

## **CHAPTER 11. SUBDIVISION**

### **Section 1100 – General Provisions**

**1100.01 Title.** This Ordinance shall be known and referred to as the “Norwood Young America Subdivision Ordinance” except as referred to herein, where it shall be known as “this Ordinance.”

**1100.02 Purpose.** This Chapter has been adopted for the following purposes:

- A. To provide for the orderly, economic and safe development of land and urban services and facilities.
- B. To promote the public health, safety, morals and general welfare of the residents of the City.
- C. To assure equitable handling of all subdivision plats by providing uniform procedures.

**1100.03 Scope.** The provisions of this chapter, relate to any division of a tract of land into one or more parcels by platting, replatting, conveyance, registered land survey or other means.

**1100.04 Authority.** This Ordinance is enacted pursuant to the authority granted through Minnesota Statutes Section 462.

**1100.05 Jurisdiction.** The regulations governing plats and the subdivision of land shall apply to the area within the corporate limits of the City.

**1100.06 Compliance.** After the adoption of this chapter, no lot in a subdivision shall be sold, no permit shall be issued to alter or erect any building upon land in a subdivision, and no building shall be erected in a subdivision unless a subdivision plat has been approved and recorded and until the improvements required by the Council relative to subdivisions have been constructed or arranged for as provided in this chapter.

**1100.07 Required Approvals of Subdivision Plats.** Before any plat shall have validity, it shall have been reviewed by the City Planning Commission and approved by the City Council and recorded in the County Register’s Office.

**1100.08 Registered Land Surveyors and Conveyances by Metes and Bounds.** All Registered Land Surveys shall be filed subject to the same procedure as required for the filing of a preliminary plat for platting purposes. The standard requirements set forth in this Chapter shall apply to all Registered Land Surveys.

**1100.09 Variances and Appeals.** Modification or variance from this Ordinance may be permitted to provide relief on an individual basis. The circumstances and procedures for granting a variance shall be the same as for Chapter 12, Zoning.

**Subd. 1 Planned Unit Development (PUD).** Substantial variance from the provisions of this ordinance may be allowed where the PUD Overlay District is used in accordance with Chapter 12, Zoning. In order to qualify for such variances, the PUD shall demonstrate that site development will have qualities and characteristics that are superior to those that could be expected if the land were developed in accordance with the underlying zoning district. In particular, PUD’s shall demonstrate all of the following to qualify for variances from the provisions of this Ordinance.

- A. The establishment of more creative relationships between buildings and the site, including creative site planning and building product.
- B. The protection of more common usable open space.
- C. The protection of more of the site’s natural character (slopes, vegetation, wetlands, etc.).
- D. Generally, more efficient use of the site in terms of the demand it places on public utilities and services.

**1100.10 Amendments.** For the purpose of protecting the public health, safety, and general welfare, the Planning Commission may from time to time propose amendments to these regulations.

**Subd. 1 Amendment Procedures.** An amendment to the Ordinance shall include the following procedures.

- A. A hearing shall be held following publication of notice of the time and place in the official newspaper at least ten days before the day of the hearing.
- B. The Commission shall hear such persons as wish to be heard.
- C. The Commission shall provide a recommendation to the City Council.
- D. The City Council shall act following the Commission's recommendation and either approve or disapprove said amendment.

#### **1100.11 Exceptions.**

**Subd. 1 Simple Lot Division.** A lot may be divided without having to comply with the requirements of this Ordinance, following a public hearing in accordance with established procedures, provided the resultant lots are easily described (e.g. N ½ and S ½) comply with the dimensional requirements of Chapter 12, Zoning and are generally consistent in size with other lots in the immediate vicinity. *(Amended by Ord. 128, 7-10-2000)*

**Subd. 2 Division of Two Family Dwelling.** Existing two family dwellings may be divided into individual parcels of record with the party wall acting as the dividing lot line, following a public hearing in accordance with established procedures, subject to the following conditions:

- A. To protect the safety and property of the owner and occupants of each unit, no two family dwelling may be split until the common party wall fire rating meets Uniform Building Code Standards.
- B. Each unit shall be provided with separate utility, sanitary sewer and water services.
- C. The area for each proposed lot shall meet the minimum requirements under the City's zoning ordinance.
- D. A certificate of survey is filed with the City showing the new lot line and the proposed legal descriptions for each lot.
- E. The owner of the property to be subdivided shall execute and record at his/her own expense a "Declaration of Covenants, Conditions and Restrictions" which shall include, but shall not be limited to, the following:
  1. How disputes will be handled.
  2. Maintenance agreements.
  3. How repairs and reconstruction will be handled in case of damage to the original structure.
  4. Party wall agreement.
- F. Any other reasonable condition imposed by the City. *(Amended by Ord. 128, 7-10-2000)*

#### **Subd. 3 Boundary Line Adjustments**

- A. Applicability/Purpose. This section is established to provide for administrative approval for changes in property lines through the detachment and attachment of land to a contiguous lot, tract, or platted or non-platted parcel. A boundary line adjustment is intended to modify or correct the location of a boundary line, to remedy adverse topographical features, to remedy encroachments of structures, to enable the sale of a portion of a lot to an adjoining property, and/or to remedy errors in perceived boundary lines subsequent to an official land survey. A Boundary Line Adjustment may be allowed provided any residual parcel or any existing structure does not become non-compliant or become further non-compliant with the provisions of the Zoning Ordinance.
- B. Application. Any person having a legal or equitable interest in a property may file an application for a Boundary Line Adjustment. An application for Boundary Line Adjustment shall be filed with the Zoning Administrator on an approved form and shall be accompanied by an assessment search, proof of ownership of the subject property, submittal of the required fee(s) and a certificate of survey, prepared and signed by a Minnesota registered land surveyor, illustrating the following:
  1. Existing site improvements and existing boundaries with lot dimension and area.
  2. Any encroachments and easements of record.

3. Existing legal description(s) of property.
  4. Identification of the boundary to be moved and the location of the proposed boundary line.
  5. The dimensions, setbacks, existing site improvements, and square footage for all lots resulting from the proposed Boundary Line Adjustment.
- C. Review of Boundary Line Adjustment. The Zoning Administrator shall review all applications for Boundary Line Adjustments to determine compliance with the standards identified in this Section and all other pertinent requirements of this Title and the Zoning Ordinance as may be amended. Upon written approval of the request, the applicant shall be responsible for filing the certificate of survey with the County Recorder's office. Should the request be denied, the Zoning Administrator shall notify the applicant, in writing, of the findings of fact for such denial.
- D. Findings Required for Approval. In order for the Zoning Administrator to grant approval for a proposed Boundary Line Adjustment, each of the following provisions shall be met:
1. All necessary right-of-way, utility, and drainage easements are provided as requested.
  2. The Boundary Line Adjustment shall not create any additional lot, tract, parcel or division of land.
  3. All lots resulting from the Boundary Line Adjustment shall conform to lot area, width, and size requirements of the City of Norwood Young America Zoning Ordinance including all requirements established for the zoning district in which the property is located.
  4. The Boundary Line Adjustment shall not result in the expansion, enlargement, or intensification of an existing legal non-conforming lot or structure under Chapter 1215 and 1204 of the City Code as may be amended and relating to non-conformance. In the event of the Boundary Line Adjustment is requested to remedy an existing non-conforming lot or structural element and the proposed Boundary Line Adjustment brings the existing non-conforming lot or structural element nearer to conformity it shall be considered meeting this requirement. In no case shall a Boundary Line Adjustment further expand, enlarge, or intensify an existing non-conforming lot or structural element.
  5. The Boundary Line Adjustment shall not result or have the effect of replatting, amending, altering, or vacating a plat.
  6. The proposed Boundary Line Adjustment is in compliance with the Comprehensive Plan.
- E. The Zoning Administrator may attach conditions to the approval of a Boundary Line Adjustment.  
*(Amended by Ord. 246, 9-9-2013)*

#### **Subd 4. Administrative Subdivision/Combination.**

- A. Applicability/Purpose. This Subdivision is established to provide for administrative approval of subdivisions that meet specified criteria and for the waiver of standard platting requirements specified elsewhere in this Title. It is intended largely to facilitate the further division of previously platted lots, the combination of previously platted lots into fewer lots, or for the adjustment of a lot line by relocation of a common boundary.
- B. Prohibited Administrative Subdivision/Combination. The following are not eligible for administrative subdivision/combination and must be platted.
  1. Property(ies) described by metes and bounds.
  2. Property(ies) contained in different subdivisions of record.
  3. Property(ies) not sharing a common lot line.
  4. Property(ies) resulting in three or more lots.
  5. Property(ies) as defined in Mn. Stat § 462.358, as may be amended.
  6. Property(ies) subject to lot combination or split under this Section five (5) or fewer years ago.
- C. Application. The Owner, or all Owners if there are multiple owners may file an application for administrative subdivision. An application for minor subdivision shall be filed with the City Administrator on an approved form, and shall be accompanied by an assessment search, proof of ownership of the subject property to include title commitment certified to date or an Owners and Encumbrances report, the submittal of required fee(s), and the submittal of an illustration of the

proposed minor subdivision of sufficient detail as required by the Zoning Administrator, depicting the following:

1. Scale, one (1) inch equals fifty (50) feet or less, and north arrow.
  2. Existing zoning district, existing site improvements, and existing boundaries with lot dimensions and area.
  3. All encroachments.
  4. Easements of record.
  5. Legal description of property.
  6. Ponds, lakes, springs, rivers, wetlands, or other waterways bordering on or running through the subject property.
  7. The boundary(ies) and legal description(s) of the lots as they are proposed to be subdivided, along with proposed zoning.
  8. The boundary and legal description of any proposed easements on the property. A drainage and utility easement at least five (5) feet in width for interior lots, ten (10) feet in width for corner lots, must be provided along all street-side property lines. A drainage and utility easement may also be required over wetland, ponds, lakes, and drainage channels and tributaries. Dedication of roadway easements consistent with City, County and regional plans may also be required.
  9. Proposed legal description for the resulting property(ies).
  10. Proposed deeds for the resulting property(ies).
- D. Review of Administrative Subdivision. The Zoning Administrator shall review all applications for administrative subdivision to determine compliance with the standards identified in this section and all other pertinent requirements of the City Code. The Zoning Administrator, at his/her discretion or may seek recommendation, direction, and/or require approval of the Planning Commission and/or City Council prior to authorizing an Administrative Subdivision. The Planning Commission and/or City Council at their discretion may seek to review and/or comment on a proposed administrative subdivision prior to authorization of the administrative subdivision. Upon written approval of the request, the Zoning Administrator shall ensure the survey and associated deeds have been filed with the County Recorder's office. Should the request be denied, the City Administrator shall notify the Applicant, in writing, of the findings of fact for such denial.
- E. Findings Required for Approval. In order for the Zoning Administrator to grant approval for a proposed administrative subdivision, each of the provisions shown below shall be met:
1. The proposed subdivision of land will not result in more than two (2) lots.
  2. All necessary utility and drainage easements are provided.
  3. For lot combinations, any existing drainage, utility, and/or other easements are vacated according to standard, applicable procedures.
  4. All lots to be created by the subdivision conform to lot area and width requirements of the City Code, including all requirements established for the zoning district in which the property is located.
  5. The proposed administrative subdivision is in compliance with the Comprehensive Plan.
  6. Lots created have direct access onto a public street.
  7. The property has not been divided through the provisions of this section within the previous five (5) years.
  8. The subdivision meets all design and dedication standards as specified elsewhere in this Title.
  9. All basic improvements required by this Section are installed in accordance with City standards.
  10. No parcel of land or portion thereof shall result in buildings and/or uses becoming non-conforming.
- F. The City and/or its assigns may impose such conditions on any proposed administrative subdivision that are deemed reasonable and necessary to protect the public interest and to ensure compliance with the provisions of this ordinance including, but not limited to, the following:
1. The Developer shall provide required utility and drainage easements for all newly created lots and be responsible for the cost of filing and recording written easements and resulting deeds with the County Recorder's office.

2. That there be no more than one principle structure on a base lot in all residential districts. The principle structure on the unit lots created in two-family, townhouse, or quadraminium subdivision will be the portion of the attached dwelling existing or constructed on the platted unit lots.
- G. All other Administrative Subdivision requests shall be approved by resolution of the City Council following consultation with the Planning Commission.
- H. All applicable real estate taxes and pending assessments shall be paid prior to recording of an Administrative Subdivision.

**1100.12 Compatibility with Other Regulations.** Where the conditions of this Ordinance are comparable with conditions imposed by any other law, ordinance, statute, resolution, or regulation, the regulations which are more restrictive shall prevail.

**1100.13 Application.** The subdivider shall file all applications as required in this Ordinance. Such applications will be filed in the Planning Commission records.

**1100.14 Fees and Expenses.**

- A. The subdivider shall pay all city fees and escrow deposits required by resolution and shall further reimburse the City for all the reasonable expenses it incurs in regard to the review and approval of the subdivision and improvements including, but not limited to, direct city payroll and overhead, costs, fees paid to consultants and other professionals, and the costs of printing, mailing and supplies.
- B. An escrow deposit shall be made at the time of application for final subdivision approval. Within sixty (60) days after completion of a task for which the escrow deposit was required, the City will remit to subdivider any amounts remaining after the City has charged against the escrow account all expenses incurred by the City for the above services. In the event that the charges incurred by the City exceed the escrow amount, the subdivider shall pay to the City the excess within thirty (30) days after receipt of a statement therefor.

## **Section 1110 – Definitions**

**Subd. 1 Alley.** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

**Subd. 2 Applicant.** Any subdivider or his agent.

**Subd. 3 Arterial.** A street primarily designed to carry large volumes of traffic and provide for vehicular movement between neighborhoods and/or other heavy traffic generating areas as well as to various sectors of the county and beyond.

**Subd. 4 Block.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

**Subd. 5 Bond.** Any form of security including a cash deposit, surety bond, warranty bond, penalty bond, collateral, property, or instrument of credit.

**Subd. 6 Boulevard.** The portion of the street right-of-way between the curb line and the property line.

**Subd. 7 Building.** Any structure used or intended for supporting or the sheltering of any use or occupancy.

**Subd. 8 Collector Roads.** A road intended to move traffic from local roads to arterials. A collector road serves a neighborhood or large subdivision.

**Subd. 9 Construction Plan.** The maps or drawings, accompanying a subdivision, showing the specific location and design of required public or private improvements to be installed in the subdivision in accordance with the requirements of the City or this chapter as a condition of the approval of the subdivision.

**Subd. 10 Cul-de-sac.** A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement as provided for in Section 1130.

**Subd. 11 Design Standards.** The specification to the subdivider for preparation of preliminary and final plats, including, but not limited to the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements, lots, and public and private improvements.

**Subd. 12 Developer.** The owner of land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/or approval under these regulations.

**Subd. 13 Developer Agreement.** An agreement between the City Council and developer through which the City Council agrees to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation in exchange for the provision of public facilities or amenities by the developer in excess of those required under current regulations.

**Subd. 14 Easement.** Authorization by a property owner for another to use the owner's property for a specified purpose.

**Subd.15 Escrow.** A deposit of cash with the City or escrow agent to secure the promise to perform some act.

**Subd. 16 Final Plat.** The map of a subdivision to be recorded after review by the Planning Commission and approval by the City Council, including any accompanying material as described in these regulations.

**Subd. 17 Frontage.** That part of a lot fronting on one side of a street between the side lot lines or between a street right-of-way and a side lot line.

**Subd. 18 Frontage, Street.** Any street to be constructed by the developer or any existing street where development shall take place on both sides.

**Subd. 19 Grade.** The slope of a road, street, or other public way, site or topography specified in percentage (%) terms.

**Subd. 20 Local Street.** A road whose sole function is to provide access to abutting properties and to other roads from individual properties.

**Subd. 21 Lot.** A parcel of land, separated from other parcels by description, intended for building development or for transfer of ownership.

**Subd. 22 Lot, Butt.** A lot at the end of a block and located between two corner lots.

**Subd. 23 Lot, Corner.** A lot abutting on two or more streets other than an alley, at their intersection.

**Subd. 24 Lot, Double Frontage/Through.** A lot having its front and rear yards each abutting on a street, not including an alley.

**Subd. 25 Lot Line.** The property line bounding a lot.

**Subd. 26 Lot Line, Front.** The lot line separating the lot from the street other than the alley. In the case of a corner lot, the front lot line is the shortest lot line along a street other than an alley. In the case of a through lot, each street has a front lot line.

**Subd. 27 Lot Line, Rear.** The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length within the lot paralleled to and at a maximum distance from the front lot line.

**Subd. 28 Lot Line, Side.** Any lot line not a front or rear lot line.

**Subd. 29 Lot Width.** The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line at the minimum required setback line.

**Subd. 30 Nonresidential Subdivision.** A subdivision whose intended use is other than residential, such as commercial or industrial.

**Subd. 31 Owner.** Any person, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

**Subd. 32 Pedestrian Way.** The right-of-way across or within a block, for use by pedestrian traffic, whether designated as pedestrian way, cross-walk, or however otherwise designated.

**Subd. 33 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, offices, or commercial uses, or any combination thereof, and similar such uses or combinations.

**Subd. 34 Plat.** The map or plan of a subdivision showing the property boundaries, layout, dimensions and legal descriptions of all lots, blocks, and rights-of-way.

**Subd. 35 Preliminary Plat.** The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for recommendation.

**Subd. 36 Property Line.** The boundary lines enclosing a lot, parcel or tract of land.

**Subd. 37 Protective Covenants.** Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

**Subd. 38 Public Improvements.** Any building, structure, drainage ditch, dam, roadway, parkway, sidewalk, pedestrian way, trees, shrubs, lawn, off-street parking area, sewer and water utilities, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which local government responsibility is established.

**Subd. 39 Recreational Trail.** Any trail intended to be used for active recreational purposes such as biking, hiking, jogging and walking.

**Subd. 40 Registered Land Surveyor.** A land surveyor properly licensed and registered in the state.

**Subd. 41 Resubdivision.** A change in a recorded final plat if such change affects any street layout on such plat, or any lot line.

**Subd. 42 Right-of-Way.** The area between property lines of a road, street, alley, pedestrian way or easement or other street.

**Subd. 43 Road, Dead-End.** A road or a portion of a road with only one vehicular traffic outlet.

**Subd. 44 Sketch, Plat.** A sketch preparatory to the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations.

**Subd. 45 Service Street.** A minor street, which is parallel and adjacent to an arterial and which provides access to abutting properties and protection from through traffic.

**Subd. 46 Sight Distance.** The minimum extent of unobstructed vision (on a horizontal plane) along a street from a point five feet above the centerline of a street.

**Subd. 47 Street.** A public way for vehicular traffic, whether designated as a street, highway, arterial, arterial parkway, throughway, road, avenue, lane, place, or however otherwise designated.

**Subd. 48 Street, Grid-Pattern.** The network of roads, streets and sidewalks that are constructed in horizontal lines which are generally rectilinear in form.

**Subd. 49 Street, Minor.** A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

**Subd. 50 Subdivider.** Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease or develop, or advertises to sell, lease or develop, any interest, lot or parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

**Subd. 51 Subdivision.** The separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof.

**Subd. 52 Subdivision Plat.** The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning Commission for review and which, if approved, may be submitted to the County Register of Deeds for filing.

## **Section 1120 – Application Procedures and Approvals Process**

**1120.01 Classification of Subdivisions.** Before any land is subdivided, the property owner, or authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures:  
*(Amended by Ord. 171, 10-24-2005)*

### **Subd. 1 Subdivision:**

Sketch Plat (optional)  
Preliminary Plat  
Final Subdivision Plat

**1120.02 Subdivision within Shorelands.** All plats shall comply with the shoreland management regulations as established in Chapter 12, Zoning. *(Amended by Ord. 171, 10-24-2005)*

**1120.03 Official Submission Dates.** For the purpose of this chapter, the date of the completed subdivision application and all required support information shall constitute the official submission date of the plat. The completion date shall start the statutory period required for formal approval or disapproval of the plat pursuant to Minnesota Statutes, Section 462. The statutory review may be extended pursuant to Statute or by a time extension granted by the subdivider. *(Amended by Ord. 171, 10-24-2005)*



## 1120.04 Plat Procedures.

**Subd. 1 Sketch Plat.** A sketch plat is an optional stage in the plat process, which may serve as the basis for unofficial, conceptual discussion with City staff, City Engineer, and Planning Commission. It provides an opportunity for the subdivider to seek feedback before preparation of the preliminary plat. Submission of such sketch plan shall not constitute formal filing of a preliminary plat. *(Amended by Ord. 171, 10-24-2005)*

### Subd. 2 Preliminary Plat.

#### A. Subdivision Procedures.

1. The subdivider shall submit to the City Administrator, a written application for a preliminary plat along with the following information:
  - a. 8 full-sized copies and 28 reductions of the preliminary plat.
  - b. Cash fee as established by City Resolution.
  - c. Escrow deposit as established by City Resolution.
  - d. Any written supportive information.
  - e. Site plan
  - f. Grading plan
  - g. Utility plan
  - h. Any additional plans as deemed necessary; i.e. Building elevations, landscaping or sidewalk plans, etc.
2. The City Administrator shall direct appropriate staff to review the plat in relation to the City code and the character of existing adjacent development.
3. The City Administrator shall refer copies of the preliminary plat to the City Engineer and applicable public agencies and ensure that written confirmation of any required review is completed.
4. The Planning Commission shall conduct a public hearing on the preliminary plat. Notices of the public hearing shall be mailed at least ten days prior to the hearing to all property owners within three hundred fifty (350) feet of the property as identified in Carver County public records. The notice shall state the time and place of hearing and a brief description of the subdivision. Notice of the hearing shall also be published in the official newspaper at least ten days before the date of said hearing.
5. After holding the public hearing and reviewing the application, the Planning Commission shall provide its findings and recommendations to the City Council. The Commission may recommend approval, approve subject to certain modifications or conditions, or disapprove of the preliminary plat. If the Commission recommends denial of the plat, it shall state the findings for denial in its meeting minutes.
6. The City Council shall not receive or review a preliminary plat until it has received a recommendation from the Planning Commission, unless required to comply with statutory review deadlines. The City Council shall take under consideration the recommendation of the Planning Commission and approve, conditionally approve, or deny the preliminary plat.
7. Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat.
8. Unless the City Council specifically approves a different time period, the approval of a preliminary plat shall expire one (1) year from the date it was approved, unless the applicant has filed a complete application for approval of a final plat; or, unless before expiration of the one (1) year period, the applicant submits a written request for an extension thereof. Such request for an extension shall include the following:
  - a. an explanation for why a final plat has not been applied for
  - b. what, if any, good faith efforts have been made to complete the platting process, and

- c. the anticipated completion date.

**Subd. 3 Final Plat.** Final plat review is the last stage of the subdivision review process. The plat drawings are reviewed for completeness and conformity with the intent and requirements of the preliminary plat approval.

A. Subdivision Procedures.

1. The subdivider shall submit to the City Administrator, written application for a final plat with the following information:
  - a. 8 full-sized copies and 28 reductions of the final plat.
  - b. Final engineering plans.
  - c. Final grading plans with 2' contours.
  - d. Final soil and erosion control plans.
  - e. Final grades and elevations for all public utilities.
  - f. A statement regarding protective covenants and deed restrictions.
  - g. Developer agreement (if required).
  - h. Cash fee as established by City Resolution.
  - i. Escrow deposit as established by City Resolution.
2. The final plat shall conform substantially to the preliminary plat as conditionally approved, and, if desired by the subdivider, it may constitute a portion of the approved preliminary plat that the applicant desires to record and develop; provided such portion conforms to all requirements of this Ordinance.
3. Upon receiving a complete application, the City Administrator shall refer copies of the plat to city staff, the agencies and jurisdictions as needed to receive written comments.
4. The City Administrator shall instruct staff to coordinate analysis of the application, prepare technical reports and the development contract, and prepare a recommendation to the City Council. If the final plat is in agreement with the approved preliminary plat staff shall prepare a report summarizing the review and provide such recommendation to the City Council.
5. If the final plat does not conform to the street arrangement and other aspects of the approved preliminary plat, proposed utility and facility plans, or with any other objectives of the City, staff shall include the points at which the plat fails to conform and recommend to the City Council that they disapprove the plat until the objections have been overcome.
6. The City Council shall review the plat and technical reports and approve, conditionally approve, or disapprove the final plat. If the City Council disapproves the final plat, it shall state its reasons to the subdivider in writing.
7. Before the City Council gives approval of the final plat, it shall require that a developer agreement with the subdivider be drawn up, approved, and signed, to insure performance of the conditions which will lead to the completion of all required public improvements deemed to be necessary.
8. If the final plat is approved, the subdivider shall record it with the County Register of Deeds within one hundred twenty days after the date of approval; otherwise, the approval of the final plat shall be considered void. *(Amended by Ord. 171, 10-24-2005)*

**1120.05 Specifications for Plats.**

**Subd. 1 Sketch Plat.** Since this is a pre-application stage, subdividers shall prepare, for review with the Planning Commission, City Engineer, City Administrator, and others, a preliminary subdivision sketch plan which shall contain the following minimum information:

- A. Site location map showing north arrow, existing conditions on and adjacent to the site, the general layout of streets, blocks, and lots and general areas set aside for schools, parks, and other community facilities.
- B. Any information the subdivider might have regarding the market to be served and the suitability of the location for the proposed subdivision.

**Subd. 2 Preliminary Plat.** The preliminary plat is the second stage of the subdivision review process. During this stage, the subdivider details the proposals and the City details the platting requirements. The preliminary plat shall include the following elements:

- A. Date, north arrow and a scale.
- B. The title of the proposed subdivision.
- C. Names and addresses of the owner, subdivider, surveyor, or engineer preparing the plat.
- D. The names of the abutting subdivisions or the names of the owners of abutting unplatted property and the boundary lines of adjoining unsubdivided or subdivided land.
- E. Legal description and location of the subdivision, giving the numbers of section, township and range, and the name of the township, county and state.
- F. A map indicating plans for the development of the entire area, if the preliminary plat is a portion of a larger holding intended for subsequent development.
- G. A location map showing the relationship of the preliminary plat to the surrounding area.
- H. Block numbers, lot lines, lot numbers, and square footages of each lot. Streets, street names, right-of-way, roadway widths, approximate grades, location, parking stalls, loading spaces, access aisles, and all other circulation elements including bike and pedestrianways, and the total site coverage of all circulation elements.
- I. Other right-of-way or easements, showing location, width, and purpose.
- J. Total acreage of subdivision.
- K. Existing topography at five-foot intervals or less.
- L. Location and elevation of all water bodies including 100 year flood elevation and the Ordinary High Water Level (OHWL).
- M. Proposed and existing storm and sanitary sewers, water mains, other utilities, and their respective profiles, if required.
- N. All existing structures and other physical features which would influence the layout and design of the subdivision.
- O. Proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other non-public uses exclusive of single family dwellings.
- P. Sites proposed to be reserved or dedicated for parks, playgrounds, schools, or other public uses.
- Q. Building setback lines.
- R. Delineation of all wetlands.
- S. Existing zoning of the proposed subdivision and adjacent tracts, in zoned areas including the total acreage in each zoning district.
- T. Source of water supply.
- U. Location of historic and cultural sites.
- V. Front, rear, and side yard setbacks.
- W. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; type of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population.

**Subd. 3 Final Plat.** The final plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall conform to Minnesota Statutes Section 505.02 and the requirements of this Ordinance.

Information to be shown:

- A. Name and right-of-way width of each street or other right-of-ways.
- B. An up-to-date certified abstract of title or registered property report and such other evidence as the City Attorney may require showing title or control in the application.
- C. Certifications by attached information showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full.

## Section 1130 – Design Standards

**1130.01 Conformity with the Comprehensive Plan.** The proposed subdivision shall conform to the policies and standards of the comprehensive plan.

**1130.02 Streets.** The arrangement, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan and to these regulations, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

**Subd. 1 Street Width.** All right-of-way widths and pavement widths shall conform to the following minimum dimensions:

<u>Comprehensive Plan Designation</u>	<u>ROW</u>	<u>Roadway</u>
Arterials	100-200'	52'
Collectors	80'	40'
Local Streets	50-66'	28'
Cul-de-Sac Radius	55'	45'
Service Roads	40'	24'

Greater or lesser widths may be required depending upon anticipated traffic volumes, planned function of the street, and character of planned abutting land uses. *(Amended 8-27-18 Ord. 306)*

**Subd. 2 Street Continuation and Extension.** The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions where this is desirable.

**Subd. 3 Deflections.** When connecting street lines deflect from each other at any one point by more than 10 degrees, they shall be connected by a curve with a radius of not less than 100 feet.

**Subd. 4 Grades.** Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. All center line gradients shall be at least .5% and shall not exceed the following:

Arterial and Collector Streets	4% Gradient
Local Streets	8% Gradient

**Subd. 5 Cul-de-Sacs.** Maximum length of cul-de-sac streets shall be 500 feet measured along the center line from the intersection of origin to end of right-of-way.

**Subd. 6 Half Streets.** Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and except where it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever there is a half street adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract prior to the granting of access. The probable length of time elapsing before dedication of the full right-of-way shall be considered in this decision.

**Subd. 7 Stub Streets.** Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas.

**Subd. 8 Private Streets.** Private streets shall not be approved, nor shall public improvements be approved for any private right-of-way.

**Subd. 9 Service Streets.** Where a subdivision abuts or contains an existing or planned major arterial or a railroad right-of-way, a street approximately parallel to and on each side of such right-of-way for adequate protection of residential properties and to afford separation of through and local traffic may be required. Such service streets shall be located at a distance from the major arterial or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

**Subd. 10 Topography and Arrangement.** The City accepts street arrangements which are grid-pattern or curvilinear providing topography accommodates proposed street arrangement and the City's street naming policy is employed. *(Amended 8-27-18, Ord. 306)*

**Subd. 11 Street Trees.** The Developer shall provide the City with an escrow amount based on the number of lots in the subdivision to provide for future planting of trees. Two trees having a trunk diameter (measured 12 inches above the ground) of not less than two inches (2") and of species/varieties approved by the City shall be planted in a naturalistic way in the front yard of each lot in the subdivision, unless an alternate subdivision landscaping plan is approved by the City Council. Trees shall be replaced if after one growing season the tree is diseased, distressed, or has not survived. *(Amended 8-27-18 Ord. 306)*

**Subd. 12 Street Names.** Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street, in which event it shall bear the same name as the existing or platted street so in alignment.

**1130.03 Alleys.**

**Subd. 1 Locational Requirements.** Except in the case of a planned unit development, either a public or private alley shall be provided in a block where commercially zoned property abuts a major arterial or a major street.

**Subd. 2 Widths.** An alley right-of-way and pavement widths shall conform to the following minimum standards:

<u>Classification</u>	<u>ROW</u>	<u>Pavement</u>
Residential (two way)	20 ft	16 ft
Residential (one way)	16 ft	12 ft
Commercial/Industrial	24 ft	20 ft

**Subd. 3 Grades.** All center line gradients shall be at least .5% and shall not exceed 8%.

**1130.04 Intersections.**

**Subd. 1 Angle of Intersection.** The angle formed by the intersection of streets shall be 90 degrees unless natural features such as topography and trees are to be protected wherein, an intersection shall not be less than 75 degrees.

**Subd. 2 Size of Intersection.** Intersections of more than four corners shall be prohibited.

**Subd. 3 Offset Intersections.** Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-

line offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersections of major streets shall be at least eight hundred (800) feet apart.

**Subd. 4 Vertical Alignment at Intersections.** Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.

**Subd. 5 Sight Triangles.** Minimum clear sight distance shall be established for all intersections in which no building, pole, or other visual obstruction higher than two feet would be permitted. Vehicles should be visible to the driver of another vehicle when each is 75 feet from the center of the intersection for local streets. The standards of Carver County shall apply on other streets.

**1130.05 Pedestrian Ways.** Where sidewalks are proposed, they shall meet the following standards:

**Subd. 1 Widths.** Sidewalks shall be five (5) feet in width. Recreational trails shall be eight (8) feet in width. *(Amended 8-27-18 Ord. 306)*

**Subd. 2 Grades.** Sidewalks shall slope  $\frac{1}{4}$  inch per foot away from the property line and the profile grade shall not exceed 5%.

**1130.06 Utility Easements.**

**Subd. 1 Easements.** Easements shall be provided along rear and side lot lines as necessary for utility lines. The total width shall not be less than 10 feet. The easements should be centered on rear lot lines resulting in a 5-foot easement on one lot and 5-feet on the adjacent lot.

**Subd. 2 Storm Water or Right-of-Way.** Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, a storm water easement or drainage right-of-way shall be provided which conforms substantially with the lines of such watercourse or right-of-way.

**1130.07 Drainage.** The post-development runoff rate shall not exceed the pre-development runoff rate for a ten-day snow melt event as well as the 1 year, 10 year, and 100 year storm events. *(Amended 8-27-18 Ord. 306)*

**1130.08 Blocks.**

**Subd. 1 Arrangement.** A block shall be so designed as to provide two tiers of lots wherever possible unless it adjoins a railroad, major Arterial, river or park where it may have a single tier of lots.

**Subd. 2 Length.** Block lengths shall not exceed 1,300 feet nor be less than 500 feet.

**1130.09 Lots.**

**Subd. 1 Conformance to Zoning.** The lot width, depth, and area shall not be less than the particular district requirements of the zoning ordinance.

**Subd. 2 Lot Frontage.** All lots shall front upon a publicly dedicated street.

**Subd. 3 Width Related to Length.** To prevent narrow deep lots, the depth of a lot shall not exceed  $2\frac{1}{2}$  times the width.

**Subd. 4 Corner Lots.** Corner lots shall have extra width as identified in Chapter 12 to permit appropriate building setbacks from both streets or orientation to both streets. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots.

**Subd. 5 Butt Lots.** Butt lots shall be platted at least five feet wider than the average width of interior lots in the block; their use shall be avoided whenever possible.

**Subd. 6 Side Lot Lines.** Side lot lines shall essentially be at right angles to straight streets and radial to curved streets.

**Subd. 7 Back-up Lots.** Lots shall back, wherever possible, rather than face, onto such features as freeways and arterial streets, shopping centers, or industrial properties. Such lots should contain a landscape easement along the rear at least 20 feet wide to restrict access to the arterial street, to minimize noise and to protect outdoor living areas. Lots extending through a block and having frontage on two local streets should be prohibited.

**Subd. 8 Lot Remnants.** All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.

**Subd. 9 Double Frontage/Through Lots.** Such lots shall not be permitted except where such lots back onto an arterial or major highway; such lots shall have additional depth of ten feet for screen planting along the rear lot line.

**1130.10 Planting Strips.** Planting strips shall be placed next to undesirable features such as highways, railroads, or industrial uses to screen the view from residential properties. Such screens should be a minimum of 20 feet wide.

**1130.11 Erosion and Sediment Control.**

- A. The development shall conform to the topography and soils to create the least potential for soil erosion.
- B. The smallest practical increment of land shall be exposed at any one time during development.
- C. Detailed requirements for each plat shall be set forth in the development agreement.

**1130.12 Mailboxes.**

Where there is more than one house on a City block, mailboxes shall be located in a cluster. Paper boxes and advertising boxes must be located in the same cluster as the mailboxes. The clusters shall be centrally located in the middle of the homes to be served. A mailbox plan showing location is required to be submitted to and approved by the Postmaster and City prior to establishment of the receptacles. *(Amended 8-27-18 Ord. 306)*

## **Section 1140 – Dedication Requirements**

**1140.01 Park Land Dedication Requirements.**

**Subd. 1. Purpose and Findings**

- A. Minnesota Statutes Section 462.358. Subd. 2b provides that municipal subdivision regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for conservation purposes or for public use as parks, playgrounds, trails, wetlands, or open space, and that the municipality may alternatively accept an equivalent amount in cash. *(Amended by Ord. 165, 2/14/2005)*
- B. The City Council finds that:
  - 1. The preservation and development of parks, playgrounds, and open space areas within the City are essential to maintaining a healthy and desirable environment for residents and employees within the City. Further, the value and attractiveness of residential and commercial/industrial developments is enhanced by the presence of parks and open space amenities.
  - 2. New developments place a burden upon the City's parks and open space system. New facilities must be developed to maintain the current level of service and the quality of the environment for all. Therefore, new developments shall be required to contribute toward the City's park system in

rough proportion to the relative burden they will place upon the park system. *(Amended by Ord. 165, 2/14/2005)*

### Subd. 2. Dedication Required

- A. At the time of subdivision, the developer shall dedicate land for public open space and public use as parks, playgrounds, recreation facilities, trails, in an amount equal to the development's proportional share of the City park system, as determined by this ordinance. *(Amended by Ord. 165, 2/14/2005)*
- B. Any land dedicated shall be in a location and of a character consistent with and suitable for meeting the needs identified by the City's Comprehensive Plan. In order to be accepted for the required dedication, land must be suitable for public uses. Land located within wetlands, areas subject to flooding, and land used for ponding or infiltration areas will not be accepted to meet the land dedication requirements. The City may consider accepting ownership of these lands without giving credit for park dedication. *(Amended by Ord. 165, 2/14/2005)*
- C. Existing natural features which enhance the attractiveness of the community, such as trees, watercourses, historical places, and similar irreplaceable assets such be preserved, insofar as possible, in the design of the subdivision and in meeting park land dedication requirements. *(Amended by Ord. 165, 2/14/2005)*
- D. If the City Council determines that land is not needed in the area of the proposed subdivision, the City requires payment of an equivalent amount in cash. Any money paid to the city for this purpose shall be placed in a special fund and used only for the acquisition of land for parks, open space, playgrounds, and recreational facilities, and for the development of new and existing park and playground sites. *(Amended by Ord. 165, 2/14/2005)*
- E. If the City Council determines that land is needed with a subdivision, but in a lesser amount than what is required, the Council may require payment of cash in lieu of land dedication based on a proportional share of the land dedication that would otherwise be required. *(Amended by Ord. 165, 2/14/2005)*
- F. The undeveloped land value shall be used to determine the cash payment required in lieu of land dedication. The amount required for payment is evaluated annually and is listed in the City of Norwood Young America Fee Schedule. *(Amended by Ord. 165, 2/14/2005)*
- G. The City Council may waive the park dedication fee under special circumstances, such as economic development projects, where public funding and subsidies are utilized for project feasibility. *(Amended by Ord. 165, 2/14/2005)*

**Subd. 3. Land Dedication/Payment of Fees.** Dedication of land and/or payment of park dedication fees shall be as follows:

- A. Calculation of Dedication.
  - 1. For residential subdivisions, a minimum of 10% of the total area of the property or a cash payment equal to the estimated market value of the same is deemed a reasonable portion to meet dedication requirements. The land must be suitable for public use and the City is not required to accept land which will not be usable for park purposes or which would require extensive expenditures on the part of the public to make them usable. *(Amended by Ord. 165, 2/14/2005)*
  - 2. For non-residential subdivisions, such as commercial or industrial plats, the city requires a minimum cash park dedication as specified in the Fee Schedule. However, where the City Council deems it in the public interest, it may require a minimum land dedication of five percent of the commercial or industrial land to be subdivided in lieu of a cash dedication. The lands must be indicated on the City's Comprehensive Plan or must be designated on specific area plans for parks, trails, and public open space. *(Amended by Ord. 165, 2/14/2005) (Amended 8-27-18 Ord 306)*
- B. Land Dedication.
  - 1. When land is to be dedicated to satisfy the park dedication requirement, separate lots or outlots shall be indicated on the plat drawings for the area(s) to be dedicated. *(Amended by Ord. 165, 2/14/2005)*



2. Signed deeds for the lots or outlots shall be given to the City prior to the City's release of the final plat for filing. No building permits shall be issued for the development until the required deeds are received by the City. *(Amended by Ord. 165, 2/14/2005)*
  3. The developer shall be responsible for finished grading and ground cover and construction of trails in all lands to be dedicated to the City. No credit toward the required dedication shall be given for this work, except that credit for the cost of improvements to trails included in the City's adopted trail plan may be reimbursed by the City. *(Amended by Ord. 165, 2/14/2005)*
- C. Cash Fee. When a cash fee is to be paid in lieu of land dedication, the payment of such fee shall be required as follows:
1. For all residential developments, park dedication fees shall be paid prior to the City releasing the signed final plat for recording. An exception may be granted by the City Council for multiple-family structures, including multi-unit townhomes, condos and apartments, to allow payment of the fee prior to the issuance of building permits. Payment shall be made for all units within each building prior to issuance of any building permits for that structure. *(Amended by Ord. 165, 2/14/2005)*
  2. For commercial and industrial developments, park dedication fees shall be paid prior to the City releasing the signed final plat for recording. The City Council may grant deferral of a portion of the fees if the subdivider proposes to construct significantly less square footage than the site supports. The remaining fees shall be paid at the time of building permit application for additional square footage to be constructed on the site. *(Amended by Ord. 165, 2/14/2005) (Amended 8-27-18 Ord. 306)*
  3. In plats that include outlots for future development, the subdivider shall pay to the City the required dedication fee for each phase at the time such outlots are replatted for development, according to the park dedication policy and fees in affect at the time of final plat for each phase. *(Amended by Ord. 165, 2/14/2005)*

#### **1140.02 Street Dedication.**

**Subd. 1 Existing Half-Streets.** Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider.

**Subd. 2 Local and Collector Streets.** The right-of-way of any new local or collector street that is part of a subdivision shall be dedicated for public use.

**Subd. 3 Widening and Realigning Existing Roads.** Where a subdivision borders an existing narrow road or when the Comprehensive Plan, County Transportation Plan, or zoning setback regulations indicate plans for realignment of those roads. Service roads and streets shall be improved and dedicated by the applicant at its own expense to the full width as required by these subdivision regulations when the applicant's development activities contribute to the need for the road expansion.

### **Section 1150 – Improvement Required**

**1150.01 Purpose.** It is the purpose of this section to establish and define the public improvements which will be required to be constructed by the subdivider as conditions for final plat approval and also to outline the procedures and responsibilities of the subdivider and the various public officials and agencies concerned with the administration, planning, design, construction, and financing of public utilities and facilities, and to further establish procedures for assuring compliance with these requirements.

**1150.02 Responsibility for Plans.** It shall be the responsibility of the subdivider of every preliminary subdivision to have prepared by a registered engineer, or registered land surveyor, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data, for the hereinafter required public streets, utilities, and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. All construction plans shall be

prepared in accordance with the following public improvement standards or specifications as approved by the various agencies of the City and County.

#### **1150.03 Procedure.**

**Subd. 1 Submittal.** Three complete copies of engineering plans and specifications of each required public improvement shall be filed with the City Administrator, coincident with the filing of the final plat.

**Subd. 2 Review.** The City Administrator shall transmit one copy of the engineering plans and specifications along with the final plat to the Planning Commission. The Planning Commission shall review the complete submission and report its recommendation to the City Council. The reasons for a recommendation of disapproval, approval with conditions, or approval shall be made in writing with reasons identified. Recommendation for disapproval, approval with conditions, or approval of engineering plans shall always be simultaneous with action on the final plat.

**1150.04 Required Public Improvements.** Every subdivision developer shall be required to install and pay for the following public and other improvements in accordance with the conditions and specifications as follows.

**Subd. 1 Monuments.** Monuments of a permanent character shall be required and installed in conformance to Minnesota Statutes.

#### **Subd. 2 Street Improvements.**

- A. Street Grading. All streets and alleys shall be required to be graded to their full right-of-way width by the subdivider so that pavements and sidewalks and other improvements can be constructed by using the finished grade level. Grades shall be approved by the City Engineer.
- B. Street Surfacing. Concrete or hot plant mix with adequate subbase shall be as approved by the City Council upon advise from the City Engineer.
- C. Curb and Gutter. Concrete curb and gutter, type B-618 shall be required.
- D. Street Signs. Shall be required to be installed in the appropriate locations at each street intersection as approved by the City Council.
- E. Street Trees. Shall be approved by the City Engineer and shall be planted in accordance with the specifications of the City Engineer. Such trees shall have a minimum trunk diameter (measured twelve inches above ground level) of not less than two inches. Only oak, honey locust, hard maples, ginkgo, or other long-lived shade trees, acceptable to the City Engineer and to the City Council, shall be planted.

#### **Subd. 3 Alley Improvements.**

- A. Street Grading. Grades shall be approved by the City Engineer.
- B. Street Surfacing. Shall be Class 5 aggregate, 100% crushed quarry stone.

**Subd. 4 Sidewalks.** When sidewalks are included as part of a subdivision, they shall be concrete four (4) inches thick placed on a four 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.

#### **Subd. 5 Utilities.**

- A. Watermain. A minimum watermain of six (6) inch ductile cast iron pipe or other approved pipe shall be required. Mains over eight (8) inches in size may be required with the additional cost to be born by the community.
- B. 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.
- C. Drainage Facilities. All surface and underground drainage systems shall be in conformity to the City drainage plans.

- D. Utilities Location. When practicable and feasible, all utilities shall be placed underground; all underground work within the right-of-way shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

**Subd. 6 House Services.** Each house service shall be run from the main to the property line where a cap or plug shall be placed until the service is extended to the structure. A one 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. Curb boxes shall be easily located and visible.

**Subd. 7 Inspection.** All required improvements shall be inspected by the City Engineer during construction, at the expense of the subdivider.

**Subd. 8 Construction Plans (includes sediment and erosion control plans).** Construction plans for the required improvements conforming in all respects with the standards of the City Engineer and the ordinances of the City shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota, and said plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the City Engineer for said approval and for said estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. The tracings of the plans approved by the City Engineer, plus two prints, shall be furnished to the City to be filed by the City Engineer as a record.

**1150.05 Condition of Approval of Final Plat.** No final subdivision plat shall be recommended by the Planning Commission and approved by the City Council, or be accepted for record by the County, until the improvements required under these subdivision regulations shall have been constructed in a satisfactory manner and approved by the respective public agency responsible for the public improvement, or in lieu of such prior construction, the filing of a performance bond, cash deposit, certified check, escrow deposit or special assessment agreement with the respective public agency responsible for administering the specific public improvements.

**1150.06 Financial Guarantees.** In lieu of the actual installation of required public improvements, the subdivider may elect to provide a financial guarantee of an escrow deposit, or furnish a performance bond as follows:

**Subd. 1 Escrow Deposit.** An escrow deposit shall be made to the City in a sum equal to 125% of the total cost of the public improvements as estimated by the City Engineer, including cost of inspection by the City of all of the improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to approval of the final plat.

The City shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the City for completion of the work in case of default of the subdivider under said contract, and for any damages sustained. Upon completion of the work and termination of any liability, the balance remaining in said deposit shall be refunded to the subdivider.

**Subd. 2 Performance Bond.** In lieu of making escrow deposit, the subdivider may furnish a public contractor's performance bond in form prescribed by statute, with corporate surety, in a penal sum equal to 125% of the total cost as estimated by the City Engineer, including cost of inspection by the City, of all of the improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to approval of the final plat. The bond shall be approved by the City Attorney and filed with the City Clerk.

**1150.07 Inspection.** All required improvements on the site that are to be installed under the provisions of this section shall be inspected during the course of construction by the City Engineer at the subdivider's expense, and acceptance shall be subject to the City Engineer's certificate of compliance with the contract.

**1150.08 Progressive Installations.** In addition to, and in conformance with the above provision for agreement to progressively repay a subdivider for completion of portions of the required public improvement, when any portion

of an improvement has actually been fully completed, the City shall upon reasonable advance notice, approve a partial withdrawal of funds or a reduction in the face value of the certified check or bond equal to the estimated cost of such completed portion.

**1150.09 Penalty in Case of Failure to Complete the Construction of a Public Improvement.** In the event the subdivider shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, the City may assume responsibility for completion of such work. In order to accomplish this, the City shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, or may take such steps as may be necessary to required performance by the bonding company.

### **Section 1160 – Civil Enforcement**

Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.

### **Section 1170 – Effective Date**

This Ordinance shall take effect and be in force from and after its passage and publication according to law, passed by the City Council of the City of Norwood Young America this 27<sup>th</sup> day of May, 1997.