Council as a condition of the approval of the plat.

Subd. 14 Crosswalk or Pedestrian Way. A municipally owned right-of-way which crosses a block and furnishes pedestrian access to adjacent streets or properties.

Subd. 15 Cul-de-Sac (court). A short street having one end open to traffic and being permanently terminated by a circular turnaround for vehicles.

Subd. 16 Developer. The owner of land proposed to be subdivided or his or her representative. Consent shall be required from the legal owner of the premises.

Subd. 17 Easement. A grant by a property owner to the use of a strip of land by the public, a corporation or persons for which specific purposes as the construction of utilities, drainage ways and roadways.

Subd. 18 Engineer. The City or County Engineer or a duly authorized consultant engineer.

Subd. 19 Escrow. A deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the Zoning Officer in a separate account.

Subd. 20 Final Plat. The final plat shall mean all required maps, information, and documents as set forth in the subdivision regulations and as required by the Planning Commission and Council.

Subd. 21 Frontage. That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Subd. 22 General Development Plan. A sketch preparatory to the preparation of the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission and Council as to the form of the plat and the objectives of these regulations.

Subd. 23 Governing Body. The body of the local government having the power to adopt ordinances.

Subd. 24 Grade. 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.

Subd. 25 Improvements. See Lot Improvements or Public Improvements.

Subd. 26 Lot. The smallest unit of a subdivision individually numbered or designated on the plat for purposes of description, recording, conveyance, development and taxation.

Subd. 27 Lot, Corner. A lot situated at the intersection of two (2) street, the interior angle of such intersection not exceeding 135 degrees.

Subd. 28 Lot Depth. The mean horizontal distance between the street right-of-way line and the opposite rear line of the lot measured in the general direction of the side lot lines.

Subd. 29 Lot, Double Frontage. A lot having frontage on two parallel or approximately parallel streets.

Subd. 30 Lot Improvement. Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

Subd. 31 Lot Width. The mean horizontal distance between the side property lines of a lot.

Subd. 32 Monument. Concrete and/or metal markers utilized to establish survey points and lot boundaries.

Subd. 33 Municipal Attorney. The licensed attorney designated by the Governing Body to furnish legal assistance for the administration of these regulations.

Subd. 34 Municipal Engineer. The licensed engineer designated by the Governing Body to furnish engineering assistance for the administration of these regulations.

Subd. 35 Nonresidential Subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

Subd. 36 Official Map. A map of the municipality and/or any portion thereof lying within the incorporated limits, which shows the exact alignment, gradients, dimensions, and other pertinent data for highways and major streets and including specific controls for setbacks from the right-of-way of buildings or other physical structures or facilities.

Subd. 37 Ordinance. Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

Subd. 38 Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Subd. 39 Open Space. An area of land preserved from building development and reserved for the use of the general public or a homeowner's association for the purpose of active and passive recreation and certain necessary community facilities.

Subd. 40 Parks. Area of public land developed and maintained primarily as pleasurable landscaped areas providing for both active and passive recreational pursuits, including tot-lots, playgrounds, neighborhood parks, play fields, and special purpose areas.

Subd. 41 Park and Recreation Improvement Fund. A special fund established by the Governing Body to retain monies contributed by developers in accordance with the “money in lieu of land” provisions of these regulations within reasonable proximity of the land to be subdivided so as to be of local use to the future residents of the subdivision.

Subd. 42 Planning Commission. The Planning Commission is a governmental agency appointed by the Governing Body according to Minn. Stat. §§ 462.351 through 462.363 or in the event a Planning Commission is nonexistent, the Governing Body shall assume all the

responsibility assigned to the Planning Commission by this ordinance. Except as otherwise expressly provided, the planning commission shall have only advisory powers to the Council.

Subd. 43 Plat. A map or drawing indicating the subdivisions or re-subdivision of land. Intended to be filed for record.

Subd. 44 Preliminary Plat. The preliminary plat shall mean all required maps, information, and documents as set forth in these regulations and as required by the Planning Commission and Council for approval.

Subd. 45 Public Improvement. Any drainage, ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, sewer, water system, storm sewer, 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 local government responsibility is established. All such improvements shall be properly bonded.

Subd. 46 Resubdivision. A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map of plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Subd. 47 Right-of-Way. Land dedicated and publicly owned for use as a street, alley, or crosswalk.

Subd. 48 Right-of-Way Width. The distance between property lines measured at right angles to the center line of the street.

Subd. 49 Streets. Streets shall be classified as follows:

A. Freeway. Freeways are designed for the safe and efficient movement of high volumes of through traffic, at relatively high speeds. A standard design feature of a freeway is a divided roadway with full control of access by the use of ramps.

B. Expressway. Expressways are divided roadways which are designed for through traffic and also to serve intra urban travel between major centers of activity in the metropolitan area. The at-grade intersections are usually spaced at infrequent intervals and are fully or partially regulated by traffic control devices. No direct private access onto the street should be permitted so as to minimize the number of vehicle-vehicle conflicts. If no alternative forms of access are available and frontage roads are warranted, additional right-of-way will be required.

C. Major or Arterial. A street of considerable continuity, which is used primarily for heavy through traffic between major traffic generation areas.

D. Collector. A feeder street which provides connection primarily between arterial streets or arterial streets and minor streets. Collector streets include the principal entrance streets of a residential development and the principal streets for circulation within such development.

E. Minor or Local. A street which serves primarily as access to abutting properties, and is not intended to carry through traffic.

F. Frontage Road. A frontage road is adjacent to a major thoroughfare. Its primary function is to preserve the safety and capacity of the thoroughfare by controlling access to the major street while still providing direct private access to the adjoining properties. The roadway of the frontage road abuts the thoroughfare's right-of-way.

G. Cul-de-Sac. A comparatively short minor street having one end open to traffic and the other end permanently terminated by a vehicular turn-around.

H. Marginal Access. A minor street which is parallel and adjacent to a highway or an arterial street; and which provides access to abutting properties and protection from through traffic.

Subd. 50 Street Width. The street right-of-way width, measured at right angles to the center line of the street.

Subd. 51 Subdivider. A person who submits a plot for the purpose of land subdivision as defined herein. The subdivider may be the owner or authorized agent of the owner of the land to be subdivided.

Subd. 52 Subdivision. The division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels for the purpose of transferring ownership or building development, or, if a new street is involved, any division or development of a parcel of land. The term shall include resubdivision of land; provided, however, that the sale or exchange of small parcels of platted land to or between adjoining property owners shall not be considered as a subdivision.

Subd. 53 Subdivision Agent. Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

Subd. 54 Subdivision by Metes and Bounds. Any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street or road, or the

extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Master Plan, Official Map, Zoning Ordinance, or these regulations.
(Ord. 2011-1a, passed 4-26-11)

Section 1220 - Procedures for Submission of Plats

1220.01 General Development Plan or Preplat Investigation. Application for preliminary plat approval shall be on a form approved by the Planning Commission and Council. Prior to, or simultaneously with, the filing of an application for approval of a preliminary plat, the applicant shall submit three (3) full size copies (22"x 34") and 1 half size (11"x17") copy of a general development plan, which shall include the following information:

A. 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 one (1) inch equals one hundred (100) feet.
4. North arrow indication.
5. Legal description and size in acres and square feet.
6. Property location map illustrating the site location relative to adjoining properties and streets.
7. Property boundaries.
8. Ownership of site and adjoining properties.
9. Current and proposed land use and zoning.
10. Aerial photo with sketch plan overlay.
11. Additional information as required by the Zoning Administrator.

B. Resource Inventory. A resource inventory, mapped at a scale of one (1) inch to one hundred (100) or less shall include:

1. Topographic contours at two (2) foot intervals.

2. Soil type locations and identification of soil type characteristics such as hydric soils, depth to bedrock, depth to water table and suitability for wastewater disposal systems, if applicable (Olmsted County Soil Survey information).
3. Hydrologic characteristics including surface water courses, floodplains, delineated wetlands, natural swales, and drainage ways.
4. Site vegetation including woodland areas.
5. 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.
6. Transportation systems including:
 - a. Adjoining streets.
 - b. Functional classifications.
 - c. Current traffic volumes.
7. Neighborhood Context. General outlines of existing neighborhoods, land uses, buildings, streets, and natural features such as water bodies or wooded areas, roads, driveways and property boundaries within three hundred (300) feet of the tract. This information shall be presented on an aerial photograph at a scale of no less than one (1) inch to two hundred (200) feet.

C. Subdivision Sketch Plan. One (1) or more of the subdivision sketch plans meeting the intent of this Ordinance and including at least the following information:

1. Open space areas indicating which areas are to be protected and defined by the purpose of the open space.
2. Boundaries of areas to be developed and proposed general street and lot layout.
3. Number and type of housing units and/or approximate size and location of commercial and industrial buildings as may be applicable.
4. Coordinate Areas proposed for storm water management with city's storm water management plan.
5. Street system that interconnects neighborhoods that is consistent with the Stewartville Comprehensive Plan and existing approved GDP's. Traffic projections may be required

to verify the new development will not exceed traffic volumes of existing street classifications.

6. Location of utility trunks intended to serve the site.
7. Said plans shall be drawn at a scale of one (1) inch to one hundred (100) feet or less.
8. Total area of wetlands and uplands on site based on hydric soils shown on Olmsted County Soils Survey.

D. Application fee and deposit or escrow security to pay for review costs of the City staff and consultants. The Zoning Officer shall send copies of the proposal to those parties identified in Section 1220.02 below, and to any other person to whom the city designates that a copy be sent. Parties receiving the plan shall make comments and recommend actions to be prepared for a regular meeting of the Planning Commission. The Zoning Officer shall inform the applicant in writing that the plan as submitted or as modified does or does not meet the objectives of this ordinance and is approved or rejected on those grounds.

(Ord. 2011-1a, passed 4-26-11)

1220.02 Preliminary Plat Submittal. Upon completing the preplat investigation, the subdivider may prepare a preliminary plat, which shall conform to the requirements of this Chapter and the City Zoning Ordinance, Chapter 13 of this code, together with improvement plans and other supplemental material as may be specified by the Planning Commission and its reviewing agencies. The preliminary plat submittal shall include the following:

- A. The application on a form approved by the Planning Commission and Council.
- B. The preliminary plat on black or blue line prints.
- C. The Preliminary Street and Utility Plan and Profile on black or blue line prints with outside dimensions of twenty-two (22) inches wide and thirty-four (34) inches long drawn to a horizontal scale of one inch equals fifty (50) feet or less and a vertical scale of one (1) inch equals five (5) feet or less, showing the location of existing and proposed streets, utility easements, depth to rock and ground water along the streets, and typical street cross-sections.
- D. A vicinity map drawn either on each preliminary plat or on a separate sheet with a scale of one inch equals 400 feet or more but not to exceed 1,000 feet showing existing subdivisions, streets, and tracts of land adjoining the proposed subdivision.
- E. Copies of existing or proposed private deed restrictions, if any.
- F. Preliminary Grading, Drainage and Erosion Control Plan on black or blue line prints with outside dimensions of twenty-two (22) inches wide and thirty-four (34) inches long drawn to

a horizontal scale of one (1) inch equals fifty (50) feet or less showing the proposed grading of the site including finished contours of the site as follows: two (2) feet intervals.

G. Preliminary Title opinion.

H. An application shall be filed at least thirty (30) days prior to the meeting of the Planning Commission, at which action is desired. The application shall include three (3) full size (22" x 34") and one half size (11" x 17") copy and PDF of the Preliminary Plat, Plans and Grading Plan. The Zoning Officer shall send copies of the preliminary plat to each of the following agencies for their comments or recommendations:

County Agencies:

- 1. Olmsted County Assessor
- 2. Olmsted County Planning
- 3. Olmsted County Public Works Surveyor
- 4. Olmsted County Public Works Department

Other Agencies:

- 5. Municipal Engineer
- 6. Stewartville School Board
- 7. City Park Board
- 8. Minnesota Department of Transportation
- 9. Peoples' Cooperative Power Assoc. or Alliant Energy
- 10. Minnesota Energy
- 11. Qwest
- 12. Charter Cable

Subd. 1 Preliminary Plat. Each preliminary plat shall be prepared by a Minnesota Registered Engineer or a Minnesota Registered Land Surveyor. The outside dimensions shall be twenty-two (22) inches wide and thirty-four (34) inches long. A border line shall be placed two (2) inches inside the outer edge on the left side of the thirty-four (34) inch length and one-half inch inside the outer edge of the other three (3) sides. When more than one sheet is required for any plat, each sheet shall be numbered consecutively and shall contain a notation of the total number of sheets; i.e., 2 of 3. Each plat shall be drawn to scale of one inch equals 100 feet or less. Each shall also provide the following:

- A. Identification. Date, scale, north point, and proposed name of the subdivision. The name shall not duplicate or closely approximate the name of any other subdivision in Olmsted County.
- B. Legal Description. Legal Description of the land to be subdivided.
- C. Principals. Names and owners of record and registered land surveyor.
- D. Boundaries. Length and bearings of exterior boundaries of the land being subdivided.

E. Radii and Tangents. Approximate radii of all street center lines, property lines, curves and lengths of all tangents.

F. Lots and Block. Layout, and approximate dimensions of lots and blocks. Lots shall be numbered progressively through each block, and blocks shall be numbered progressively through each plat.

G. Monuments and Lot Corners. The approximate location of all permanent monuments and lot corners.

H. Existing Streets and Public Uses. Layout, width, and identification of existing public streets, easements, drainage ditches, parks, and other public property within and adjacent to the proposed subdivision.

I. Existing Utilities. Location of existing sanitary and storm sewer lines, water mains, and culverts within and adjacent to the proposed subdivision, with pipe sizes, and grades indicated.

J. Other Existing Features. Location of existing buildings and structures, railroad rights-of-way, municipal lines, township lines, and lakes, rivers, and streams and their known high and low water elevations. Water elevation references shall be the United States Geological Survey Datum. Flood hazard areas should be clearly labeled according to the latest Flood Insurance Rate Map, Shore land overlay district should be shown.

K. Proposed Features. Layout, width and identification of proposed streets, easements, drainage ditches, parks, and other property to be dedicated to the public or reserved by covenants for the common use of property owners within the subdivision. Location of proposed sewer lines, water mains, storm sewer and street lights.

L. Topographic map of the area showing the contours in two (2) feet intervals. All areas of subdivision to be platted with a slope greater than twenty-five (25%) percent must be clearly indicated.

M. 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. The report shall contain the design recommendation for street section based on seven (7) ton design. In proposed streets, soils investigation shall be performed at intervals not to exceed five hundred (500) lineal feet. The soil borings completed during the investigation shall be at least ten (10) feet in depth below the proposed finished grade and five (5) feet below the

proposed elevations of utilities. Ground water levels shall be reported at each boring. Elevations shall be in mean sea level datum. Locations of borings shall be measured in the field and accurately shown on the plans.

N. Zoning. Identification of zoning classifications.

Subd. 2 Preliminary Street and Utility Plan and Profile. The developer shall submit a preliminary utility plan prepared by a licensed engineer, depicting the following information:

- A. Scale one inch equals fifty (50) feet or less.
- B. The location, dimensions, and purpose of all easements of record.
- C. Location and size of existing sanitary sewers, storm 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.
- D. Locations and routing of proposed sanitary sewer lines, storm water lines, and water mains. Identification of gravity, force main, and alternative service lines.
- E. Water mains shall be provided to serve the subdivision by extension of an existing community system. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the standards of the City.
- F. Sanitary sewer trunk, laterals, and service connections shall be illustrated in accordance with the standards of the City with regard to location, size, and service type, subject to final review and approval of the City Council.
- G. The location of hydrants and valves for all proposed water mains.
- H. All other utilities shall be located and designed in accordance with the requirements of the City Engineer.
- I. Submit storm sewer design flow calculations with the utility plans.
- J. Date of plan preparation and dates of all revisions.

Subd. 3 Preliminary Grading, Drainage and Erosion Control Plan. The developer shall submit a preliminary grading, drainage and erosion control plan prepared by a licensed engineer, depicting the following information: In addition, each plat shall provide proof of compliance with the NPDES requirements imposed by the Minnesota Pollution Control Agency.

- A. Scale one (1) inch equals fifty (50) feet or less.
- B. North point indication.
- C. 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 one-hundred (100) year storm elevations, bluffs, steep slopes, shore land, etc.
- D. Existing contours at two (2) foot intervals shown as dashed lines for the subject property and extending one hundred (100) feet beyond the outside boundary of the proposed plat.
- E. Proposed grade elevations at two (2) foot intervals shown as solid lines.
- F. Proposed plan for surface water management, ponding, drainage and flood control consistent with the recommendations and standards of the Stewartville Storm Water Management Plan.
- G. Provision for groundwater management including sub-surface drains, disposals, ponding, and flood controls.
- H. 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 grades, rim and invert elevations and normal and high water elevations must be included
- I. If the subject property is within or adjacent to a one hundred (100) year floodplain, flood elevation and locations must be shown and limits of the shore land overlay district.
- J. Spot elevations at drainage break points and directional arrows indicating site, swale and lot drainage.
- K. Lot and block numbers, building style, building pad location and elevations at the lowest floor and garage slab for each lot.
- L. Locations, grades, rim and invert elevations of all proposed storm water facilities, including ponds, proposed to serve the subject property.
- M. Phasing of grading.
- N. The location and purpose of all oversize, non-typical easements.

O. 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.

P. All re-vegetation measures proposed for the subject property must be included on the plan, including seed and mulch types and application rates.

Q. Drainage plan, including the configuration of drainage areas and calculations for two (2) year, ten (10) year, and one hundred (100) year storm events.

R. Layout of proposed streets showing centerline gradients, section widths, and typical cross sections.

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

(Ord. 2011-1a, passed 4-26-11)

1220.03 Public Hearing on Preliminary Plats. The Planning Commission shall hold a public hearing on the preliminary plat. Notice of public hearing shall be given at least ten (10) days before the date of such hearing by publication in the official newspaper and by written notice mailed to the applicant and the owners of record listed in the official newspaper and by written notice mailed to the applicant and the owners of record listed in the office of the Zoning Officer of all land within three hundred fifty (350) feet of the outer boundary of the preliminary plat. The failure to give mailed notice to individual property owners or defects in the notice shall not affect the validity of the proceedings or of any action taken by the Planning Commission or the City Council.

(Ord. 2011-1a, passed 4-26-11)

1220.04 Planning Commission Recommendation. After considering the comments and suggestions received at the public hearing, the Planning Commission shall recommend, in writing or by verbal report by a member of the Commission or the Zoning Officer or a council representative to the commission, to the City Council stating its reason therefore either that the preliminary plat be granted approval subject to certain conditions, if any, or that the preliminary plat be disapproved. Verbal reports shall be documented in the report of the council. A copy of the recommendation shall be forwarded to the City Council and the applicant with notice to the applicant of the date when it will be considered by the City Council.

(Ord. 2011-1a, passed 4-26-11)

1220.05 City Council Action -- Preliminary Plat. The City Council shall consider the preliminary plat at its next regular meeting following receipt of the Planning Commission recommendation, or at a special meeting called for the purpose of reviewing the preliminary plat. The City Council shall either approve the preliminary plat subject to certain conditions, if any, or disapprove the plat. Approval or disapproval of the preliminary plat shall be given within 120 days of receipt of the complete application. The Zoning Officer shall notify the applicant in writing of

the City Council's action, stating the conditions of approval or reasons for disapproval and shall endorse the date of the approval or disapproval on the preliminary plat. If approval is given, the City Clerk-Administrator shall send the applicant one copy of the preliminary plat marked with any required revisions.

(Ord. 2011-1a, passed 4-26-11)

1220.06 Effect of Approval of Preliminary Plat. Approval of a preliminary plat shall not constitute approval of the final plat. Unless earlier rescinded by the City Council, approval of a preliminary plat is limited to a period of one year after which time the applicant shall be required to resubmit a preliminary plat. Upon application filed with the Zoning Officer, the City Council may continue the approval for an additional period of time. The application shall be filed at least twenty (20) days prior to expiration of the approval of the preliminary plat.

(Ord. 2011-1a, passed 4-26-11)

1220.07 Final Plat.

A. Following approval of a preliminary plat, the applicant may prepare a final plat and shall file with the City Clerk-Administrator an application for approval of the final plat. The final plat shall include the following:

1. The application on a form approved by the Planning Commission and Council.
2. The final plat on black or blue line prints.
3. Reproducible mylars of the final plat, each of which shall contain all of the certifications, signatures (except that of the Mayor, City Clerk-Administrator and Register of Deeds), and acknowledgment required to file and record the same in the office of the Register of Deeds, shall be presented at the Final Plat approval.
4. A title opinion prepared by an attorney and approved by the Municipal Attorney identifying the owners and persons of record having an interest in the property being subdivided.
5. Boundary closure calculations.
6. Existing or proposed private deed restrictions, if any.

B. Each final plat shall be prepared and signed by a Minnesota Registered Land Surveyor and shall contain all information pursuant to Minn. Stat. Chapter 505, including but not limited to the following:

1. Identification. Same as required for preliminary plat.

2. Legal Description. Same as required for preliminary plat.
3. Principals. Same as required for preliminary plat.
4. Boundaries. Same as required for preliminary plat.
5. Radii and Tangents. Same as required for preliminary plat.
6. Lots and Blocks. Same as required for preliminary plat.
7. Monuments and Lot Corners. The exact location and material of all permanent lot corners and monuments.
8. Existing Streets and Public Uses. Same as required for preliminary plat.
9. Existing Utility Easements. Location of easements.
10. Proposed Features. Layout, width, and identification of proposed street rights-of-way, easements, drainage easements, parks, and other property to be dedicated to the public or reserved by covenants for the common use of property owners within the subdivision.
11. Dedication. A statement of dedication, signed, acknowledged, and witnessed as required by law for recording conveyances. The dedication shall be in the format as provided by the City or County.
12. Certificates.
 - (i) Surveyor. A certificate of the surveyor that the plat was made in accordance with this Chapter and the Laws of Minnesota, that the plat is a correct representation of the survey, that all distances are correctly shown on the plat, that all monuments have been correctly placed in the ground as shown, and that the outside boundary lines are correctly designated on the plat.
 - (ii) Owner. A certificate of the owners in substantially the form as follows:

“As owners, we hereby certify that we caused the land described on this plat to be surveyed, divided, mapped, dedicated as represented on the plat.”

This certificate shall be signed, acknowledged, and witnessed as required by law for recording conveyances.

(iii) Taxes. A certificate by the County Auditor that all prior taxes have been paid.

(iv) City Clerk-Administrator. A certificate by the City Clerk-Administrator that the plat has been approved by the City Council.

(v) County Surveyor. A certificate that the plat has been checked for surveying accuracy and compliance with applicable State platting laws.

C. The application, along with three full size (22" x 34") and one half size (11" x 17") copy and PDF, shall be filed at least thirty (30) days prior to the meeting of the Planning Commission, at which action is desired. The Zoning Officer shall send copies of the application and final plat to each of the agencies which received a preliminary plat for their comments and recommendations. No final plat shall be considered unless it is filed with the Zoning Officer within the effective period of the approval of the preliminary plat. A final plat shall conform to the requirements of this ordinance and all conditions set forth in the approval of the preliminary plat.

(Ord. 2011-1a, passed 4-26-11)

1220.08 Review of Final Plat. The Planning Commission shall review the final plat and the comments and recommendations of the other agencies and shall submit its findings and recommendations in writing to the City Council and the applicant.

(Ord. 2011-1a, passed 4-26-11)

1220.09 Public Hearing on Final Plat. The City Council shall hold a public hearing on the final plat after receiving the Planning Commission recommendation. Notice of the public hearing shall be given in the same manner as required by this ordinance for notice to individual property owners or defects in the notice shall not affect the validity of the proceedings or of any action taken by the City Council.

(Ord. 2011-1a, passed 4-26-11)

1220.10 City Council Action -- Final Plat. The City Council shall, within sixty (60) days after the public hearing, approve or disapprove the final plat. The reasons for disapproval shall be recorded in the minutes of the City Council and reported to the applicant and Planning Commission by the Zoning Officer. No final plat shall be approved by the City Council unless satisfactory evidence is filed with the City that the final plat is in a form acceptable for recording in the Office of the Register of Deeds or Registrar of Titles.

(Ord. 2011-1a, passed 4-26-11)

1220.11 Recording Final Plat. Upon approval by the City Council, the Developer shall record the final plat in the Office of the Register of Deeds or Registrar of Titles as provided by law, and shall provide the City with a reproducible copy of the recorded plat.

(Ord. 2011-1a, passed 4-26-11)

Section 1230 - Subdivision Design Standards

1230.01 General. The design of each subdivision and resubdivision shall conform to the comprehensive plan and shall comply with the design standards contained in this Chapter. (Ord. 2011-1a, passed 4-26-11)

1230.02 Street Design. The street system of a proposed subdivision shall be designed to facilitate adequate traffic circulation within the subdivision and from the subdivision to adjacent areas. The subdivision should be phased to provide adequate multiple emergency vehicle access and not overload local street connections. Street arrangement, character, width, grade, location, sight distance, and surface material shall be related to existing or planned streets, topography, convenience, and safety, and their intended ultimate function.

Subd. 1 Arrangement. The arrangement of major streets in a subdivision shall provide for the continuation or projection of existing streets in adjacent areas or conform to a plan approved by the Planning Commission and Council where topographic or other conditions make continuance or conformance to existing streets impracticable.

Subd. 2 Collector Streets. Collector streets shall be properly related to major streets and designed in a manner so as to supplement the major street system but not to serve in lieu thereof.

Subd. 3 Local Streets. Local streets shall be designed to benefit the topography, to discourage through traffic, and to provide the minimum amount of streets necessary for safe access to adjacent properties. The reasonable and intelligent use of curvilinear and cul-de-sac streets is allowed where necessary.

Subd. 4 Dead-End Streets. Streets designed and laid out so as to have one end permanently closed shall not exceed six hundred (600) feet in length, except where the Planning Commission and Council have approved additional length due to property limitations, large lot size, or topography.

Subd. 5 Turn-arounds. Turnarounds shall be provided at the permanently closed end of all streets and shall have a minimum turnaround right-of-way radius of sixty (60) feet. The actual pavement radius shall not be less than forty-five (45) feet. The Planning Commission may recommend the Council approve a "T" or "Y" type turnaround in lieu of the circular turnaround.

Subd. 7 Public Access. All subdivision abutting a public lake, river, or stream shall provide public access at least eighty (80) feet wide to the low water elevation so that there will be public access at not more than one-quarter (1/4) mile interval as measured along the lake, river, or stream shoreline.

Subd. 8 Freeways. Residential lots fronting freeways, expressways, and major streets, where deemed appropriate by the City Council, shall be separated therefrom by the use of frontage roads, parallel streets, service drives, or alleys in order to eliminate direct access to the major street.

(Ord. 2011-1a, passed 4-26-11)

1230.03 Intersections. All streets shall intersect at right angles or as close thereto as possible. No street shall intersect another at an angle of less than seventy (70) degrees. More than two (2) streets intersecting at the same location shall be prohibited. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.

(Ord. 2011-1a, passed 4-26-11)

1230.04 Utility Easements. Easements for telephone service, electricity, gas lines, and other public utilities shall be provided and centered along the rear and side lot lines where needed, and front yards when requested. The easements shall be ten (10) feet in width and shall be aligned from block to block.

Utility ducts/conduit shall be constructed according to the current City standard and installed across roadways at locations provided by the public utilities (i.e. electric, telephone, television, gas, etc). The engineer shall include the ducts on the plans and special provisions. The utilities shall make arrangements with the developer to cover the costs of the ductwork.

Public Utility owners are encouraged to work together to provide common trench utility installation. Utility infrastructure is not allowed longitudinally underneath roadways. Buried "long side" service connections are not allowed: this may result in the installation of dual mains.

(Ord. 2011-1a, passed 4-26-11; Am. Ord. 2014-5, passed 10-14-14)

1230.05 Blocks. Block lengths shall not exceed twelve hundred (1,200) feet and shall not be less than three hundred (300) feet. A pedestrian crosswalk easement with a minimum width of ten (10) feet shall be provided near the center of any block longer than eight hundred (800) feet. Block widths shall be sufficient to provide two tiers of lots of appropriate depth.

(Ord. 2011-1a, passed 4-26-11)

1230.06 Lots.

Subd. 1 Size and Shape. The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and the type of use contemplated. All lots shall comply with the minimum lot frontage and area requirements specified in the Zoning Ordinance.

Subd. 2 Access. Every lot shall abut on a public street to assure access for fire protection, utilities, and other services.

Subd. 3 Remnants. Lot remnants which are less than the minimum lot size shall be added to adjacent lots.

Subd. 4 Side Lines. Side lot lines shall be as near to right angles with streets having straight lines or radial to adjacent street having curved lines as possible.

(Ord. 2011-1a, passed 4-26-11)

1230.07 Parks, Playgrounds, and Recreation Areas.

Subd. 1 Recreation Standards. The Planning Commission or Council shall require that land be reserved for parks and playgrounds or other recreation purposed in locations designated

on the Master Plan or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned by the Planning Commission and Council. The area shall be shown and marked on the plat, “Reserved for Park and/or Recreation Purposes.” When recreation areas are required, the Planning Commission or Council shall determine the number of acres to be reserved from the following table, which has been prepared on the basis of providing three (3) acres of recreation area for every one hundred (100) dwelling units. The Planning Commission or Council may refer such proposed reservations to the local government official or department in charge of parks and recreation for recommendation. The developer shall dedicate all such recreation areas to the local government as a condition of final subdivision plat approval. In addition, the Park Board may recommend, and the Council may require, that land be dedicated for pathways or a trail system to an existing park.

A. Table of Recreation Requirements.

Single-Family Lots Size of Lot	Percentage of Total Land in Subdivision to be Reserved for Recreation Purposes
80,000 & greater S.F.	1.5 percent
50,000 S.F.	2.5 percent
40,000 S.F.	3.0 percent
35,000 S.F.	3.5 percent
25,000 S.F.	5.0 percent
15,000 S.F.	8.0 percent

B. Multifamily and High-Density Residential. The Planning Commission shall recommend to the Council the acreage for reservation based on the number of dwelling units per acre to occupy the site as permitted by the Zoning Ordinance.

Subd. 2 Minimum Size of Park and Playground Reservations. In general, land reserved for recreation purposed shall have an area of at least four (4) acres. When the percentages from the table above would create less than four (4) acres, the Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than two (2) acres be reserved for recreation purposed if it will be impractical or impossible to secure additional lands in order to increase its area. Where recreation land in any subdivision is not reserved, or the land reserved is less than the percentage in Subdivision 1, the provisions of Subdivision 4 shall be applicable.

Subd. 3 Recreation Sites. Land reserved for recreation purposes shall be of character and location suitable for use as a playground, playfield, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the standards required by the Planning Commission and Council, which improvements shall be included in the performance bond. A recreation site shall have a total frontage on one (1) or more streets of at least two hundred (200) feet, and no other dimension of the site shall be less than two hundred (200) feet in depth.

Subd. 4 Alternative Procedure: Money in Lieu of Land. Where, with respect to a particular subdivision, the reservation of land required pursuant to this section does not equal the percentage of total land required to be reserved in Subdivisions 1, 2, and 3, the Planning Commission or Council shall require, prior to final approval of the subdivision plat that the applicant deposit with the City Council a cash payment in lieu of land reservation. Such deposit shall be placed in a Park and Recreation Improvement Fund to be established by the City Council. Such deposit shall be used by the local government for improvement of a neighborhood park, playground, or recreation area including the acquisition of property. Such deposit must be used for facilities that will be actually available to and benefit the persons in the subdivision and be located in the general neighborhood or subdivision. The Council shall determine the amount to be deposited, based on a formula that sets a fee per lot or living unit. The option of accepting a fee instead of land dedication shall be that of the Council following a recommendation by the Planning Commission. No fee may be accepted in lieu of any land required to be dedicated for a path or trail system to another park. Fees shall be in such amount as set in the fee schedule adopted from time to time by the Council.

Subd. 5 Other Recreation Reservations. The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.
(Ord. 2011-1a, passed 4-26-11)

1230.08 Street Lighting. Upon approval of the power company's lighting plan, the City will order the poles, and be reimbursed by the developer. The power company will supply the light heads as per Design Standards set by the City.
(Ord. 2011-1a, passed 4-26-11)

1230.09 Storm Water Drainage Facilities.

Subd. 1 Storm Water Management Plan. The developer shall submit a storm water management plan to the City. Storm water drainage facilities shall comply with all Federal, State, and local requirements and be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage at all points along streets, and provide positive drainage away from building as well as 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. The following requirements shall also apply:

- A. 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 appropriate governmental agencies.
- B. Where drainage channels must be constructed to augment the natural drainage system, such channels, as well as natural drainage ways, 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.

Subd. 2 Storm Water Drainage Standards.

A. All developments are responsible for control of surface or storm water to equal or improve pre-development conditions. The developer shall complete all water quality improvements. Development drainage systems shall be provided that:

1. Accept flow from upstream areas;
2. Control, convey, and pond development runoff;
3. Limit outflow to the natural pre-development rate; and
4. Do not have detrimental impacts on downstream properties.

B. All pipe conveyance shall be of ten (10) year design return frequency. Flood protection shall be provided for one hundred (100) year. All ponding, detention or retention shall be designed for one hundred (100) year frequency storm condition with a positive outlet. Flood protection for public and personal property shall be one foot plus any encroachment above the flood plain. For storm sewer design, the Soil Conservation Service TR-55 method and Rational Method should be used. For culvert and pond design, the Soil Conservation Service Hydrograph or other appropriate method should be used.

Subd. 3 Approval. The City Engineer shall approve all subdivision grading, drainage, and wetland mitigation plans.

(Ord. 2011-1a, passed 4-26-11)

1230.10 Erosion and Sediment Control. The following guidelines shall be applied in the subdivision:

1. The development shall be constructed to allow all development to comply with the requirements of the Minnesota Pollution Control Agency Phase II storm water permit.

2. The development shall conform to natural limitations presented by topography and soil to prevent soil erosion.
3. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. Appropriate prevent 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.
4. When soil is exposed, the exposure shall be for a time period as outlined by the Minnesota Pollution Control Agency Phase II storm water permit.
5. 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.
6. Natural vegetation shall be protected wherever possible.
7. As determined by the City Engineer, runoff water shall be diverted to a sedimentation basin before allowed to enter the natural drainage system. Storm water runoff from the developed site shall not, at any time, exceed the rate existing prior to development.

Table #1					
Minimum Street Design Standards					
	Arterial	Collector Street	Local Street	Frontage Road or Service Access Street	Alley
Rights-of-Way	80'	75'	66'	40'	30'
Surface Width	As specified by Municipal Engineer	44'	36'	24'	20'
Base Specifications	As specified by Municipal Engineer	“	“	“	“
Minimum Horizontal Curve Radii	400'	300'	100'	100'	100'

	Arterial	Collector Street	Local Street	Frontage Road or Service Access Street	Alley
Minimum Tangent Between Curves	200'	100'	50'	50'	50'
Minimum Grade	0.4%	0.4%	0.4%	0.4%	0.4%
Maximum Grade	6%	8%	10%	10%	10%
Pavement Specifications	As specified by Municipal Engineer	“	“	“	“

(Ord. 2011-1a, passed 4-26-11)

Section 1240 - Conveyance of Unplatted Land or Portion of a Platted Lot

1240.01 Conveyances Prohibited. No conveyance involving a portion of a platted lot, or involving unplatted land, the conveyance of which is prohibited by Minnesota Statutes, Section 462.358, Subd. 4, shall be made unless approval is first obtained as follows:

Subd. 1 Portion of Platted Lot. On application of the owner, the Planning Commission may recommend the Council approve a conveyance of a portion of a platted lot under the following circumstances if, in each instance, the new and residual parcels of land which would result from the conveyance meet the frontage and area requirements of the Zoning Ordinance and does not negatively affect existing utilities and /or utility easements.

- A. When it is desired to detach a portion of a platted lot and add it to an adjoining platted lot.
- B. When it is desired to divide two (2) platted lots into not more than three (3) parcels, and the dedication of public utility and street easements is not involved.
- C. When it is desired to divide one platted lot into not more than three (3) parcels, and the dedication of public utility or street easements is not involved.

Subd. 2 Unplatted Land. On application of the owner filed with the Zoning Officer, the City Council, by resolution, may approve a conveyance by metes and bounds if it is determined that the following conditions exist:

- A. That the restriction against such conveyance will create an unnecessary hardship.
- B. That such conveyance will not interfere with the purposes of the subdivision regulations.
- C. That the dedication of public utility or street easements is not involved.
- D. That such conveyance involves the division of a parcel into not more than three (3) separate parcels.
- E. That the new and residual parcels of land which would result from the conveyance meet the frontage and area requirements of the Zoning Ordinance.

Subd. 3 Application. All applications under this section shall be filed with the Zoning Officer and shall have attached thereto a surveyor's certificate, legal description, and map of the land to be conveyed, including any utilities, easements and setbacks to existing buildings, which may be affected by the conveyance.

Subd. 4 Violations. Any owner or agent of the owner of land who conveys a portion of a platted lot or unplatted land in violation of the provisions of this section shall be subject to the same violation provisions as set forth in Section 1200.

(Ord. 2011-1a, passed 4-26-11)

Section 1250 - Required Improvements

1250.01 General. The following improvements shall be required for all new subdivisions within the corporate limits of the City and to the specifications as adopted by the City Council.

Subd. 1 Water Main. Water main size shall be a minimum eight (8) inch diameter. Water main shall be Polyvinyl Chloride (PVC) SDR-14 rated at 200p.s.i. and shall meet all the requirements of the American Water Works Association standard.

1. Mains shall be valved at intervals not to exceed eight hundred (800) feet. Valve type shall be ductile iron fittings wrapped with polyethylene as per AWWA C105.
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 than eight (8) inches in residential areas. In commercial/industrial areas, water main 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.

3. House Services shall be one inch copper pipe with curb stop and box installed in accordance with Chapter 11 subd 1120.11 Location of Curb Stop Boxes.

Subd. 2 Fire Hydrants. Installation shall be pursuant to plans approved by the City Engineer and the Stewartville Fire Department and shall be located in accordance with Insurance Service Office (ISO) standards. Hydrants shall be placed at the end of all “dead ends,” cul-de-sacs and at street intersections. Hydrant type shall be “Waterous-Pacer” Model WB-67 with stainless steel bolts and National Standard Thread connections.

Subd. 3 Sanitary Sewer. Sanitary Sewer shall be a minimum of eight (8) inch pipe Polyvinyl Chloride (PVC) pipe SDR-35 or AST F789. 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.

1. Size of pipe shall be determined by lateral service and/or trunk service. Trunk service shall be the responsibility of the property served.
2. House Services shall be a minimum four (4) inch PVC pipe installed to the same location as the water main house service in subd 1 above.
3. Electronic final design plans shall be submitted to the City to allow the completion of record plans by the City Engineer.

Subd. 4 Sidewalks. Shall be required in all subdivisions unless the City Council specifically determines that sidewalks are not required in the new subdivision. Sidewalks must be constructed at the time the driveway is poured. Once construction is completed upon 80% of the lots in the subdivision, all other remaining lots must have the sidewalk completed. Concrete sidewalks, four (4) inches thick except at driveways where greater thickness shall be required, five (5) feet wide in residential areas and of such width as directed in other areas.

Subd. 5. Base and Surfacing. All streets shall be improved with a concrete or bituminous surface. Streets to be paved shall be surfaced for a seven (7) ton axle weight capacity using current Minnesota Highway Department design standards and in accordance with City standard design detail plates. The wear course of bituminous shall be placed following the construction season or, if so designated by the City Council, up to two (2) years from the date of final plat approval. Exceptions to this provision may be granted by the City Council at their discretion as part of a development contract.

Subd. 6 Concrete Curb and Gutter. All curb shall be concrete with integral gutter. The standard curb shall be in accordance with B624 or 4 inch driveover curb and gutter according to Mn/DOT Standard Specification.

Subd. 7. Boulevards. All boulevards shall have four (4) inches of topsoil (black dirt) placed on them and then shall be sodded or seeded. Boulevard turf shall be established within one (1) year of planting.

Subd. 8 Driveways. Concrete driveways shall be constructed from the curb to the property line. 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. All driveway aprons between the back of curb and sidewalk shall be concrete.

Subd. 9 Subdrains. Subdrains shall be installed in all new subdivision where soil borings report that the ground water level is within four (4) feet of the top of curb or within residential basement elevations shown on the grading plan. Subdrain Mains shall be sized to handle the area groundwater being drained. The main shall be a minimum of six (6) inch diameter perforated PVC SDR 35 pipe with a geotextile wrap. Cleanouts shall be located at all lateral junctions. Laterals shall be a minimum of four (4) inch pipe with cleanouts at the end. Subdrain Mains and Laterals shall be located one foot behind and a minimum of four (4) feet below the top back of curb. The trench shall be a minimum of twelve (12) inches wide and backfilled with fine filter aggregate. Services shall be installed at the same location of the sanitary sewer and be one of the following:

A. Where the subdrain is deep enough to drain the footing tile a four (4) inch PVC geotextile wrapped perforated pipe shall be installed.

B. If the subdrain elevation is not deep enough to drain the footing tiles then a two (2) inch solid PVC SDR 35 pipe shall be installed to connect to a future sump pump.

(Ord. 2011-1a, passed 4-26-11)

Subd. 10 Signing.

A. Traffic signs shall meet the requirements of Mn/DOT Standard Specification 2564, Traffic Signs and Devices, and Federal Highway Administration (FHWA) Retroreflectivity standards.

B. Posts shall be rib back "U" channel, three (3) lb/ft, with galvanized coating, installed with three and one-half (3.5) feet bury. Signs shall be installed a minimum of seven (7) feet from the ground to the bottom of the sign.

C. Where possible, street name signs shall be mounted above traffic control signs.

D. Street name signs:

1. Signs shall be Lyle E-450 punch/radius/border or equal. Letter series is to be B Series. Signs shall be nine (9) inch blades with six (6) inch Upper/Lower Case lettering on roadways that intersect with TH63 and TH30. Signs shall be six (6) inch blades with four (4) inch Upper/Lower Case lettering on local roadways. Forty-eight (48) inch maximum length. Mounting shall be Lyle E-450 sign bracket assembly or equal. Street name signs shall be mounted on round poles.

2. The intent of the information provided here is to ensure the City's street name sign style is achieved. Coordinate sign standards with the Public Works Director.

(Ord. 2014-5, passed 10-14-14)

1250.02 Monuments. Durable iron monuments shall be placed at all block and lot corners, all intermediate points on blocks where there is a change in the direction of the block line, at points of curves in streets, at each angle and curve point on the exterior boundary lines of the plat, and at such other points as may be required by the Planning Commission. All monuments shall be a minimum of one-half (½) inch in diameter and fifteen (15) inches in length.

(Ord. 2011-1a, passed 4-26-11)

Section 1255 - Sewer Access Charge, Water Access Charge and Storm Water Utility Charge

1255.01 Utility Availability and Connection Charges. It is the purpose of this Section to establish and impose just and equitable charges for the availability of certain utility systems, including waterworks systems, sewer systems, storm water utility systems, and related facilities, and for the connections therewith, to pay for the construction, reconstruction, repair, enlargement

improvement, or other obtainment and the maintenance operation and use of such facilities. Such charges are authorized and shall be determined and imposed in accordance with Minn. Stat. §§ 444.075 and 429.021.

(Ord. 2011-1a, passed 4-26-11)

1255.02 Undeveloped Lots. Any premises for which connection to the City sanitary sewer and/or water system is sought, which has not paid its proportionate share of the cost of extending such service the premises in question, whether by special assessment or otherwise, shall pay a connection charge in the amount currently adopted by City Council at the time a building permit is applied for.

(Ord. 2011-1a, passed 4-26-11)

1255.03 Charges Authorized. A sanitary sewer availability charge, storm water utility charge, and/or water availability charge shall be imposed against the owner of any undeveloped property, which is proposed to be subdivided and/or developed. The sanitary sewer, water availability charges, and the storm water utility charge shall be computed on a per acre amount set by City Council by resolution from time to time and which shall be reviewed at least once every year to determine if the charges are still adequate to meet the needs of the subject utility system. In determining the reasonableness of the charges imposed, the City Council may consider any or all of the costs of the establishment, operation, maintenance, depreciation and necessary replacements of the system, and of improvements, enlargements and extensions necessary due on obligations issued or to be issued.

(Ord. 2011-1a, passed 4-26-11)

1255.04 Computation of Charges. The assessable area is determined by the gross acres of the project less wetlands, privately constructed and publicly owned and storm water sedimentation and detention facilities, and natural slopes in excess of eighteen percent (18%) remaining after site grading, as reflected on an approved grading plan. Areas donated to the City and land platted as an easement will not be deducted from the gross acre; this includes but is not limited to, pathways, street rights-of-way and utility easements.

(Ord. 2011-1a, passed 4-26-11)

1255.05 Payment of Charges. Any charges imposed by authority of this section shall be paid prior to release of a final plat for recording unless a special assessment project is approved by the City Council. Upon petition from the developer, and when trunk facilities are being constructed in conjunction with a proposed plat or development, the City Council may elect to levy a special assessment in an amount equal to the area charge upon all or a portion of property in the plat or development. The City Council may defer the payment of the assessment until each lot is sold or developed, or otherwise as determined by the City Council. City Council may have the option to defer payment of charges on outlots until said lots are sold, developed, or at a specific date established by City Council, whichever occurs first. Developments that do not require platting shall pay applicable charges upon site plan approval or building permit approval, whichever occurs first.

(Ord. 2011-1a, passed 4-26-11)

1255.06 Development Review. All new developments shall be reviewed by City staff to determine whether they have paid for utility trunk systems by special assessment and if so, any charges imposed pursuant to this Section may be adjusted accordingly.
(Ord. 2011-1a, passed 4-26-11)

1255.07 City Council Authority. City Council shall review the assignment of charges as provided above, may modify or add to them by resolution from time to time and may deviate from the general assignment of charges or other charges in particular cases where it is fair and reasonable to do so, such as in an affordable housing development.
(Ord. 2011-1a, passed 4-26-11)

Section 1260 - Costs, Payment, and Performance Bonds

1260.01 Final Plan Development. Final Plans for required public improvements shall be prepared by the City. All costs of required improvements, including engineering fees and attorney fees, including the cost as determined by the City engineer of an initial seal coating of the subdivision streets. The City shall be the sole determiner of when seal coating shall occur, but at it shall be applied no later than three years from the date of the original improvement with the cost to be borne by the subdivider (developer).
(Ord. 2011-1a, passed 4-26-11)

1260.02 Publicly Financed Improvements. In the event that the City shall publicly finance and administer subdivision improvements, the City shall require, as a condition precedent to any such financing that a developer agreement in the following form be entered into with the subdivider. There shall be no public financing or administration of any subdivision improvements unless a valid developer agreement has been executed by the City and the subdivider shall as a minimum include the following provisions:

- A. The following words have definitions as indicated:
 - 1. “Property” as used herein shall mean all of that tract of land described as the proposed plat to be known as _____ which is legally described as follows:
 - 2. “Property subject to the Development Agreement” as used herein shall mean all property except that property as to which all of the following have been accomplished:
 - a. Legal title has been conveyed from the subdivider to a person, firm, partnership, or corporation that is not related to the subdivider;
 - b. A residential building is constructed on properties zoned for residential construction, or a commercial building is constructed on properties zoned for

commercial, or a manufacturing building is constructed on property as zoned for manufacturing;

c. An Affidavit of Occupancy according to the form prescribed by local law is provided to the City by the occupant of the building constructed;

3. "Total cost" as used herein shall mean the actual construction costs for all required improvements; interest on improvement bonds issued and assessments that are levied; and all legal, engineering, and administrative fees and expenses;

4. "Related" as used herein, means,

a. In the case of individual persons, the subdivider(s), the spouse(s) of subdivider(s), or any person within two (2) degrees of kindred of either the subdivider(s) or spouse(s) of subdivider(s), or any business entity (including, but not limited to, partnership, limited partnership, joint venture, or corporation) that any of the above (alone or in combination) have an ownership interest in, or

b. In the case of a business entity as subdivider (including, but not limited to, partnership, limited partnership, joint venture, or corporation), the subdivider, or any person having an ownership interest in the subdivider, the spouse of any person having an ownership interest in the subdivider or any person within two (2) degrees of kindred of the person or spouse, and also any business entity controlled by or having any ownership interest in the subdivider;

5. "Default" as used herein shall mean failure to pay, when due, all or any portion of taxes or assessments;

6. "Subdivider" as used herein shall mean and include any person, firm, partnership, or corporation having any legal or equitable interest in the real estate sought to be subdivided. "Subdivider" shall be interpreted to mean the plural when more than one subdivider exists.

B. Subdivider will, concurrently with the execution of this Agreement, execute a Petition for Improvement pursuant to Minnesota Statutes, Section 429.031, Subd. 3, requesting that the total cost of the required improvements referred to in Paragraph E. hereof (the "Improvement") be assessed against the property, which petition is marked "Exhibit A" and made a part hereof by reference;

C. As security for the payment of engineering and legal expenses which may be incurred by the City in connection with the project, the subdivider shall, contemporaneous with the signing of this agreement, deposit with the City the sum set in the fee schedule adopted from time to time by the Council in cash. The sum shall be refunded along with any accrued interest upon payment of all engineering and legal expenses incurred in the project.

D. As security for the improvement to be installed by the City, subdivider shall either deposit with a state or national bank designated by the City, a cash escrow in the amount of 25% of the estimated cost of the improvements as reasonably determined by the City's consulting engineers, or, at subdivider's option, a letter of credit in the amount of 30% of such estimated costs. The letter of credit shall be renewable each year. The cash escrow account shall be interest bearing, with all interest compounding and accumulating in such account until used by the City or refunded to the subdivider as set forth herein. The City shall have sole signatory power over such escrow account. The acceptable letter of credit shall be issued by one or more state or national banks and be irrevocable and unconditional. The total cost of the improvement is estimated to be \$_____. Should the actual bids for the improvement cause the total cost to exceed such figure by more than ten percent (10%), the cash escrow or letter of credit shall be increased proportionately. Should the actual bids for improvement cause the total cost to be less than such figure by more than ten percent (10%), the cash escrow or letter of credit shall be decreased proportionately.

E. The improvements to be installed by the City are described on the Petition for Improvement, attached to Ordinance 258 as Exhibit "A". The total cost of the improvement shall be levied against the property in equal annual installments not to exceed twelve (12) years.

F. That upon execution of this Agreement and establishment of the escrow account or irrevocable letter of credit mentioned above, the City may issue building permits to subdivider upon request. The City shall not issue Certificates of Occupancy for buildings constructed by subdivider unless and until all required improvements (with the exception of the wearing course of street bituminous) have been completed and all engineering and legal expenses have been paid in full. The City may, in its sole discretion, allow the issuance of Certificates of Occupancy before the bituminous paving is installed if soil conditions make this appropriate. If a Certificate of Occupancy is issued before the bituminous paving has been installed, the gravel base shall be installed and the Developer shall sign an Agreement, in a form acceptable to the City, indicating a date by which the bituminous paving shall be installed by the City and holding the City harmless from all liability related to the failure to install bituminous paving prior to dwelling occupancy. The City shall retain sufficient monies or shall not release and discharge the letter of credit until all bituminous street paving has been laid.

G. Subdivider or its agent will also pay connection charges for sewer and water for each lot for which a building permit is issued at the time the permit is used. All costs and expenses incurred by the City with reference to the proposed plat of prior to approval of the final plat, totaling \$ ____ shall be paid to the City by subdivider at the time the final plat is approved. Other costs and expenses incurred by the subdivider with reference to the platted area prior to the approval of the final plat will be paid directly by subdivider and will not be included in the assessments to be levied for the improvement to be installed by the City.

H. The cash escrow account or letter of credit referred to at paragraph D. above shall be used by the City to make bond payments relating to property subject to the Development Agreement in the event there is a default by the subdivider, its agent or assignee. The City may, at its option, continue to make bond payments from such cash escrow account or letter of credit as long as any default exists. The amount of the bond payment made by the City from such cash escrow account or letter of credit shall be determined by multiplying the bond payment due (principal and interest, or interest only, as the case may be) by a fraction, the numerator of which is the total original tax assessment on all property subject to the Development Agreement which is in default of tax or assessment payments at the time the payment is made, and the denominator of which is the total original assessment on all property.

I. Payment of the bond obligations by the City out of the cash escrow account or letter of credit shall not constitute payment of the taxes and assessments, and subdivider, its agent, or assignee shall remain fully obligated for all taxes, assessments, interest, and penalties, whether or not the City exercises its rights under this agreement.

J. Refunds of any sums deposited can be obtained only by establishing to the satisfaction of the City that all required improvements have been completed, and that all special assessments and taxes relating to property subject to the Development Agreement have been paid in full. The City, in its sole discretion, may approve partial refunds when not less than 75% of the property in the development is no longer property subject to the development agreement.

K. Upon the execution of this agreement and approval of the Petition for Improvement heretofore referred to, the City may order the improvement and proceed pursuant to Minnesota Statutes 429.

(Ord. 2011-1a, passed 4-26-11)

1260.03 Bonds - City Financing. In the event that the City shall publicly finance and administer subdivision improvements, the developer shall not be required to post a payment and performance bond.

(Ord. 2011-1a, passed 4-26-11)

1260.04 Private Financing. In the event the developer elects to privately finance and administer improvements, the plans and specifications for the public improvements shall be prepared by a registered engineer. The engineer may be selected by the developer but shall be approved by the City. The developer shall comply with the following provisions:

Subd. 1 Completion of Improvements. Before the final plat is signed, all applicants shall be required to complete, in accordance with the Council's decision and to the satisfaction of the City Engineer, all the street, sanitary, and other improvements, including lot improvements on the individual lots of the subdivision as required in these regulations,

specified in the final subdivision plat, and as approved by the City Council, and to dedicate same to the local government free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

Subd. 2 Payment and Performance Bond and Maintenance Bond.

A. The City Council, in its discretion, may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat and that, as an alternative, the applicant post a bond at the time of application for final subdivision approval in an amount estimated by the City Engineer and the Council as sufficient to secure to the local government the satisfactory construction, installation, and dedication of the incomplete portion of required improvements, including the cost for an initial seal coating of the subdivision streets. The payment and performance bond shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations. A maintenance bond shall also be filed, valid for a period of two (2) years.

B. Such payment and performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the City Council in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not, in any event, exceed two (2) years from date of final approval. Such bond shall be approved by the governing body as to amount and surety and conditions satisfactory to the governing body. The City Council may, upon proof of difficulty, recommend to the governing body extension of the completion date set forth in such bond for a maximum period of one (1) additional year. The governing body may, at any time during the period of such bond, accept a substitution of principal or sureties on the bond upon recommendation of the City Council.

C. The City Council, in its discretion, may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat and that, as an alternative, the applicant shall sign a Development Agreement substantially in the form of Exhibit "A" which is attached to Ordinance No. 259A and made a part hereof by reference. Pursuant to said Development Agreement, applicant shall furnish to the City an irrevocable letter of credit substantially in the form of Exhibit "B" which is attached to Ordinance No. 259A and is made a part hereof by reference. Before a certificate of occupancy is issued, the applicant shall be required to complete, in accordance with the Council's decision and to the satisfaction of the City Engineer, all the street, sanitary, and other improvements, including lot improvements on the individual lots of the subdivision required by these regulations. The wearing course of street bituminous need not be laid prior to the issuance of a certificate of occupancy. However, the final wearing course of street bituminous shall be laid within twelve (12)

months of the issuance of the certificate of occupancy. Prior to the issuance of the certificate of occupancy, the City Engineer shall inspect the required improvements, approve same, and the applicant must dedicate the required improvements to the local government free and clear of all liens and encumbrances on the public improvements so dedicated. The City may, in its sole discretion, allow the issuance of certificates of occupancy before the bituminous paving is installed if soil conditions make this appropriate. If a certificate of occupancy is issued before the bituminous paving is installed, the gravel base shall be installed and the developer shall sign an agreement, in a form acceptable to the City, indicating the date by which the bituminous paving shall be installed, and holding the City harmless from all liability related to the failure to install bituminous paving prior to dwelling occupancy. The City shall retain sufficient monies or shall not release and discharge the letter of credit until all bituminous street paving has been laid. The City shall retain sufficient escrow monies or shall not release and discharge the letter of credit until the wearing course of street bituminous has been laid.

Subd. 3 Temporary Improvement. The applicant shall build and pay for all costs of temporary improvements required by the City Council and shall maintain same for the period specified by the City Council. Prior to construction of any temporary facility or improvement, the developer shall file with the local government a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained, and removed.

Subd. 4 Cost of Improvement. All required improvements shall be made by the applicant at his or her expense without reimbursement by the local government or any improvement district therein. Costs shall include but not be limited to: the cost of construction and materials, engineering, City engineering review and inspection, and other applicable costs as determined by the City. All costs shall be paid prior to final plat approval.

Subd. 5 Failure to Complete Improvement. For subdivisions for which no payment and performance bond or no irrevocable letter of credit has been posted, if the improvements are not completed within the period specified by the City Council in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a payment and performance bond or an irrevocable letter of credit has been posted and required improvements have not been installed within the terms, such payment and performance bond or letter of credit is declared to be in default.

Subd. 6 Acceptance of Dedication Offers. Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the City Council. The approval of the City Council of a subdivision plat shall not be deemed to constitute or imply the acceptance by the local government of any street, easement, or park shown on a the plat. The City Council may require the plat to be endorsed with appropriate notes to this effect.

Subd. 7 Inspection of Improvements. The City Council shall instruct the City Engineer to inspect required improvements during construction and insure their satisfactory completion.

If the City Engineer finds, upon inspection, that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a payment and performance bond or by an irrevocable letter of credit, the applicant and the bonding company or the bank shall be severally and jointly liable for completing the improvements according to specifications.

Subd. 8 Release or Reduction of Payment and Performance Bond or Letter of Credit.

A. Certificate of Satisfactory Completion. The City Council shall not accept dedication of required improvements, nor release nor reduce a payment and performance bond or an irrevocable letter of credit until the City Engineer has submitted a certificate stating that all required improvements have been satisfactory completed, and until the applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" construction plans of the subdivision, indicating location, dimensions, materials, and other information required by the City Council or City Engineer, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established procedure.

B. Reduction of Payment and Performance Bond or Irrevocable Letter of Credit. A payment and performance or irrevocable letter of credit bond shall be reduced upon actual dedication of public improvements, and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a payment and performance bond or letter of credit be reduced below twenty-five (25%) of the principal amount.

(Ord. 2011-1a, passed 4-26-11)

1260.05 Plan Approval and Construction Observation. Final Construction Plans must be approved by the City Engineer before any construction can begin. The developer will be billed by the city monthly for all plan review and full time construction observation of the project. The city may require a deposit or escrow account be setup for these services.

(Ord. 2011-1a, passed 4-26-11)

Section 1270 – Fees

1270.01 Filing Fee. A filing fee payable to the City shall accompany the application for final review by the governing body of each subdivision.

(Ord. 2011-1a, passed 4-26-11)

1270.02 Amount. The filing fees shall be as set in the fee schedule adopted from time to time by the Council.

(Ord. 2011-1a, passed 4-26-11)

