

CHAPTER 160: ZONING AND SUBDIVISION ORDINANCE

Chapter 160: Zoning and Subdivision Ordinance

Section A: Introduction

Section B: Title and Application

Subd. 1: Title

Subd. 2: Intent and Purpose

Subd. 3: Scope and Authority

Subd. 4: Comprehensive Plan

Subd. 5: Interpretation

Subd. 6: Authority

Subd. 7: Separability

Section C: Definitions

Chapter 160A: Zoning Ordinance

To Be Completed

Chapter 160B: Subdivision Ordinance

Section A: General Provisions

Subd. 1: Purpose

Subd. 2: Application and Jurisdiction

Subd. 3: Authority

Subd. 4: Building Permits

Subd. 5: Variances

Subd. 6: Premature Subdivisions

Section B: Procedures

Subd. 1: General

Subd. 2: Minor Subdivisions

Subd. 3: Sketch Plan Review

Subd. 4: Preliminary Plat

Subd. 5: Final Plat

Section C: Preliminary and Final Plat Submittal Requirements

Subd. 1: Preliminary Plat

Subd. 2: Final Plat

Section D: Subdivision Design Standards

Subd. 1: General

Subd. 2: Block and Lot Standards

Subd. 3: Streets

Subd. 4: Street Lights, Mail Boxes and Public Street Signs.

Subd. 5: Trails and Sidewalks

Subd. 6: Sanitary Sewer and Water Utilities

Subd. 7: Drainage and Water Quality

Subd. 8: Erosion and Sediment Control

Subd. 9: Tree Preservation and Landscaping Requirements

Section E: Park Dedication

Subd. 1: Purpose and Application

Subd. 2: Dedication Requirements

Subd. 3: Payment

Section F: Installation and Construction of Basic Improvements

Subd. 1: Development Agreement Required

Subd. 2: Payment for Required Improvements

Subd. 3: Required Basic Improvements

Subd. 4: Construction Plans and Inspection

Subd. 5: Completion of Required Improvements

Section G: Development Agreement

Subd. 1: Development Agreement Required

Subd. 2: Development Agreement Provisions

Section H: Administration and Enforcement

Subd. 1: Unapproved Subdivisions

Subd. 2: Vacation of Public Right of Way and Easements

Subd. 3: Violations and Penalties

SECTION A. Introduction

A chapter of the Hamburg Code of Ordinances establishing regulations for the use of land (zoning), a zoning map and the subdivision and resubdivision of land within the City of Hamburg.

SECTION B. Title and Application

Subdivision 1. Title

This Chapter shall be known as the "Hamburg Zoning and Subdivision Ordinance" except as referred to herein, where it shall be known as "this Ordinance".

Subdivision 2. Intent and Purpose

This Ordinance is enacted for the following purposes:

1. to protect and promote the health, safety, morals and general welfare by lessening congestion in the public rights-of-way;
2. securing safety from fire, panic and other dangers;
3. providing adequate light and air;
4. facilitating the adequate provision of water, sewerage and other public services and facilities;
5. conserving the values of property and encouraging the most appropriate use of land;
6. promoting well-managed and staged development of residential, commercial, industrial recreational and public areas; and
7. conserving and managing the use of natural resources.

Subdivision 3. Scope and Authority

- A. From and after the effective date of this Ordinance, the subdivision and use of all land and every building and the erection or structural alteration of any building or portion of a building in the City shall be in conformity with the provisions of this Ordinance.
- B. Any building, structure or use lawfully existing on June 23, 1975, which is not in conformity with Chapter 160A – Zoning Ordinance shall be regarded as nonconforming, but may be continued except as, and subject to, the requirements contained in Chapter 160A. This Ordinance shall not repeal, annul, or in any way impair or interfere with the provisions of other ordinances or regulations of the City except as expressly provided herein.

Subdivision 4. Comprehensive Plan

The City recognizes that the adopted *Comprehensive Plan* sets forth the policies for the establishment and provisions of this Ordinance. All land uses and development shall comply with the *Comprehensive Plan* and the provisions of this Chapter.

Subdivision 5. Interpretation

- A. The provisions of this Ordinance shall be interpreted as the minimum requirements necessary to accomplish the purposes of this Ordinance. Except as herein provided, the provisions of this Ordinance are cumulative and in addition to the provisions of other laws and ordinances governing the same subjects.
1. Where the provisions of this Ordinance impose greater restrictions than those of any law, other ordinance or regulation, the provisions of this Ordinance shall be controlling.
 2. Where the provisions of any law, or other ordinance or regulation impose greater restrictions than this ordinance, such greater restrictions shall be controlling.
- B. In their interpretation and application, the provisions of this Ordinance shall be the minimum requirements for the promotion of the public health, safety and welfare.

Subdivision 6. Authority

This Ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Sections 462.352 to 462.365. The provisions of this Ordinance shall be interpreted and applied in accordance as permitted by Minnesota.

Subdivision 7. Separability

The City declares that the provisions of this Ordinance are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

SECTION C. Definitions

- (1.) **Alley** - A public right of way that affords a secondary-means of access to abutting property.
- (2.) **Applicant** – An owner, agent or person, individual firm, association, syndicate, copartnership, corporation, trust or other legal entity having sufficient proprietary interest to subdivide the land under this section.
- (3.) **Block** - An area of land within a subdivision that is entirely bounded by public right of way, or by public right of way and the exterior boundary or boundaries of the subdivision, a public park, or a combination of the above with a river, stream or lake.
- (4.) **Boulevard** - The portion of the public right-of-way between the curb line of the street and the property line.
- (5.) **Building** – A structure having a roof supported by columns or walls and intended for

the shelter, housing, or enclosure of persons, animals or personal property.

- (6.) **Building Setback Line** - A line parallel to a lot line or the ordinary high water mark indicating the maximum extent where a building may be erected or placed.
- (7.) **Certificate of Survey** – A document prepared by a registered engineer or registered land surveyor, which precisely describes area, dimensions and locations of a parcel or parcels of land.
- (8.) **City Council** - The governing body of the City of Hamburg.
- (9.) **Comprehensive Plan** – The document entitled *The City of Hamburg 1999 Addendum and Guide to the Comprehensive Development Plan*, as may be amended from time to time.
- (10.) **County** – the governing board of Carver County, Minnesota
- (11.) **County Comprehensive Plan** – the 2000 Carver County *Comprehensive Plan*, as may be amended from time to time.
- (12.) **Easement** – A grant or authorization by a property owner to use certain property for a specified use, such as the construction and maintenance of utilities, roadways, parks and pedestrian trails, drainage, driveway, or other uses.
- (13.) **Cul-de-sac** – A road with only one outlet that contains an area at the end to allow vehicles to turn around.
- (14.) **Design Standards** – Minimum requirements for the preparation and layout of plats and associated required improvements.
- (15.) **Financial Guarantee** – A financial security posted with the City with the approval of a final plat or development contract, guaranteeing compliance with the approved final plat, construction plans, and conditions of approval set forth by the City.
- (16.) **Land Disturbing Activity** - Land disturbance activity is any land change that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters, lands, or rights-of-way within the City of Hamburg, including but not limited to building demolition, clearing and grubbing, grading, excavating, transporting and filling of land. Land disturbance activity does not include the following:
 - (a.) Minor land disturbance activities including, but not limited to, underground utility repairs, home gardens, minor repairs, and maintenance work which do not disturb more than five hundred (500) square feet of land.
 - (b.) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
 - (c.) Emergency work to protect life, limb, or property and emergency repairs. If the land disturbing activity would have required an approved Erosion and Sediment Control Plan except for the emergency, then the land area disturbed shall be shaped and stabilized.
- (17.) **Lot** – A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means, and separated from other parcels by its description. The terms “parcel” and “tract” have the same meaning as lot.

- (18.) **Lot Area** – The total area within the lot lines of a lot.
- (19.) **Lot, Corner** – A lot abutting upon two intersecting streets. The greater frontage of a corner lot shall be the lot depth and the lesser frontage is the lot width.
- (20.) **Lot Depth** – The mean horizontal distance between the front lot line and rear lot line.
- (21.) **Lot, Double Frontage** – A lot having frontage on two non-intersecting streets.
- (22.) **Lot Frontage** – The portion or side of a lot that abuts public right of way.
- (23.) **Lot, Line** – A property boundary line of any lot, except any portion of the lot that extends into the abutting street or alley.
- (24.) **Lot Line, Front** – A lot line abutting a public right of way.
- (25.) **Lot Line, Rear** – The lot line opposite and most distant from the front lot line.
- (26.) **Lot Line, Side** – Any lot line other than a front or rear lot line.
- (27.) **Lot of Record** - A parcel of land whose legal description was established in the Carver County property records by plat, subdivision, or as otherwise permitted by law prior to June 23, 1975 and which contains identical lot lines as were present on June 23, 1975.
- (28.) **Lot Width** – The shortest distance between the side lot lines measured at the midpoint of the building line.
- (29.) **Manual of Standard Procedures** – A procedural manual governing the requirements and procedures for plats and registered land surveys as approved by the Carver County Board as may be amended from time to time.
- (30.) **Metes and Bounds** – A method of property description prepared by a land surveyor registered in the State of Minnesota described by the direction and distance from an identifiable point of beginning.
- (31.) **Mn/DOT** – Minnesota Department of Transportation
- (32.) **Ordinary High Water Level** – The boundary of public waters and wetlands, which shall be and elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
- (33.) **Outlot** – A parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example - Outlot A.). Outlots are used to designate 1) land that is part of the subdivision but is to be subdivided into lots and blocks at a later date; 2) land that is to be used for a specific purpose as designated in a developer's agreement, 3) for use by agreement between the City and the applicant; or 4) for a public purpose.
- (34.) **Pedestrian/Bicycle Trail** – A public or private sidewalk or path and associated right of way across a lot or lots to provide access for pedestrians, and non-motorized vehicles and which may be used for the installation of utilities.
- (35.) **Percentage of Grade** – The distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance on street centerline.

- (36.) **Person** – A firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- (37.) **Planned Unit Development** – An integrated development involving two or more principal uses or structures, including but not specifically limited to single family residential uses, multiple family residential uses, or business uses, or any combination thereof, and similar such uses or combinations.
- (38.) **Planning Commission** – The City of Hamburg Planning Commission
- (39.) **Plat** – The drawing or map of a subdivision prepared for filing of record in accordance with Minnesota Statute Chapter 505 and containing all elements and requirements in this section pursuant to Minnesota Statute Chapters 462.358 and 505.
- (40.) **Plat, Final** – A drawing or map of a subdivision presented to the City Council for approval that meets the requirements of this Chapter and that is to be recorded with the Carver County Recorder/Registrar of Titles and meeting Minnesota State Statutes regarding the final platting of land.
- (41.) **Plat, Preliminary** – A drawing or map of a proposed subdivision meeting the requirements of this Chapter.
- (42.) **Protective Covenants** – A restriction of the use placed upon the property by a present or former owner and recorded with the Carver County Recorder/Registrar of Titles.
- (43.) **Public Improvement** – Any sewer, water or drainage facility, street, park, or other facility for which the City or any other government may ultimately assume the responsibility for maintenance and operation.
- (44.) **Registered Land Survey (RLS)** – A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of Registered Land Survey Number.
- (45.) **Resubdivision** - A change in an approved or recorded subdivision plat if the change affects any street layout, area reserved for public use, or any lot line on the plat; or if it affects any map, or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
- (46.) **Right of Way** – A strip of land to be used and maintained for a road, street, railroad, pedestrian/bicycle trails, utilities and other uses as authorized by State law. Right of way intended for streets, water main, sanitary sewers, storm drains, pedestrian/bicycle trails or any other use involving maintenance by a public agency shall be dedicated to public use by the recording of the plat on which the right of way is established.
- (47.) **Road** – An improved corridor and associated drainage ways affording primary access to abutting properties for vehicles and pedestrians, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, place or however otherwise designated.
- (48.) **Road, Collector** – Roads that provide connections between cities and minor business concentrations within the County, as designated in the City *Comprehensive Plan* and the County *Transportation Plan*, as may be amended. Mobility and land access are equally important.

- (49.) **Road, Local** – City and township roads that serve the shortest trips and providing access to adjacent property, as designated in the City *Comprehensive Plan* and the County *Transportation Plan*, as may be amended.
- (50.) **Road, Minor Arterial** – Roadways that serve medium to short trips as designated in the City’s *Comprehensive Plan* and the County *Transportation Plan*, as may be amended. Sub-categories include A-minor and B-minor arterials and these roadways are regulated with access restrictions to improve traffic safety.
- (51.) **Road Right of Way Width** - The horizontal distance between the outside edges of a road right of way.
- (52.) **Setback** – The minimum horizontal distance between a structure, improvement, or other facility and a property line, right of way, ordinary high water level, roadway or other facility.
- (53.) **Sketch Plan Review** – An informal, nonbinding review of a conceptual subdivision and development of property.
- (54.) **Subdivision** – The division of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new public road is involved, any division of a parcel of land except those separations:
 - (a.) Where all the resulting lots or interests will be 20 acres or larger in size and 500 feet in width for residential or agricultural uses and 5 acres or larger in size for commercial and industrial uses;
 - (b.) Creating cemetery lots;
 - (c.) Resulting from court orders or the adjustment of a lot line by the relocation of a common boundary.
- (55.) **Water Management Plan** – The Carver County *Water Management Plan*, as may be amended.
- (56.) **Wetland Conservation Act** - An Act adopted by the State of Minnesota classifying, governing and defining Wetlands incorporated as a reference herein and as amended from time to time by the State of Minnesota.
- (57.) **Zoning Administrator** – The Hamburg City Clerk or authorized representative.
- (58.) **Zoning Ordinance** –Chapter 5A of the City of Hamburg Code of Ordinances, as may be amended from time to time.

CHAPTER 160A - ZONING REGULATIONS

To Be Completed

CHAPTER 160B: SUBDIVISION ORDINANCE

SECTION A. General Provisions

Subdivision 1. Purpose

These regulations are established to protect and provide for the public health, safety, and general welfare of the City and to:

- A. Provide for and guide the orderly, economic and safe development and redevelopment of land, and the provision of public services;
- B. Avoid piecemeal and inefficient planning of subdivisions that results in poor traffic circulation, inadequate public services, poorly designed park and trail systems, and undesirable parcels;
- C. Establish reasonable standards of design and procedures for subdivisions and resubdivisions, to provide for the orderly layout and use of land according to the requirements of this Ordinance and consistent with the City of Hamburg Comprehensive Plan;
- D. Assure that a reasonable portion of subdivisions are dedicated to the public or preserved for public and semi-public uses such as streets, sanitary sewer facilities, public water facilities, storm water drainage and associated facilities, parks and open space, electricity, gas and other similar utilities and improvements;
- E. Provide for the rights of the public to access public lands and waters;
- F. Establish requirements for public improvements to assure that the improvements are constructed to reasonable and safe standards;
- G. Protect and enhance the value of land, buildings and improvements throughout the City; and
- H. Prevent the pollution of air, streams, and lakes; ensure the adequacy of drainage facilities; protect water resources and encourage the wise use and management of natural resources in order to preserve the integrity, stability, and beauty of the City.

Subdivision 2. Application and Jurisdiction

- A. These regulations shall apply to all subdivisions of land within the City, including registered land surveys.
- B. All subdivisions of land within the City shall meet or exceed the requirements of this section unless the City Council has granted a variance from the provisions of this section.
- C. The City Council may impose additional, reasonable standards that are related to the subdivision to protect the public's health, safety and general welfare.

Subdivision 3. Authority

- A. The City Council shall serve as the platting authority in accordance with Minnesota State Statutes 462.358 and 505, as may be amended.
- B. No subdivision of land shall be accepted for filing by the Carver County Property Records Division unless the subdivision is accompanied by a resolution approving the subdivision

adopted by the affirmative vote of the majority of the City Council. The subdivision shall not be valid until it has been filed with the Carver County Property Records Division.

Subdivision 4. Building Permits

No building permits shall be issued by the City for the construction of any building, structure or improvement within any plat until all requirements of this Chapter have been complied with.

Subdivision 5. Variances

- A. A subdivision shall not be approved where a variance will be required to use the lots for their intended use.
- B. The Planning Commission may recommend and the City Council may approve variances from this Chapter, provided the variances are not inconsistent with the intent and purpose of this Ordinance and the Comprehensive Plan. A variance may only be granted when the City Council finds that all of the following factors pertain to the property for which the variance is requested:
 - 1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.
 - 2. The conditions upon which the request for variance is based are unique to the property for which the variance is requested and are not generally applicable to other property.
 - 3. An unusual hardship on the property exists because of the property's particular physical surroundings, shape, or topographical conditions that warrant varying the requirements of this Chapter.
 - 4. That the conditions or circumstances that cause the unusual hardship do not result from actions of the property owner or the applicant.
- C. In granting the variance, the Planning Commission may recommend and the City Council may impose conditions that it finds necessary or desirable to affect the purposes of this Chapter and to protect the public interest.
- D. A variance from this Chapter shall be requested by the applicant of the subdivision at the same time the preliminary plat application is submitted to the City.
- E. The variance, if granted by the City Council, shall expire one (1) year from the date of preliminary plat approval if the final plat has not been filed with the County unless a request for a time extension is submitted by the applicant and approved by the City Council prior to the date the preliminary plat is to become void.

Subdivision 6. Premature Subdivisions

- A. The City Council shall deny any preliminary plat of a proposed subdivision that is premature for development according to the certain conditions.
- B. A subdivision may be deemed premature should any of the conditions exist:
 - 1. Inadequate drainage. A condition of inadequate drainage shall exist if:
 - a. Surface or subsurface water retention and runoff is such that it constitutes a hazard on or off the subdivision property resulting in flooding, loss of life, property

- damages, or other losses.
- b. Drainage from or caused by the subdivision will contribute pollution to water bodies or damage other natural resources.
 - c. The proposed site grading and development will cause damage from erosion, sedimentation, or slope instability off the subdivision property.
 - d. The proposed subdivision fails to comply with the City storm water management requirements and the County *Water Management Plan*.
 - e. Factors to be considered in making these determinations may include but are not limited to:
 - 1.) average rainfall for the area,
 - 2.) area drainage patterns,
 - 3.) the relationship of the land to floodplains,
 - 4.) the nature of soils and sub-soils and their ability to adequately support surface water runoff and waste disposal systems,
 - 5.) the slope and stability of the land, and
 - 6.) the presence of woodlands, wetlands, hydric soils, water bodies, and/or other natural resources.
2. Lack of adequate potable water supply. A proposed subdivision shall lack an adequate potable water supply if the proposed subdivision cannot be connected to the municipal water system due to such factors such as distance, elevation, adequate supply to meet domestic and fire fighting needs and other such factors as determined by the City Council.
 3. Lack of adequate roads to serve the subdivision. A proposed subdivision shall be deemed to lack adequate roads to serve the subdivision when:
 - a. County or local roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and paved surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition, and when the roads are inadequate for the intended use.
 - b. The traffic generated by the proposed subdivision would create or contribute to unsafe conditions on the adjacent or nearby roadways due to the inadequate roadway capacity of the adjacent or nearby roadways existing at the time of the application or proposed for completion within the next two (2) years.
 4. Lack of adequate sewer disposal systems. A proposed subdivision shall be deemed to lack adequate sewer disposal systems if:
 - a. There is inadequate capacity in the present municipal sewer system to accommodate the subdivision when fully developed, or
 - b. The subdivision is located outside of the current or future utility service area, or
 - c. Conditions exist causing the lots within the subdivision to be unable to meet the requirements of this Chapter and the Minnesota Pollution Control Agency.
 5. Public service capacity. The City, County or School District lacks necessary public

service capacity when services such as recreational facilities, schools, police and fire protection and other public facilities, which must be provided at public expense, cannot reasonably be provided for within the next five (5) years.

6. Inconsistency with capital improvement policies. A proposed subdivision shall be deemed inconsistent with capital improvement policies when the City or County has not programmed improvements and/or services necessary to accommodate the proposed subdivision. This provision may be waived when it can be demonstrated that a revision to capital improvement policies can be accommodated.
- C. Burden of Evidence. The burden shall be upon the applicant or owner to show evidence that the proposed subdivision is not premature.

SECTION B. Procedures

Subdivision 1. General

- A. All subdivisions shall be platted or described by Registered Land Survey in accordance with Minnesota Statute 505. No subdivision shall be allowed if the conveyance is described by metes and bounds.
- B. Registered Land Surveys.
 1. All registered land surveys shall be filed with the County and the City Clerk according to the procedure required for the filing of a preliminary plat.
 2. The standards and requirements of this Section shall apply to all registered land surveys.
 3. Unless approved by the City Council, a registered land survey shall not be used to divide a parcel of land into lots for the purpose of transfer of ownership or building development, if any of the tracts do not have the required frontage on a dedicated public street.
- C. Preliminary Plat Public Hearing Required. The City shall not approve any preliminary plat unless a public hearing is held in accordance with Minnesota Statutes 462.358.
- D. Subdivision Review Fees. The applicant shall pay all reasonable fees and other extraordinary costs incurred by the City for the review of the subdivision. The City Clerk shall deposit all fees and payments in the City account. These fees shall include:
 1. An application fee established by resolution of the City Council to recover costs associated with the administration and review of the subdivision.
 2. Costs incurred by the City for the subdivision review by City consultants, as required, such as the City engineer, City planner and City attorney. The applicant shall deposit fees in an escrow account or other form of financial security, approved by the City attorney, at the time of submission of the subdivision application to the City in an amount established by resolution of the City Council.
- E. Public Improvements. No improvements shall be installed unless the preliminary plat is approved by the City Council, and no public funds shall be expended for road and utility maintenance services until the City Council has approved the final plat.

Subdivision 2. Minor Subdivisions.

A. Applicability. The provisions of this subdivision shall only apply to Minor Subdivisions that are defined as:

1. Moving a lot line between no more than two (2) existing lots.
2. Platting of County or city road rights-of-way.
3. A division of a lot along a party wall(s) of a multi-family building provided that the multi-family building is existing; the lot line(s) is along an existing, common wall; and verification that the building will meet building code requirements with the new lot line.
4. The creation of no more than three (3) lots provided that no new public road is created or required by the City and that all lots have the minimum required frontage on a public road.
5. Subdivisions creating separate lots to be combined with adjacent parcels provided that the newly created lots or parcels, when combined, meet all dimensional and area requirements this Chapter and Chapter 5A - Zoning Ordinance,

B. Application. The applicant shall submit the following:

1. A complete application for a Minor Subdivision on a form provided by the City.
2. Copies (of a number determined by the City) of a certificate of survey prepared by a registered land surveyor that includes:
 - a. Legal descriptions for the parcels to be created,
 - b. The existing and proposed lot lines and dimensions,
 - c. Lot acreage,
 - d. Existing and proposed structures and utilities,
 - e. Existing and proposed easements, and
 - f. A wetland delineation, as required by the Wetland Conservation Act.
3. Title evidence for the property in a form acceptable to the City Attorney.
4. Fee established by resolution of the City Council, to be used for City expenses related to the review, inspection, approval or disapproval of the Minor Subdivision.

C. Procedure.

1. The Zoning Administrator shall schedule the review of the Minor Subdivision at a Planning Commission meeting after submission of a complete application by the applicant.
2. The Zoning Administrator may provide a courtesy notice to property owners abutting the proposed Minor Subdivision property prior to action by the Planning Commission.
3. The Planning Commission shall determine if the Minor Subdivision complies with this Chapter and the Comprehensive Plan, and shall recommend that the City Council approve, approve with modifications, or disapprove the application. The Planning Commission shall state reasons for their recommendation regarding the Minor Subdivision to the City Council.

4. The City Council shall act to approve, approve with modifications, or deny the Minor Subdivision application within one hundred and twenty (120) days of submittal of a complete application, unless the applicant agrees to a delay in writing.
 5. The City Council shall approve, approve with modifications, or disapprove the application and shall include findings of fact as part of the official record of the City Council decision.
- D. Design Standards. The minor subdivision shall comply with all design standards as required in Section D of this Chapter.
- E. Recording.
1. The applicant shall submit easements, agreements and other documents pertaining to essential services and access provided to the property and their maintenance to the City attorney for review and approval as to form before the subdivision is filed with the County.
 2. The applicant shall furnish evidence that the subdivision documents, including any agreements or easements, have been filed with the County within six (6) months of the City Council approval or before a building permit is requested, whichever occurs first.

Subdivision 3. Sketch Plan Review

- A. Prior to the filing of the preliminary plat, the applicant shall submit a sketch plan depicting the proposed subdivision and property development to serve as the basis for informal discussion and review with the Planning Commission and Zoning Administrator. This requirement may be waived by the City if the same development of the property has been previously reviewed by the Planning Commission.
- B. The applicant shall submit ten (10) copies of the required information for Sketch Plan Review to the Zoning Administrator a minimum of ten (10) business days prior to the next regularly scheduled Planning Commission meeting.
- C. The following information is required for Sketch Plan Review:
 1. The proposed lot layouts and size, intended land use, general street layout, and generalized natural features.
 2. Any required zoning amendments and/or amendments to the Comprehensive Plan.
 3. A narrative explaining the applicant's interest in the property, timing and staging of the development.
- D. The Planning Commission will informally advise the applicant of the extent to which the proposed subdivision conforms to the requirements of City Ordinances and the Comprehensive Plan, and will discuss possible plan modifications as necessary to ensure conformance with this Chapter and any other City requirements.
- E. Any comments and recommendations by the Planning Commission are advisory and shall not constitute approval or a commitment to approve a request for any preliminary plat approval for the property.

Subdivision 4. Preliminary Plat

- A. Following Sketch Plan Review, the applicant shall submit the following to the Zoning Administrator:
1. A completed application on a form provided by the City and documents demonstrating the applicant has sufficient interest in the property to apply for a subdivision.
 2. Ten (10) copies of the preliminary plan including an 8 ½” x 11” reproducible copy and supporting documentation of the proposed subdivision containing information required in Section C of this Chapter.
 3. Fee established by resolution of the City Council, to be used for City expenses related to the review, inspection, approval or disapproval of the preliminary plat, including the calculation of existing or planned special assessments.
 4. A County certified list of the names and addresses of owners of properties within a three hundred and fifty (350) foot radius of the property to be subdivided.
- B. The Zoning Administrator shall determine if the application is complete and notify the applicant if the application and/or supporting documentation is found incomplete and shall identify the items required to complete the submittal.
- C. The Zoning Administrator may distribute copies of the complete application and preliminary plat to the following persons and agencies for review and comment prior to consideration by the Planning Commission and City Council:
1. Other staff, as may be appropriate, including any other City consultants.
 2. The Carver County Engineer, if abutting a county road, or access is requested from a county road,
 3. the Carver County Planning and Zoning Department for review of applicability of watershed management rules, and
 4. Any other state or county agency as required or deemed appropriate by the Zoning Administrator.
- D. Planning Commission Public Hearing.
1. The Zoning Administrator shall set a date for a public hearing within 30 days of receipt of a complete application.
 2. A notice of the public hearing shall be published by the Zoning Administrator in the City’s official newspaper and mailed to property owners within three hundred and fifty (350) feet of the property to be subdivided a minimum of ten (10) days prior to the hearing. The public hearing notice shall state:
 - a. the date, time, and location of the hearing before the Planning Commission;
 - b. a description of the request to be heard; and
 - c. the address or location of the property to be subdivided.
 3. The Zoning Administrator shall submit any comments from City staff, consultants or any agency pertaining to the preliminary plat, and the preliminary plat to the Planning Commission for review.

E. Planning Commission hearing and action.

1. The Planning Commission may request the applicant to submit additional information, relevant to the subdivision, to properly consider the plat before or after the public hearing.
2. The Planning Commission shall determine whether the preliminary plat conforms to this Chapter, the Comprehensive Plan and any other City regulations.
3. The Planning Commission shall recommend that the City Council approve, approve with modifications or deny the preliminary plat. If the Planning Commission recommends that the City Council deny the preliminary plat, the Zoning Administrator shall notify the applicant of the reason(s) for denial.
4. The Zoning Administrator shall forward the Planning Commissions recommendation and/or proceedings to City Council for consideration.

F. City Council consideration and action.

1. The City Council shall consider any comments submitted by the staff, agencies and the public; and the recommendation and/or proceedings of the Planning Commission.
2. The City Council shall act on the preliminary plat within one hundred and twenty (120) days of submittal of a complete application to the City, unless the applicant agrees to a delay in writing.
3. The City Council shall approve, approve with modifications or deny the preliminary plat, and shall include findings of fact as part of the official record of the City Council decision.
4. If the City Council approves the preliminary plat, the applicant may complete a final plat in accordance with the requirements of this Section.
5. The preliminary plat shall be void if the final plat has not been approved by the City Council within one (1) year from the date of preliminary plat approval, unless a request for a time extension is submitted by the applicant and approved by the City Council prior to the date the preliminary plat is to become void.

Subdivision 5. Final Plat

A. Review Requirements.

1. The final plat shall be in substantial compliance with the preliminary plat and shall incorporate all of the conditions of the City Council approval of the preliminary plat.
2. If the final plat is for a portion of the preliminary plat, the applicant must submit the remainder of the preliminary plat as a final plat within three (3) years from the date of preliminary plat approval or that portion of the preliminary plat shall become void unless a request by the applicant for a time extension is approved by the City Council.

B. Application Requirements: The applicant shall submit the following to the Zoning Administrator:

1. A completed application on a form provided by the City and the following:
 - a. Ten (10) copies of the final plat including an 8 ½” x 11” reproducible copy of the

final plat and information required in Section C of this Chapter.

- b. An up-to-date certified abstract of title or registered property report, and such other evidence, as the City Attorney or Zoning Administrator may require showing sufficient title or control in the applicant.
 - c. Fee established by resolution of the City Council to be used for City expenses related to the review, inspection, approval or disapproval of the final plat.
2. The Zoning Administrator shall determine if the information is complete and notify the applicant if the application and/or final plat information is found incomplete and shall identify the items required to complete the submittal.
 3. The Zoning Administrator shall distribute copies of the complete application and final plat to any other City staff, City consultants, or any other person or agency deemed appropriate by the Zoning Administrator.

C. Planning Commission Review.

1. The Zoning Administrator shall submit the final plat and any comments from City staff, City consultants and any agency or person to the Planning Commission.
2. The Planning Commission shall review the final plat and all supporting documentation to determine compliance with the preliminary plat approval and provide a recommendation to the City Council.
3. The Planning Commission recommendation and/or proceedings shall be forwarded to City Council for consideration.

D. City Council Consideration and Action.

1. The City Council shall act on the final plat within sixty (60) days of the date the Zoning Administrator has determined the application, final plat and supporting documentation is complete and meets the requirements of this Section, unless the applicant agrees to a delay in writing.
2. The City Council shall consider conformance of the final plat to the preliminary plat approval, the comments of the staff and recommendations and/or proceedings of the Planning Commission, and state statute requirements.
3. The City Council shall approve or deny the final plat and include findings of fact supporting the motion that shall be entered into the proceedings of the City Council and transmitted to the applicant in writing.
4. Upon approval by the City Council, the applicant shall submit a reproducible mylar print or other permanent prints suitable for recording and meeting the requirements of state statute and Carver County for signatures by the City.

E. Recording of Final Plat

1. The applicant shall record the final plat with the Carver County Recorder/Registrar of Titles within one (1) year of the City Council approval of the final plat. No changes, modifications or revisions shall be made to the final plat after the plat has been approved by the City Council.
2. Immediately upon recording, the applicant shall furnish the City with one (1) print of the

final plat showing evidence of the recording and an electronic copy of the final plat.

3. The City will not issue any permits for the property unless the applicant:
 - a. has furnished evidence that the plat has been filed with the County,
 - b. submitted an electronic copy of the final plat to the City in a format acceptable to the City, and
 - c. paid all required fees associated with the review of the preliminary and final plat to the City.

SECTION C. Preliminary and Final Plat Submittal Requirements

Subdivision 1. Preliminary Plat

The preliminary plat shall contain or be accompanied with the following information:

A. Identification and Description.

1. The proposed name of the subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any other plat recorded in the County,
2. Correct legal description of the existing property (ies),
3. A north arrow and a graphic scale that is not less than 1" to 100',
4. Vicinity map of area showing geographical points for orientation within a three hundred and fifty (350) foot radius of the preliminary plat,
5. Names and addresses of the property owner(s), the applicant, the surveyor of the plat, and applicant's engineer, as appropriate, and
6. Date of preliminary plat preparation.

B. Existing Features and Conditions.

1. A certificate of survey of the property (ies) that comprise the preliminary plat including all contiguous land owned or controlled by the owner(s) of the property (ies) to be subdivided.
2. The total acreage of the property to be subdivided.
3. The existing zoning classification and land use for the property(ies) to be subdivided and properties within 100' of the subdivision including floodplain, wetlands and shoreland areas.
4. The following existing improvements and encumbrances within the property to be subdivided and to a distance of one hundred (100) feet beyond the property boundaries:
 - a. Public and private properties, structures, easements or other encumbrances and their purpose, and public boundaries
 - b. Location, right of way, width and names of existing or platted streets or other public roadways;
 - c. The location and width of private driveways, roads and accesses;
 - d. The location, size and capacity of existing and abandoned drainage and storm water

- facilities;
 - e. The location, size and invert elevations of any utilities and associated structures including private wells; and
 - f. Other essential services and telecommunication facilities including poles and corridors; and
5. The following topographic data and natural features within the property to be subdivided and to a distance of one hundred (100) feet beyond the property boundaries:
 - a. Topography showing contour intervals of no more than two (2) feet,
 - b. Water courses, drainageways, lakes and wetlands. Wetlands within the property to be subdivided shall be delineated in accordance with the Wetland Conservation Act, and
 - c. The ordinary high water level, the Flood Insurance Rate Map (FIRM) zone line and one hundred (100) year flood elevations,
 6. Other information as required by the Zoning Administrator.
- C. Proposed Features and Conditions
1. Proposed lot and block layout, lot lines and dimensions including acreage, and lot and block numbers of all new lots.
 2. Proposed uses of all lots within the subdivision including public areas, drainage areas and common open space.
 3. The minimum required setbacks, including those required by public agencies from any public facilities, water resources, or adjacent land uses.
 4. The location and general design of individual access from lots within the subdivision to public roads.
 5. Location, right of way, width, drainage facilities and profiles of all proposed roads and pedestrian/bicycle trails and a narrative describing planned short and long-term road maintenance responsibility.
 6. Location, right of way and width of any road extensions to adjacent property (ies), as required by the Zoning Administrator.
 7. Location, dimensions and purpose of all proposed easements.
 8. Stormwater pollution prevention plan that meets the requirements of the City Stormwater Management Plan and the County Water Management Plan including:
 - a. Grading plans showing how the subdivision will be graded and the final contours of the property (ies),
 - b. Drainage facilities and any required design computations,
 - c. Erosion control measures to prevent erosion and sedimentation both during and after development,
 - d. Construction schedule,
 - e. Location of rock construction entrance, and
 - f. Plan for maintenance and inspections.

9. Location and preliminary design including profiles of public sanitary sewer and public water.
 10. Tree preservation and landscape plan.
 11. If the entire property(ies) will not be subdivided, a sketch showing how the remaining property(ies) can be subdivided in compliance with the Comprehensive Plan and this Ordinance, and how access will be provided.
 12. Any proposed protective covenants, restrictions or homeowner association documents.
- D. The Zoning Administrator or the Planning Commission may require the submission of a sketch plan demonstrating how the proposed subdivision will relate to the layout, land use and access of the existing and potential subdivisions of adjacent properties.
- E. Other information as required by the Zoning Administrator or Planning Commission.

Subdivision 2. Final Plat

- A. The form and content of the final plat shall conform to the *County Manual of Standard Procedures* and Minnesota State Statute 505, as may be amended from time to time, and shall include:
1. The name of the subdivision that shall not duplicate or be similar to any existing subdivision names in the County.
 2. The boundary line of the property included with the plat, fully dimensioned, including:
 - a. All angles of the boundary excepting the closing angle,
 - b. All monuments and survey's irons, and
 - c. Each angle point of the boundary perimeter to be monumented.
 3. All lot, block and outlot dimensions, including all necessary angles and other information to reproduce the plat on the ground.
 4. Lots and blocks clearly numbered and labeled in numerical order.
 5. Streets and roadways named, as approved by the City and County, with all dimensions including horizontal curve data and the lengths of all areas.
 6. The location, dimensions and purpose of any area to be dedicated or reserved for public use, or for the exclusive use of property owners within the subdivision.
 7. The location, dimensions and purpose of all easements to be dedicated.
 8. Certification by a registered land surveyor as required by Minnesota Statutes 505.03, as may be amended.
 9. Space for:
 - a. Signatures of all owners of any interest in the land and mortgage holders in a form required by the County,
 - b. Certification of approval and signature of the Mayor and space for attestation of the signatures by the City Clerk, and
 - c. Certificates of approval and review as required by the County.

- B. The final plat shall be accompanied with a copy of all private restrictions or covenants, and homeowner association documents for the subdivision in a form approved by the City Attorney.

SECTION D. Subdivision Design Standards

Subdivision 1. General

- A. No subdivision shall be approved if the property is not suitable for the proposed land uses of the plat because of potential flooding, topography, inaccessibility, adverse soil conditions, rock formations or protected waters or wetlands.
- B. Subdivisions shall be designed to complement the surrounding properties, natural features, environmental conditions and public access to allow for coordinated, attractive and efficient development within the City and environs.
- C. If the subdivision plan shows that one or more lots may be resubdivided in compliance with the zoning district of the property and/or the Comprehensive Plan, the City may require the platting of public right of way and/or dedication of easements to allow for the extension of public roads.
- D. In addition to this Chapter, the design of all improvements required by the subdivision shall comply with the:
1. The plans and specifications approved by the City pertaining to the design of street, sidewalk, trail, municipal sewer and water facilities, and
 2. The City *Stormwater Management Plan*, as amended from time to time.
 3. The County Water Management Plan

Subdivision 2. Block and Lot Standards

- A. Blocks. All blocks shall be designed to meet the following minimum standards:
1. Blocks shall be designed to provide two (2) tiers of lots except if the property adjoins a lake, stream, railroad or minor arterial roadway or where one tier of lot is necessary because of topographic or environmental conditions.
 2. The maximum block length shall not exceed one thousand eight hundred (1,800) feet nor be less than six hundred (600) feet in length to serve cross-traffic adequately and to meet existing streets, except where topography or other conditions justify a departure from this standard.
 3. The City may require the placement of rights-of-way and/or easement(s) for pedestrian/bicycle trails through the block to provide access to parks and pedestrian/bicycle oriented destinations.
 4. Blocks intended for business or industrial use shall be designed to satisfy the zoning district requirements and accommodate adequate space for off-street parking, deliveries and loading in locations where safe and convenient limited access to the roadway system exists.
- B. Lots. All lots shall be designed to meet the following minimum standards:

5. The area and dimensional standards for the zoning district in which the lot is located, and demonstration that the lot can accommodate the intended use and meet all required setbacks and any applicable zoning provisions.
6. A minimum of forty (40) feet of lot frontage along a public street.
7. Each lot shall be of sufficient size to provide for the off-street parking and loading facilities required for the type of use contemplated, as established in Chapter 5A - Zoning Ordinance.
8. Side lot lines shall be at right angles to street lines or radial to curved street lines unless the City determines that due to topographic conditions an alternative layout will result in a better street or lot plan.
9. Corner lots shall contain sufficient width and depth to comply with the front yard building setback requirement from both streets.
10. Double-frontage lots shall not be permitted except where topographic or other conditions make subdividing otherwise unreasonable.
11. When a lot within a subdivision is large enough to be further subdivided according to the zoning district the property is located within, the lot shall be arranged to permit the logical location and openings of future roads and utilities, and resubdivision.
12. All lot remnants below the minimum required dimensions for the zoning district of the lot must be added to adjacent or abutting lots unless the applicant can demonstrate an acceptable use for the remnant to the City.
13. No outlots shall be created except when related to the phasing of development or for a specific purpose as approved by the City Council. No outlots shall become buildable unless approved by the City Council.

C. Lot Access (Driveways).

1. All lots shall be provided with direct access to an improved public roadway or a private roadway within a Planned Unit Development that has been approved by the City Council.
2. All lots within the subdivision shall be provided access from the subdivision roadway unless the subdivision contains no roadway or the City Council finds that topography, environmental conditions or existing development prohibits access from the subdivision roadway.
3. All driveways shall be constructed of concrete or bituminous and installed within one year of issuance of a building permit for the house served by the driveway.
4. A shared driveway may serve no more than two (2) single family lots. Private cross access easements and a cooperative maintenance agreement in a form approved by the City Attorney shall be filed with the County and a copy submitted to the City prior to the issuance of a certificate of occupancy for any home served by the driveway.
5. The following shall apply to lots that obtain access from a minor arterial or collector roadway:
 - a. A maximum of one access per lot shall be permitted.

- b. The driveway shall have a turn-around area to prevent backing onto the roadway.
- 6. For double frontage or corner lots, access shall be obtained from the lower functional class roadway.
- 7. Commercial/industrial accesses shall also meet the following standards:
 - a. The City Engineer in review of Mn/DOT standards shall determine the minimum spacing between accesses, or between an access and a public road. If lot frontage is inadequate to meet this requirement, access via a shared entrance or cross-access easement with adjacent property shall be required.
 - b. Turn lanes shall be provided as required by the City Engineer to improve safety.

Subdivision 3. Streets

- A. The arrangement and function of streets designed within a subdivision shall be consistent with the *City Comprehensive Plan*, and include consideration of:
 - 1. Reasonable traffic circulation within the subdivision and the existing and future supporting road network,
 - 2. Topographic, vegetation and environmental conditions,
 - 3. Wetland preservation,
 - 4. Proper storm water drainage,
 - 5. Public convenience and safety, and
 - 6. The proposed uses of the area to be served.
- B. Streets shall be designed to:
 - 1. Provide access to all lots within the subdivision and to adjacent un-subdivided parcels, when reasonable and practical; and
 - 2. Connect with existing and planned streets in adjoining or adjacent subdivisions, or to provide for future connections to adjoining unsubdivided parcels.
- C. Reserved strips and land-locked areas or parcels; alleys constructed after the date of adoption of this ordinance; dead-end streets and private roads are prohibited, except for private roadways approved by the City Council within a Planned Unit Development.
- D. All streets shall be dedicated for public use and the roadway shall be located within the street right of way. If a proposed subdivision includes an existing private roadway, the private roadway shall be dedicated for public use and improved to public street standards.
- E. Cul-de-sacs are permitted when designed to permit future road extensions into adjoining properties or where topography, environmental, land use or existing conditions justify their use as approved by the City Council.
 - 1. Permanent cul-de-sac roads shall not exceed five hundred (500) feet in length, as measured along the centerline from the nearest intersection to the center point of the cul-de-sac bubble.
 - 2. The road right of way for a temporary cul-de-sac shall be continued to the property line to permit future extension to the adjoining property. Right of way for a temporary

turnaround shall be provided at an appropriate location near the adjacent property.

3. The land included for a temporary turnaround that is no longer needed for right of way when the road is extended to adjacent property shall revert to the abutting property owners.
- F. Wherever the proposed subdivision includes or is adjacent to the right of way of an arterial roadway, or railroad right of way, the City Council may require the platting and installation of a frontage or backage road. The distance of the frontage/backage road intersection from the arterial roadway or railroad shall be based upon the function of the intersecting roads, existing and future traffic volumes, land use, lot depths, and other factors that contribute to the design of safe and convenient access.
- G. Subdivision road access spacing shall be as follows:
1. No less than five hundred (500) feet onto local roads.
 2. No less than one quarter (1/4) mile onto local collector roads.
 3. As required by the County or Mn/DOT requirements on minor arterial or other arterial roads.
- H. All street connections to minor arterials and collector roads shall be located to provide adequate intersection sight distance, as determined by the City Engineer.
- I. No public street connection shall be located within a turn lane to another public street or a private driveway.
- J. The minimum right-of-way widths and pavement widths (face to face of curb) for each type of public road shall be as follows:

<u>Type of road</u>	<u>Right of way width</u>	<u>Pavement width</u>
Minor Arterial Road	80 feet	36 feet
Collector Street	70 feet	36 feet
Local Street	60 feet	32 feet
Cul de sac – bubble	180 feet diameter	120 feet

- K. Where a subdivision abuts or contains an existing road of right of way width that is less than required, additional width shall be dedicated to meet G. above.
- L. Dedication of substandard width right of way and roads to the City may be approved by the City Council where:
1. The proposed right of way is adjacent to a platted right of way and, when combined, the rights of way meet the requirements of this Ordinance,
 2. The City finds that such dedication will allow for reasonable access and circulation when the adjoining property is subdivided, or
 3. Where satisfactory assurance to the City for dedication of the remaining part of the street can be secured.

M. The City Council may require the dedication of additional right of way and pavement width within subdivisions, as permitted by law, to accommodate anticipated traffic volumes in a manner that promotes public safety and convenience.

N. Roadway design shall comply with the following:

1. Road jogs with centerline offsets of less than one hundred fifty (150) feet shall not be allowed.
2. When connecting road lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius of not less than one hundred (100) feet.
3. Centerline gradients shall be at least four (4) percent and but no greater than eight (8) percent on local roads.
4. Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall be twenty (20) times the algebraic difference in the percent of grade of the two adjacent slopes.
5. The angle formed by intersecting streets shall not be less than eighty (80) degrees, with ninety (90) degree intersections preferred.
6. Intersections of more than four (4) corners shall be prohibited.
7. Roadways of street intersections shall be rounded by a radius of not less than fifteen (15) feet. Corners at entrances to the turn-around portions of cul-de-sacs shall be designed for installation along both sides of all roadways.

Subdivision 4. Street Lights, Mail Boxes and Public Street Signs

1. A street light fixture of a design approved by the City shall be provided at each street intersection within or abutting the subdivision in a location(s) to be approved by the City Engineer and matching adjacent street lighting.
2. All mailboxes shall be placed in locations approved by the US Postal Service and mailboxes serving homes on cul de sacs shall be grouped in a location approved by the City Engineer.
3. The type and location of public street name, regulatory and traffic control signs shall be determined by the City Engineer and provided within the right of way of the subdivision.

Subdivision 5. Trails and Sidewalks

- A. Pedestrian/bicycle trails or sidewalks shall be located in areas of the subdivision as required by the City Council.
- B. All pedestrian/bicycle trails or sidewalks shall be placed in the public right-of-way or within easements that are a minimum of twenty (20) feet in width.
- C. The design of the pedestrian/bicycle trails or sidewalks shall be in conformance with the City Engineer's requirements as approved by the City Council.

Subdivision 6. Sanitary Sewer and Water Utilities

- A. New subdivisions must be served with public sanitary sewer and public water. Sewer and water systems shall be provided according to the specifications of the City Engineer, as approved by the City Council.
- B. Public sewer and water facilities, including fire hydrants, shall be designed to serve each lot in the subdivision.
- C. Sewer and water trunk lines shall be extended to the lot lines of abutting sites that do not have municipal sewer and water service.
- D. The City Council may require oversizing of utilities to provide future service for more intense development of the land or to provide future service to other areas.

Subdivision 7. Drainage and Water Quality

- A. All subdivisions shall include provisions or facilities that control the quantity and quality of stormwater runoff.
- B. A stormwater pollution prevention plan shall be required for the subdivision that complies with the goals and policies of the City Storm Water Management Plan and the requirements of the County Water Management Plan.
- C. Drainage facilities shall be of an adequate size to accommodate upstream drainage areas that may be located outside of the boundaries of the subdivision.
- D. No stormwater drainage within a subdivision shall be designed to enter the public sanitary sewer system.
- E. All subdivisions shall be designed and constructed in accordance with Best Management Practices to treat storm water discharge.
- F. Private storm water facilities shall be maintained as follows:
 - 1. All private storm water facilities shall be privately maintained in proper condition consistent with the performance standards for which they were originally designed.
 - 2. All settled materials from drainage facilities shall be removed and properly disposed of on an annual basis as required by the City Engineer.

Subdivision 8. Erosion and Sediment Control

- A. The design of the subdivision shall conform to the overall topography of the land, to the extent reasonable, to minimize to minimize the potential for erosion and sedimentation resulting from land disturbing activities.
- B. No subdivision shall be approved that requires land disturbing activities unless erosion and sedimentation controls are submitted to the City as part of the stormwater pollution prevention plan that meets the requirements of the City Storm Water Management Plan and the County Water Management Plan.
- C. Easements for drainage and utilities of at least ten (10) feet wide shall be provided on all lot lines. In the case of side or rear lot lines, these may be centered on the lot line.
- D. Drainage easements shall be provided along each side of the center line of any water course

or drainage channel; and over ponding and wetland areas to a sufficient elevation as determined by the City Engineer to provide protection of property, proper maintenance, storm water runoff, and for installation and maintenance of public utilities.

- E. Utility easements shall connect with easements established on adjoining properties.
- F. All easements shall be dedicated to the City for the required use and shall be shown on the final plat in accordance with County Manual of Standard Procedures.

Subdivision 9. Tree Preservation and Landscaping Requirements

- A. Tree Preservation and Landscaping Requirements. A tree preservation and landscaping plan shall be prepared for all subdivisions containing three (3) or more lots.
- B. Tree Preservation Required. All subdivisions shall be planned, designed and maintained so that:
 - 1. Existing healthy trees and native vegetation on the site are preserved to the maximum extent feasible and are protected during construction by techniques approved by the City Council.
 - 2. Existing native vegetation shall not be disturbed, injured, or removed prior to grading and site development.
 - 3. Prior to issuance of a grading permit for the subdivision, the applicant or owner shall indicate the measures to be utilized for protection of significant trees that may include, but are not limited to:
 - a. Installation of snow fencing or similar device at the drip line.
 - b. The prohibition of fill placed against the trunk, on the root crown, and under the drip line of the tree.
 - c. Installation of erosion control measures.
 - d. Prevention of spillage or leakage of harmful or toxic materials near tree preservation areas.
 - e. Prohibition of pruning of oak trees from April 15 through July 1.
 - 4. The tree preservation plan and protection measures shall be followed during all grading activities including subdivision development and home construction.
- C. New Landscaping Required. Each new subdivision shall include the equivalent of two (2) shade trees per lot meeting the following standards:
 - 1. All trees are to be planted at least within five (5) feet outside of the right-of-way of the road or roads within and abutting the subdivision.
 - 2. All shade trees shall have a minimum trunk diameter (measured twelve inches above ground level) when planted of not less than two (2) inches.
 - 3. The shade tree species to be planted shall be limited to oak, honey locust, hard maples, ginkgo, or other long lived shade trees, acceptable to the City Council.
 - 4. The location of all new trees to be provided shall be approved by the Zoning Administrator.

SECTION E. Park Dedication.

Subdivision 1. Purpose and Application

- A. The purpose of the City of Hamburg park dedication requirements is to:
1. Provide areas in the City for public parks, recreational facilities, playgrounds, trails or open space as allowed by Minnesota Statute 462.358, Subd. 2b, as may be amended.
 2. Allow and enhance active and passive recreational opportunities for city residents and visitors as a part of overall community development and improvement activities.
 3. Require a reasonable contribution of land or funds from subdivision development that result in additional demands on City parks, trails, open spaces and associated facilities in order to maintain commensurate amounts of park and open space opportunities within the City.
- B. Application. The park dedication requirements shall be applied to all subdivisions as follows:
1. The applicant for a subdivision of land into more than one lot shall dedicate land for parks, playgrounds, public open spaces and pedestrian bicycle/trails or sidewalks, or make a cash contribution to the City's Park Fund as provided for in this Section. The City may elect to receive a combination of cash, land and/or private park and open space development, in accordance with Subdivision 2. Dedication Requirements of this Section, as the park dedication requirement.
 2. Property that is resubdivided with the same number of lots shall be exempt from all park dedication requirements.
 3. The park dedication requirement shall be in addition to property dedicated in fee title or as easement to the City or another government agency for public streets or other public improvements unrelated to parks, open space and trails.
 4. The property to be conveyed as the park dedication requirement shall not be used in calculating any of the density, lot area or dimensions, or open space requirements of the zoning district of the property.
 5. If the number of lots within a subdivision is increased or if land outside the previously recorded subdivision is added, the park dedication requirement shall be based on the additional lots and on the additional land being added to the plat.
 6. The applicant of a Planned Unit Development with mixed land uses shall make cash and/or land park dedication contributions in accordance with this Section based upon the acreage of land devoted to commercial or industrial uses and the number of residential units.

Subdivision 2. Dedication Requirements

- A. Land Dedication.
1. In all new subdivisions, ten (10) percent of the gross area to be subdivided shall be dedicated for public park and open space or related public use.
 2. Land to be dedicated shall be reasonably suitable for park and open space activities as determined by the City Council and shall be at a location that is convenient to the public.

Factors used in evaluating the adequacy of proposed park and open space areas shall include size, shape, topography, geology, hydrology, tree cover, access, location and consistency with the *Comprehensive Plan*.

3. Land that is occupied by floodplain or wetlands, or is required for stormwater ponding areas, drainageways or essential services as defined in Minnesota Statute 462.358, Subd. 2b. may not be considered as the parkland dedication to the City.
4. The preliminary plat shall show the location and dimensions of all park, trail and open space areas proposed for dedication to the City. The Planning Commission shall provide a recommendation regarding the location and adequacy of the proposed park and open space area to the City Council.
5. Property designated for parks or open space in the *Comprehensive Plan* shall be dedicated to the City or other appropriate governmental unit. If the applicant elects not to dedicate more area than required by this Subdivision, the City may acquire the additional land through purchase or condemnation.
6. Private park and/or open space proposed within the subdivision may fulfill all or a part of the requirement for park dedication at the discretion of the City Council. The private park and/or open space area shall be designated and protected for long term park and/or open space purposes in a form to be approved by the City Attorney.

B. Cash Contribution.

1. The applicant shall be required to pay an equivalent cash fee if the subdivision is insufficient in area or unsuitable for all or a part of public park and open space dedication requirement established in A. above.
2. The equivalent cash fee shall be based on ten (10) percent of the fair market value of the gross area of land to be subdivided.
3. The fair market value shall be determined for undeveloped land at the day of final plat approval by the City Council in accordance with the following:
 - a. The City and the applicant may agree as to the fair market value based upon a current appraisal.
 - b. The market value of the property as determined by a recent selling price of the land to be platted.

Subdivision 3. Payment

- A. The terms for the payment of the park dedication cash fee for each land use shall be included in the development agreement and in no event shall be later than issuance of a building permit for the property.
- B. Park cash contributions shall be deposited in the City's' Park Fund and shall only be used for the acquisition or improvements of public parks, recreational facilities, playgrounds, trails or open space.

SECTION F. Installation and Construction of Basic Improvements.

Subdivision 1. Development Agreement Required

After receiving preliminary plat approval, the applicant may construct the required improvements within the subdivision in accordance with City requirements, provided that the applicant enters into a Development Agreement with the City, as established in Section G.

Subdivision 2. Payment for Required Improvements

- A. The required improvements listed in this Subdivision shall be furnished and installed at the sole expense of the applicant except as provided in B. below, and the applicant shall pay for all costs of inspection by the City in compliance with the requirements of the City Engineer, as approved by the City Council.
- B. If any improvement installed within the subdivision will be of substantial benefit to property outside the subdivision boundaries, the City may assess the respective portion of the improvement cost to the benefited property. In such a situation, the applicant will be required to pay for the portion of the improvement cost that benefits property within the subdivision.

Subdivision 3. Required Basic Improvements

A. Monuments.

1. Official permanent monuments shall be placed as required by Minnesota Statutes, Section 505.02, as may be amended.
2. All monument markers shall be correctly in place upon final grading and installation of utilities.
3. All federal, state, county or other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

B. Streets, Sidewalks and Trails.

1. Streets shall be graded the entire width of the right-of-way and shall provide a boulevard section, in addition to the minimum pavement width.
2. The portion of the right of way outside of the pavement or surface material shall be sodded.
3. All roads shall have a sub-base and shall be improved with concrete or bituminous surface, in accordance with the following:

<u>Classification</u>	<u>Pavement Design: Axle Load</u>
minor arterial, collector streets and streets serving commercial or industrial uses	10 ton minimum
local streets	7 ton minimum

4. Soil samples shall be collected and analyzed by a testing laboratory with a report submitted to the City Engineer with the street pavement plans before construction. Soil samples shall be taken along the centerline of the proposed road at intervals not

exceeding three hundred (300) feet unless otherwise approved by the City Engineer.

5. Concrete curb and gutter, of a design to be approved by the City Engineer, shall be constructed on both sides of all streets.
6. The design and type all street name and traffic control signs, mailboxes and street lighting fixtures shall be approved by the City Engineer, and provided and installed by the applicant.
7. All sidewalks shall be constructed of concrete four (4) inches thick placed on a four (4) inch gravel base. Grades shall be as approved by the City Engineer. Sidewalks shall be placed in the public right-of-way, one foot from the property lines.

C. Public Utilities.

1. Sanitary sewer and water mains that are oversized for the subdivision and designed to accommodate the development of adjacent property may be required, and the additional cost shall be allocated according to City policy.
2. Water main. A minimum water main of six (6) inch ductile cast iron pipe or other approved pipe shall be required.
3. Sanitary Sewer. Sewer lines shall be of PVC pipe of a size approved by the City Engineer. Grades shall also be approved by the City Engineer. Service wyes shall be six (6) inches. Root repellent joint material shall be required.
4. Public sewer and water lines shall be stubbed to the property line of each lot within the subdivision.
 - a. A cap or plug shall be placed at property line until the service is extended to the structure.
 - b. A one inch, Type K, copper water service, corporation cock and curb box and stop and six (6) inch of the type and class of adjoining pipe sewer service shall be minimum requirements and may be placed in a common trench in accordance with the City Plumbing Code.
 - c. Curb boxes shall be easily located and visible.
5. Utility and Road Construction Restoration.
 - a. Utility trenches are to be backfilled according to the specifications of the City Engineer.
 - b. All areas disturbed by construction are to be restored to a condition equal to or better than what existed prior to construction.
 - c. Topsoil shall be applied to the restoration areas prior to sod or seed. Topsoil shall be pulverized black dirt acceptable to the City Engineer and shall be spread to a compacted thickness of three inches.
 - d. Sod shall be required where improved lawn areas are disturbed. Sod shall be densely rooted blue grass or other approved grasses free of noxious weeds and objectionable grasses. After placement, sod shall be pressed into the underlying soil by rolling or tamping. Pegging of sod shall be required in ditches and drainage channels and on steeper slopes.

- e. Seed shall be required where construction activities disturb unimproved areas. The application of seed and mulch shall conform to specifications approved by the City Engineer.
- f. In areas of steep slopes, seeding with wood fiber blankets may be substituted for sod, if approved by the City Engineer.
- g. All sodded and seeded areas are to be watered and maintained in a satisfactory condition until acceptance of that portion of the work. Sod and seed that dies, or washes out, prior to acceptance are to be replaced by the applicant.
- h. Waste materials of any kind shall not be buried in any land or left deposited on any lot or road.

D. Grading and Drainage.

- 1. All surface and underground drainage systems shall be installed to adequately remove all drainage that accumulates on the developed property. All such systems shall provide complete removal and a permanent solution for the removal of drainage water.
- 2. All land disturbing or land filling activities or soil storage shall be undertaken in a manner consistent with the stormwater pollution prevention plan approved for the subdivision, the City Storm Water Management Plan, and the County.
- 3. A grading permit shall be obtained from the Zoning Administrator before any land disturbing activity associated with the subdivision commences on the property.
 - a. The grading permit shall be accompanied by the final stormwater pollution prevention plan that was submitted to the County.
 - b. The City shall not issue the grading permit until the applicant provides evidence that the final stormwater pollution prevention plan has been approved by the County.
 - c. The applicant shall:
 - 1.) install the erosion and sedimentation controls as approved on the final plans,
 - 2.) comply with all requirements of the County and the City, and
 - 3.) maintain the erosion and sedimentation controls on a continual basis until the City authorizes the discontinuance or removal of the measures.
- 4. All individual lots shall be graded to avoid creating steep slopes with an average grade of thirty (30) percent or more or slopes that create a potential erosion, drainage or public safety hazard. The City may require the applicant to incorporate the following techniques to mitigate such hazards:
 - a. design slopes to be in character with the surrounding natural terrain;
 - b. use benching, terracing, or other slope-stabilizing techniques for fill, as determined appropriate by the City Engineer;
 - c. install and maintain erosion control measures during construction in accordance with the current Minnesota Pollution Control Agency *Best Management Practices*;
 - d. revegetate disturbed slopes as soon as practical after grading to stabilize steep slopes and prevent erosion, as required by the City: or
 - e. install fencing or other protective measures to protect public safety.

- E. Essential Services. All essential service lines shall be placed underground, including electrical service, unless overhead lines are specifically approved by the City and shall be completed prior to street surfacing. All essential service lines shall be placed in rear line easements when carried on overhead poles if approved by the City Council.
- F. Miscellaneous Facilities. These shall include any required tree preservation, landscaping, wetland mitigation, the installation of mailboxes, driveways and curb boxes and other improvements as may be required by the City.

Subdivision 4. Construction Plans and Inspection

- A. All of the construction plans for the required improvements shall conform to the requirements of the City Engineer and shall be prepared, at the applicants' expense, by a registered professional engineer.
- B. The construction plans with grades, profiles and other details for the improvements accompanied by the quantities of construction items and an estimate of the total costs for the grading, erosion control and public improvements shall be submitted to the City Engineer for review and approval prior to the issuance of any permit for the property. Upon approval by the City Engineer, the construction plans shall become a part of the required Development Agreement.
- C. The City Engineer shall inspect all required improvements in the subdivision installed under the provisions of this Chapter during construction at the applicants' expense.

Subdivision 5. Completion of Required Basic Improvements

- A. The applicant shall complete all required basic improvements no later than one (1) year following the commencement of work on the improvements except:
 - 1. Street lighting shall be completed within two (2) years following the initial commencement of work on the required basic improvements.
 - 2. Landscaping shall be completed within one (1) year following the issuance of a building permit for the last vacant lot within the subdivision unless weather precludes completion, in which case the landscaping shall be completed at the outset of the next growing season.
 - 3. All streets constructed in conjunction with sanitary sewer, water main and/or storm sewer improvements shall be completed over two construction seasons, except for phased developments. The initial phase of construction shall include the complete installation of the underground utilities, gravel base, curb and gutter and bituminous base course within the street areas. The bituminous wearing course shall be completed after at least one winter but before the third winter.
 - a. The minimum thickness of the bituminous base shall be two inches during the interim period.
 - b. All manholes and valve boxes are to be installed in the bituminous base course and left ½-inch below the surface throughout the winter and then raised to ½-inch below the final surface prior to placing the bituminous wearing course.
 - 4. For developments that are approved as phased developments by the City Council, a

phasing schedule for completion of the roadway and utilities within a reasonable period of time shall be submitted by the applicant to the City Engineer for review and approval. The City Council may require the submittal of an additional financial guarantee to assure completion of the phased improvements within a reasonable period of time.

- B. The acceptance of the public improvements and any release of the required financial guarantee by the City for the public and private improvements shall be subject to the:
 - 1. The City Engineer's or Zoning Administrator's certificate of compliance of all improvements with the final construction plans in the Development Agreement.
 - 2. Submission of a warranty/maintenance guarantee in the form of a bond or a letter of credit to be approved by the City Attorney that is equal to the original cost of the improvements or a lesser amount as agreed to by the City Engineer.
 - a. The required warranty period for materials and workmanship from the utility contractor installing public sewer and water mains shall be two (2) years from the date of final City acceptance of the work.
 - b. The required warranty period for all work relating to street construction, including concrete curb and gutter, sidewalks and trails, curb boxes, materials and equipment shall be subject to:
 - 1.) one (1) year from the date of final City acceptance, or
 - 2.) two (2) years from the date of final City acceptance of the work if the wearing course is applied during the same construction season as the bituminous base.
 - c. The required warranty period for sod, trees, and landscaping is two (2) years following installation of landscaping materials.
 - d. Warranties for other public improvements and phased developments approved by the City Council, shall be established by the City Council.
- C. The applicant shall be required to replace and/or repair any public improvements, including curb stops, public signage, manholes, etc. that are damaged during the grading of the property for building constructions.
- D. A paper copy and electronic copy of a complete set of as-built construction drawings of all public improvements shall be submitted to the City within one hundred and twenty (120) days after construction of the public improvements is completed and approved by the City. The final financial guarantees shall not be released until the as-built drawings have been submitted to the City.

SECTION G. Development Agreement

Subdivision 1. Development Agreement Required

The applicant of any subdivision that requires the installation of public improvements is required to enter into a Development Agreement with the City prior to the installation of any required improvements and before the final plat is released for recording at the County to ensure that all conditions of the subdivision approval are incorporated into the development and that the required improvements are properly installed.

Subdivision 2. Development Agreement Provisions

- A. Prior to final plat approval by the City Council, the applicant shall agree to install the required improvements within the subdivision in conformity with the construction plans approved by the City Engineer and all City and County requirements.
- B. The applicant shall arrange for the installation of telecommunications, electrical and natural gas service following the grading of boulevard or utility easements.
- C. Financial Guarantee.
 1. The Development Agreement shall require the applicant to make a financial guarantee, in conformance to the requirements of this Section and as allowed by law, in a form acceptable to the City Attorney.
 2. The guarantee shall be in an amount equal to:
 - a. one hundred fifty (150) percent of the total cost of all the public improvements listed in Subd. 3, of Section F to be furnished and installed by the applicant, unless as otherwise provided for in this Section, as estimated by City Engineer.
 - b. one thousand dollars (1,000.00) per lot or as determined by the City Council, to guarantee the tree preservation represented in the approved tree preservation and landscape plan and installation of the required landscaping.
 - c. the costs of inspection and administration by the City and other necessary review and inspection by the City's consultants.
 3. The Development Agreement may provide for completion of part or all of the improvements prior to the recording of the final plat with the County. In such event, and if evidence is presented that the described work and improvements have been paid for, the amount of the financial guarantee may be reduced in a sum to equal the estimated costs of the improvements completed in a manner approved by the City Engineer prior to the recording of the plat.
 4. The financial guarantee may be reduced if the City accepts the public improvement by a ratio that the cost of the dedicated public improvement bears to the total cost of public improvements for the plat.
 5. The City shall be entitled to reimburse itself out of the guarantee for any cost and expense incurred by the City for completion of the work in case of default of the applicant under the Development Agreement.
 6. The financial guarantee for the public improvements shall not be released until:
 - a. The registered engineer responsible for the installation of the improvements has certified that the required improvements have been satisfactorily completed and the City Engineer has approved the certification.
 - b. As-built construction plans that verify that all public improvements comply with the approved construction plans have been submitted to the City.
 - c. A title insurance policy approved by the City Attorney has been submitted to the City indicating that the improvements are free and clear of any and all liens and encumbrances.

7. Upon completion of the work and termination of any liability, the balance remaining in the financial guarantee with any accrued interest shall be refunded to the applicant within 30 days of satisfaction of the items in 6. above.

SECTION H. Administration and Enforcement

Subdivision 1. Unapproved Subdivisions

No conveyance of land to which these regulations are applicable shall be filed or recorded with the County, if the plat has not approved by the City Council. This provision does not apply to a conveyance if the land described:

- A. Was a separate parcel of record May 1, 1959.
- B. Was the subject of a written agreement to convey entered into prior to such time.
- C. Was a separate parcel of not less than two and one-half (2 ½) acres in area and one hundred fifty (150) feet in width on January 1, 1966.
- D. Was a separate parcel of not less than five (5) acres in area and three hundred (300) feet in width on July 1, 1980.
- E. Is a single parcel of:
 1. commercial or industrial land of not less than five (5) acres and having a width of not less than three hundred (300) feet and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than five (5) acres in area or three hundred (300) feet in width, or
 2. residential or agricultural land of not less than twenty (20) acres and having a width of not less than five hundred (500) feet and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than twenty (20) acres in area or five hundred (500) feet in width.

Subdivision 2. Vacation of Public Right of Way and Easements

- A. The City Council may vacate all or part of public streets, alleys, public ways, drainage and utility easements and public grounds after a public hearing is held and by the adoption of a resolution provided the Council finds it is in the public interest.
- B. A vacation may be initiated by:
 1. The City Council however, the resolution approving the vacation must be adopted by at least four-fifths (4/5) of all members of the City Council, or
 2. The submission of a petition for vacation by the owner (s) of land abutting the property as verified by current tax records from the County. The resolution approving the vacation must be adopted by a majority of all members of the City Council.
- C. If the vacation is initiated by petition, the owner (s) shall submit a completed application for a vacation on a form provided by the City along with the fee established by resolution of the City Council, as may be amended, to be used for City expenses related to the review, approval or disapproval of the vacation request.

- D. The notice of the public hearing shall be published in the City's official newspaper and mailed to the owner of each abutting property owner a minimum of ten (10) days prior to the hearing. The public hearing notice shall state:
 - 1. the date, time, and location of the hearing before the City Council;
 - 2. a description of the vacation request; and the address or location of the property to be subdivided
- E. Failure to give the notice or any defects in the notice shall not invalidate the proceedings.
- F. Following approval of the resolution, a copy of the vacation resolution prepared in accordance with Minnesota Statutes 412.851, as may be amended, and the resolution shall be filed with the County.

Subdivision 3. Violations and Penalty

- A. Sale of Lots from Unrecorded Plats. It shall be a misdemeanor to sell, trade, or otherwise convey any lot or parcel of land within any subdivision unless the subdivision has been recorded with the County.
- B. Receiving or Recording Unapproved Plats. It shall be unlawful to receive or record in any public office any subdivision of land unless it has been approved by the City Council.
- C. Misrepresentations. It shall be a misdemeanor for any person owning an addition or subdivision within the City to represent that any improvement within the addition or subdivision has been supervised, inspected or constructed according to the plans and specifications approved by the City Council, when such actions have not occurred.