

Ordinance No. 104

Subdivision Ordinance

City of New Germany
Carver County, MN

Adopted by the City Council
October 16, 2012

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CHAPTER I. TITLE

This Ordinance shall be known, cited and referred to as the City of New Germany Subdivision Ordinance, except as referred to herein as "this Ordinance".

CHAPTER II. PURPOSE, AUTHORITY AND COMPLIANCE

Section 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 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, telecommunications 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 designed to provide sufficient capacity to serve existing and new development, and 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.

Section 2. Authority

- A. The City Council shall serve as the platting authority in accordance with Minnesota State Statute Chapters 462.358 and 505, as may be amended. The City Council may refer the review of subdivisions of land to the Planning Commission for comment and recommendations.
- B. No subdivision of land shall be accepted for filing by the Carver County Office of Property Records unless the subdivision is accompanied by a resolution approving the subdivision adopted by the affirmative vote of the majority of the City Council.
- C. The subdivision shall not be valid until it has been filed with the Carver County Office of Property Records.

Section 3. Compliance

Following the adoption of this Chapter, the following shall not be permitted in a subdivision unless a subdivision plat has been approved by the City and recorded with the Carver County Office of Property Records, and until the improvements required by the City in accordance with the approved plans have been constructed or arranged for as provided in this Ordinance:

- A. No lot in a subdivision shall be sold,
- B. No building permit shall be issued in a subdivision, and

C. No building shall be erected in a subdivision.

CHAPTER III. GENERAL PROVISIONS

Section 1. Scope

- A. These regulations shall apply to all subdivisions of land within the City however the requirements for a final plat are not applicable to registered land surveys and conveyances by metes and bounds.
- B. All subdivisions of land within the City shall meet or exceed the requirements of this Ordinance unless the City has granted a variance, as established in Chapter IV, Section 2, from the provisions of this Ordinance.
- C. The City may impose additional, reasonable standards and conditions that are related to the subdivision to protect the public's health, safety and general welfare.
- D. 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 in this Ordinance.

Section 2. Jurisdiction

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

Section 3. Repeal of Previous Subdivision Ordinance

Ordinance No. 71 - Subdivision adopted by the City Council on March 6, 1996 and all amendments to Ordinance No. 71 are hereby repealed.

Section 4. Comprehensive Plan

The City has adopted a Comprehensive Plan, that may be amended from time to time, that establishes 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 Ordinance.

Section 5. Administration

A. Notices

Failure to give notice or to give adequate notice when such is required by the provisions of this Ordinance shall not invalidate any proceeding, provided that a good faith attempt has been made to comply with the notice requirement.

B. Interpretation

- 1. The provisions of this Ordinance shall be interpreted as the minimum requirements necessary to accomplish the purposes of this Ordinance. Except as provided within this Ordinance, the provisions of this ordinance are cumulative and in addition to the provisions of other laws and ordinances governing the same subjects.
- 2. Where the provisions of this Chapter impose greater restrictions than those of any law, other ordinance or regulation, the provisions of this Chapter shall control.
- 3. Where the provisions of any law, or other ordinance or regulation impose greater restrictions than this Chapter, the greater restrictions shall be controlling.
- 4. Words or terms defined in this Ordinance shall have the meanings assigned to them unless such meaning is clearly contrary to the intent of this Ordinance.
 - a. The singular number shall include the plural.
 - b. The present tense shall include the past and future tenses.

- c. The word "shall" is mandatory and "may" is permissive.
- 5. All measured distances expressed in feet shall be to the nearest tenth of a foot. In event of conflicting provisions, the more restrictive provisions shall apply.
- C. Separability: The City declares that the provisions of this Ordinance are separable in accordance with the following:
 - 1. 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 the judgment.
 - 2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property or subdivision, such judgment shall not affect the application of the provision to any other property or subdivision not specifically included in the judgment.

D. Amendments

This Ordinance may be amended after consideration and recommendation by the Planning Commission and action by the City Council. Amendments must be published according to law.

Section 6. Definitions

The following words, terms, phrases as used in this Ordinance shall have the following meanings:

- (1) Alley: A public right-of-way which affords a secondary means of access to abutting property.
- (2) Applicant: An owner, agent or person, individual firm, association, syndicate, partnership, corporation, trust or other legal entity having sufficient proprietary interest in a property to request a subdivision of the property under this Ordinance.
- (3) Application, Complete: Any necessary form, as provided by the City, and all accompanying information as required by this Ordinance to be completed by the applicant for the requested action.
- (4) Best Management Practice(s): Sediment and erosion control methods established in "Protecting Water Quality in Urban Areas: Best Management Practices for Minnesota" prepared by the Minnesota Pollution Control Agency (MPCA), March 1, 2001, and subsequent updates.
- (5) Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.
- (6) Boulevard: That portion of a street right-of-way between the curb or curb line and the property line.
- (7) Building: A structure which may provide shelter and enclosure for persons, personal property or animals, and when such structure is divided by party walls without openings, each portion so formed and separated shall be deemed to be a separate building.
- (8) Certificate of Survey: A document prepared by a registered engineer or registered land surveyor, which precisely describes the area, dimensions and locations of a parcel or parcels of land.
- (9) City: City of New Germany, Carver County, Minnesota

- (10) City Clerk: The City Clerk, appointed by the City Council, and shall serve as the official zoning officer of the City, unless another individual is appointed by the City Council.
- (11) City Council: The governing body of the City of New Germany.
- (12) Comprehensive Plan: The City of New Germany 2030 Comprehensive Plan, as may be amended from time to time.
- (13) Construction Plans: 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 and this Ordinance as a condition of the approval of the subdivision.
- (14) County: The governing board of Carver County, Minnesota
- (15) Cul-de-sac: A road with only one outlet that contains an area at the end to allow vehicles to turn around.
- (16) Design Standards: The minimum requirements for the preparation and layout of plats and associated required improvements.
- (17) 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 us
- (18) Escrow: A deposit of cash with the City or escrow agent to secure the promise to perform certain actions associated with a subdivision.
- (19) Fee Schedule: The current fee schedule as adopted by the New Germany City Council.
- (20) 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.
- (21) Improvements: Public or private utilities including, but not limited to, water supply and sanitary sewer systems, storm sewers, roads, sidewalks, pedestrian/bicycle trails, landscaping, lighting, energy and communication facilities.
- (22) Land Disturbing Activity: 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, including but not limited to building demolition, clearing and grubbing, grading, excavating, transporting and filling of land.
- (23) Lot: A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means that is adequate for a use allowed by this Ordinance; abutting a public street; and of sufficient size to meet the required setbacks and area required by this Ordinance. The terms "parcel" and "tract" have the same meaning as lot.
- (24) Lot Area: The total area within the lot lines of a lot excluding dedicated public rights of way.

- (25) 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.
- (26) Lot Depth: The mean horizontal distance between the front lot line and the rear lot line.
- (27) Lot, Double Frontage: A lot having frontage on two non-intersecting streets.
- (28) Lot Frontage: The portion or side of a lot that abuts public right of way.
- (29) Lot Line: A property boundary line of any lot, except any portion of the lot that extends into the abutting street or alley.
- (30) Lot Line, Front: A lot line abutting a public right of way and if a corner lot, it shall be the shortest dimension on a public street.
- (31) Lot Line, Rear: The lot line opposite and most distant from the front lot line.
- (32) Lot Line, Side: Any lot line other than a front or rear lot line.
- (33) Lot of Record: A parcel of land whose legal description was established in the Carver County Office of Property Records by plat, subdivision, or as otherwise permitted by law.
- (34) Lot Width: The horizontal distance between side lot lines, measured at the required front setback line.
- (35) 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.
- (36) 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.
- (37) Mn/DOT: The Minnesota Department of Transportation
- (38) Open Space: An area set aside for the preservation of natural open spaces to counteract the effects of urban congestion and monotony.
- (39) Ordinary High Water Level(OHL): The boundary of public waters and wetlands, which shall be an 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.
- (40) 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:
- a.) land that is part of the subdivision but is to be subdivided into lots and blocks at a later date;
 - b.) land that is to be used for a specific purpose as designated in a developer's agreement,
 - c.) land for use by agreement between the City and the applicant; or
 - d.) land for a public purpose.

- (41) Parks and Playgrounds: Public lands and open space in the City of New Germany dedicated for and usable for recreation purposes including public parks, recreational facilities, playgrounds, trails, open space or a related public use.
- (42) 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.
- (43) 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.
- (44) Person: A firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- (45) Planned Unit Development(PUD): An integrated development involving two or more principal uses or structures, including but not limited to single family or multiple family residential uses, business uses, or any combination thereof, and similar such uses or combinations.
- (46) Planning Commission: The City of New Germany Planning Commission
- (47) 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 Ordinance pursuant to Minnesota Statute Chapters 462.358 and 505.
- (48) Plat, Final: A drawing or map of a subdivision presented to the City Council for approval that meets the requirements of this Ordinance and that is to be recorded with the Carver County Office of Property Records and meeting State law regarding the final platting of land.
- (49) Plat, Preliminary: A drawing or map of a proposed subdivision meeting the requirements of this Ordinance.
- (50) Protective Covenants: A restriction of the use placed upon the property by a present or former owner and recorded with the Carver County Office of Property Records.
- (51) Public Hearing Notice: A notice published in the official newspaper of New Germany, other qualified newspaper or communication method available to the general public as allowed by State law, at least 10 days before the date of the hearing. The notice shall specify the general time, purpose and place of the hearing.
- (52) 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.
- (53) 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.
- (54) Resubdivision: A change in an approved or recorded subdivision plat that affects any street layout, area reserved for public use, or any lot line on the plat; or affects any map, or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

- (55) Right-of-Way: An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.
- (56) Road/Street: A vehicular way lying within public right-of-way which affords primary access to abutting properties and defined as a local, collector or minor arterial in the Comprehensive Plan.
- (57) Road, Collector: Roads that provide connections between cities and minor business concentrations within the County, as designated in the Comprehensive Plan and the Carver County Transportation Plan, as may be amended.
- (58) Road, Local: City and township roads that serve the shortest trips and providing access to adjacent property, as designated in the Comprehensive Plan and the Carver County Transportation Plan, as may be amended.
- (59) Road, Minor Arterial: Roadways that serve medium to short trips as designated in the Comprehensive Plan and the Carver County Transportation Plan, as may be amended.
- (60) Setback: The minimum horizontal distance between a structure and the nearest property line or right-of-way line.
- (61) Sketch Plan Review: An informal, nonbinding review of a conceptual subdivision or a development of property referenced in the Planned Unit Development (PUD) District.
- (62) Subdivision: The division of land into two 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.
- (63) Water Management Ordinance, City: The City of New Germany Ordinance No. 70 - Stormwater Management Ordinance, as may be amended.
- (64) Water Management Plan, Carver County: The Carver County Water Management Plan, as may be amended.
- (65) Water Management Plan, City: The City of New Germany 2007 Stormwater Management Plan, as may be amended.
- (66) Wetland Conservation Act: An Act adopted by the State, as amended, classifying, governing and defining wetlands within the State.
- (67) Zoning Officer: The City of New Germany City Clerk or other individual, as appointed by the City Council.
- (68) Zoning Ordinance: Ordinance No. 100 - New Germany Zoning Ordinance, adopted by the City on November 15, 2011 and as may be amended from time to time.

CHAPTER IV. PERMITS, VARIANCES AND PREMATURE SUBDIVISIONS

Section 1. Permits

No building or grading permits shall be issued by the City for the construction of any structure or improvement on any land within any plat until all requirements of this Ordinance and any requirements imposed upon the approval of the subdivision by the City Council have been complied with, including but not limited to other agency permits, development agreements, receipt of application fees, reimbursement of all out of pocket expenses incurred by the City, deposit of any required financial guarantees and insurance, and payment of any delinquent taxes, special assessments or other fees and payments owed to the City.

Section 2. 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 grant a variance from this Ordinance, provided the variance is not inconsistent with the purpose of this Ordinance, the Zoning Ordinance and the Comprehensive Plan.
- C. 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 properties.
 - 3. An unusual hardship or practical difficulty exists on the property because of the property's particular physical surroundings, shape, or topographical conditions that warrant varying the requirements of this Ordinance.
 - 4. The condition or circumstances that cause the unusual hardship or practical difficulty does not result from actions of the property owner or the applicant.
- D. 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 Ordinance and to protect the public interest.
- E. A variance from this Ordinance shall be requested by the applicant of the subdivision at the same time the preliminary plat or minor subdivision application is submitted to the City, and shall be considered in the same manner as a preliminary plat or minor subdivision.
- F. The variance, if granted by the City Council, shall expire one year from the date of approval of the preliminary plat or minor subdivision by the City Council if the subdivision 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 or minor subdivision is to become void.

Section 3. Premature Subdivisions

- A. The City Council shall deny any preliminary plat or minor subdivision that is premature for development according to certain conditions.
- B. A subdivision may be deemed premature should any of the conditions exist:
 - 1. Inadequate drainage as defined by the following:
 - a. Surface or subsurface water retention and runoff constitutes a hazard on or off the 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 outside the subdivision property.
 - d. The proposed subdivision fails to comply with the City Surface Water Management Plan and the Carver County Water Management Plan requirements.
 - e. Factors considered in making determinations of inadequate drainage may include but is 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. Inadequate or lack of connection to a public water supply: No subdivision shall be approved unless all property within the subdivision is connected to the municipal water system and the public water supply system has adequate capacity to meet supply domestic and firefighting needs as determined by the City Council.
 3. Lack of an adequate public wastewater treatment as defined by the following:
 - a. There is inadequate capacity in the existing or planned municipal wastewater treatment system to accommodate the subdivision when fully developed.
 - b. The subdivision is located outside of the current or planned municipal wastewater treatment service area, or inconsistent with the public facilities phasing plan included in the Comprehensive Plan.
 - c. The planned wastewater treatment system for the subdivision is unable to meet the requirements of this Ordinance or requirements of the Minnesota Pollution Control Agency.
 4. Lack of adequate roads to serve the subdivision as defined by the following:
 - a. County or local roads which serve the proposed subdivision are inadequate due to design or capacity to accommodate an increase in traffic volume generated by the proposed subdivision, or would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition.
 - 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 years.
 5. Lack of public service capacity to serve the subdivision: No subdivision shall be approved where the City, County or School District lacks necessary public service capacity for recreational facilities, schools, police and fire protection and other public facilities, which must be provided at public expense, and cannot reasonably be provided for within the next five years.
 6. Inconsistency with capital improvement policies to serve the subdivision: No subdivision shall be approved 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 the capital improvement program or policies can be accommodated.

- C. The burden shall be upon the applicant or owner of the property to show evidence that the proposed subdivision is not premature.

CHAPTER V. PROCEDURES

Section 1. Purpose

The purpose of platting is to establish easily identified and described properties which reduce public administrative burdens and avoid general public confusion in identifying, tracking and monitoring private property.

Section 2. General

- A. All subdivisions shall be platted or described by Registered Land Survey in accordance with Minnesota Statute Chapter 505, except as otherwise provided in this Ordinance.
- B. No subdivision of land into two or more parcels shall be permitted except in conformance with this Ordinance except for:
 - 1. Registered Land Surveys
 - a. All requests for approval of a subdivision described by registered land surveys shall follow the same procedure for review of a minor subdivision or preliminary plat as described in this Chapter, as applicable, and be filed with the Carver County Office of Property Records.
 - b. The standards and requirements of this Ordinance shall apply to all registered land surveys.
 - c. 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 lots do not have the required frontage on a dedicated public street.
 - 2. Metes and Bounds Conveyances
 - a. All requests for approval of a subdivision described by a metes and bounds description shall follow the same procedure for review of a minor subdivision as described in this Chapter.
 - b. All requests for approval of a subdivision described by a metes and bounds description may be allowed provided the division of property results in no more than three lots and no new road, the resultant lots are easily described, the legal descriptions of the lots are accepted by the County Surveyor, and the lots comply with the dimensional requirements of the Zoning Ordinance.
 - 3. Planned Unit Developments (PUD's)
 - a. All requests for approval of a subdivision within a PUD District shall follow the same procedure for review of a preliminary plat and final plat as described in this Chapter.
 - b. Standards for the design of subdivisions and public improvements within PUD's may be varied from the requirements of this Ordinance due to the uniqueness of the PUD provided the City finds that strict adherence to such requirements or specifications is not required to meet the intent of this section or to protect the health, safety or welfare of the residents of the PUD, the surrounding area or the City as a whole.
- C. The City shall not approve any preliminary plat unless a public hearing is held in accordance with Minnesota Statute Chapter 462.358.

- D. The applicant shall pay all reasonable fees and other extraordinary costs incurred by the City for the review of the subdivision, as follows:
 - 1. A subdivision application fee as established by the City in the City of New Germany Fee Schedule 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 such as the City Engineer, City Planner and City Attorney.
 - a. The City may require the applicant to deposit fees in an escrow account or other form of financial security, approved by the City, at the time of submission of the subdivision application to the City.
 - b. The City may withhold final action on a subdivision and/or withhold all other permits pertaining to the property until all fees related to the review of the subdivision are paid.
- E. 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 and accepted the final improvements.

Section 3. Minor Subdivisions

- A. At the discretion of the City Council, the requirements for platting may be waived for minor subdivisions as defined as:
 - 1. Moving a lot line between no more than two 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 and fire code requirements with the new lot line.
 - 4. The creation of no more than three lots provided that no new public road is created or required by the City, that all lots have the minimum required frontage on a public road, and the proposed lots meet all dimensional and area requirements this Ordinance and Ordinance No. 100 - Zoning Ordinance.
 - 5. Subdivisions creating separate lots designed to be combined with adjacent lots provided that the newly created lots or parcels, when combined, meet all dimensional and area requirements this Ordinance and the Zoning Ordinance.
- B. An application for a minor subdivision, on a form provided by the City, shall be filed with the City Clerk a minimum of one month prior to the Planning Commission meeting along with the following information:
 - 1. A certificate of survey prepared by a registered land surveyor that includes:
 - a. Legal descriptions for the lots 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
 - 2. Title evidence for the property in a form acceptable to the City Attorney
 - 3. Fees in accordance with Section 2, subpart D of this Chapter
- C. Review Procedure

1. The City Clerk shall schedule the review of the minor subdivision at a Planning Commission meeting after submission of a complete application by the applicant.
 2. The City Clerk 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 application complies with this Ordinance 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 application to the City Council.
 4. The City Council shall act to approve, approve with modifications, or deny the minor subdivision within 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 minor subdivision and shall include findings of fact as part of the official record of the City Council decision.
- D. The minor subdivision shall comply with all applicable standards as required in Chapter VII - Subdivision Design and Improvement Standards of this Ordinance.
- E. Recording
1. The applicant shall submit easements, agreements and other documents pertaining to public services and access provided to the property and their maintenance to the City Attorney for review and approval before the subdivision is filed with the Carver County Office of Property Records.
 2. The applicant shall furnish evidence that the subdivision documents, including any agreements or easements, have been filed with the County within six months of the City Council approval or before a building permit is requested, whichever occurs first.

Section 4. Preliminary Plat

A. Sketch Plan

1. Prior to the submittal of a preliminary plat application, the City may require the submittal of a sketch plan depicting the general layout of property development for informal discussion and review with the Planning Commission and the City Council.
2. The sketch plan review shall consist of the following procedures:
 - a. An application for a Sketch Plan Review, on a form provided by the City, with the City Clerk shall be filed a minimum of one month prior to a regularly scheduled Planning Commission meeting along with the following information:
 - 1.) The proposed lot layout and size, intended land use, overall street layout, general storm water drainage requirements and existing natural features of the property.
 - 2.) A narrative describing the need for any required amendments to the Zoning Ordinance and Comprehensive Plan.
 - 3.) A narrative explaining the applicant's interest in the property, the general timing or staging of development within the proposed subdivision.
 - b. The Planning Commission will informally advise the applicant of the conformance of the sketch plan with the requirements this Ordinance, the Zoning Ordinance and the Comprehensive Plan, and will discuss possible plan modifications as necessary to ensure conformance with this Ordinance and any other City requirements.
 - c. The Sketch Plan Review application and comments from the Planning Commission pertaining to the sketch plan will be forwarded to the City Council for review and

comment at the next available City Council meeting following review by the Planning Commission.

3. Any comments and recommendations by the Planning Commission and City Council are advisory and shall not constitute approval or a commitment to approve a request for any preliminary plat application for the property.

B. Preliminary Plat Review Procedure

1. The applicant shall submit an application for a preliminary plat, on a form provided by the City, to the City Clerk a minimum of one month prior to a regularly scheduled Planning Commission meeting along with the following information:
 - a. Ten paper copies of the preliminary plat of an accurate scale and supporting information containing information required in Chapter VI- Preliminary and Final Plat Submittal Requirements of this Ordinance,
 - b. An electronic copy of the preliminary plat and supporting information that may be printed to a maximum size of 11" x 17",
 - c. Fees in accordance with Section 2, subpart D of this Chapter, and
 - d. A County certified list of the names and addresses of owners of properties within a 350 foot radius of the property to be subdivided.
2. The City Clerk shall determine if the application for the preliminary plat is complete and notify the applicant if it is found incomplete.
3. The City Clerk may distribute copies of the complete preliminary plat application and accompanying information to the following persons and agencies for review and comment prior to its consideration by the Planning Commission and City Council:
 - a. Other staff, as may be appropriate, including any other City consultants,
 - b. The Carver County Engineer, if the property abuts a county road, or access is requested from a county road,
 - c. The Carver County Planning and Zoning Department for review of applicability of watershed management rules, and
 - d. Any other state or county agency as required or deemed appropriate by the City Clerk.
4. Planning Commission Public Hearing and Review
 - a. The City Clerk shall set a date for a public hearing within 30 days of receipt of a complete application.
 - b. A notice of the public hearing shall be published by the City Clerk in the City's official newspaper and mailed to property owners within 350 feet of the property to be subdivided a minimum of 10 days prior to the hearing. The public hearing notice shall state:
 - 1.) The date, time, and location of the hearing before the Planning Commission,
 - 2.) A general description of the request to be heard, and
 - 3.) The address or location of the property to be subdivided.
 - c. The City Clerk shall submit any reports and comments from City staff, consultants or any agency pertaining to the preliminary plat and the preliminary plat application to the Planning Commission for review.
 - d. The Planning Commission may request the applicant to submit additional information relevant to the preliminary plat to properly consider the plat before or after the public hearing.

- e. Following the public hearing, the Planning Commission shall:
 - 1.) Determine whether the preliminary plat conforms to this Ordinance, the Zoning Ordinance, the Comprehensive Plan and any other City regulations, and
 - 2.) 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 reason(s) for denial shall be included in the minutes.
 - f. The City Clerk shall forward the Planning Commission's recommendation and the minutes of the public hearing pertaining to the preliminary plat to the City Council for consideration.
5. City Council Consideration and Action
- a. The City Council shall consider the reports and comments submitted by the City staff, City consultants and any agency; comments from the public; and the Planning Commission recommendation pertaining to the preliminary plat.
 - b. The City Council shall act on the preliminary plat within 120 days of submittal of the complete application to the City, unless the applicant agrees to a delay in writing.
 - c. 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.
 - d. The City Council may attach conditions and requirements to the preliminary plat approval that must be satisfied by the time of final plat approval or such other time as identified by the City.
6. If the City Council approves the preliminary plat, the applicant may complete a final plat in accordance with the requirements of this Ordinance.
7. The approval of the preliminary plat shall be void if the final plat has not been approved by the City Council within one year from the date of preliminary plat approval by the City, unless a request for a time extension is submitted by the applicant and approved by the City Council.

Section 5. Final Plat

A. General

- 1. The final plat shall be in substantial compliance with the approved preliminary plat and shall incorporate all of the conditions of the preliminary plat approval unless otherwise specified by the City.
- 2. A Development Agreement, if required by the City, developed in accordance with the requirements of Chapter IX - Construction of Basic Improvements shall be approved by the City and signed by the applicant prior to final plat approval to insure the performance of the conditions needed to satisfactorily complete all required public improvements.
- 3. 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 years from the date of preliminary plat approval or that portion of the preliminary plat shall become void unless a request for a time extension is submitted by the applicant and approved by the City Council.
- 4. The procedure for review of a preliminary and final plat may be combined if the proposed subdivision does not include the provision of a new public road or extension of public improvements.

B. Final Plat Review Procedure

- 1. The applicant shall submit a final plat application, on a form provided by the City, with the City Clerk a minimum of one month prior to a regularly scheduled City Council meeting along with the following information:

- a. Ten paper copies of the final plat of an accurate scale and supporting information containing information required in Chapter VI - Preliminary and Final Plat Submittal Requirements of this Ordinance,
 - b. Two prints of the construction plans and specifications for the required public improvements as specified in Chapter IX, Section 4,
 - c. An electronic copy of the final plat and supporting information that may be printed to a maximum size of 11" x 17",
 - d. An up-to-date certified abstract of title, registered property report, or such other evidence as required by the City showing sufficient title or control of the property, and
 - e. Fees in accordance with Section 2, subpart D of this Chapter.
2. The City Clerk shall determine if the information is complete and notify the applicant if the final plat or application for final plat review is found incomplete.
 3. The City Clerk may distribute copies of the final plat and accompanying information to City staff, City consultants, or any other person or agency deemed appropriate by the City Clerk.
- C. City Council Consideration and Action
1. The City Council shall act on the final plat within 60 days of the date of submission of a complete application for a final plat to the City, 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 and any conditions attached to the preliminary plat approval by the City Council, comments of the City staff, City consultants and any agency, 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. Following City Council approval, 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 Office of Property Records for signatures by the City.
- D. Final Plat Recording
1. The applicant shall record the final plat with Carver County Office of Property Records within one year of the City Council approval of the final plat. The final plat to be recorded shall be in conformance with the final plat approved by the City Council and any conditions attached to the approval.
 2. After the final plat is recorded with Carver County Office of Property Records, the applicant shall furnish the City with one print of the final plat showing evidence of the recording, and an electronic copy of the final plat.
- E. The City will not issue any permits for the property unless the applicant:
1. Has furnished evidence that the final plat has been filed with the Carver County Office of Property Records,
 2. Submitted an electronic copy of the final plat to the City in a format acceptable to the City, and
 3. Paid all required fees as specified in Section 2, subpart D of this Chapter associated with the review of the preliminary and final plat.

CHAPTER VI. PRELIMINARY AND FINAL PLAT SUBMITTAL REQUIREMENTS

Section 1. Preliminary Plat

A. General

The preliminary plat and supporting information shall include all of the items contained within this section, unless determined by the City to be not applicable to the subdivision, and shall be prepared in accordance with Minnesota Statutes 505, as may be amended from time to time.

B. Identification and Description

1. The proposed name of the subdivision,
2. Correct legal description of the existing property,
3. A north arrow, graphic scale that is not more than one inch to 100 feet, and date of preparation,
4. Vicinity map of area showing geographical points for orientation within a 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,
6. Consent to the preliminary plat application by the property owner, and
7. Certification by registered surveyor that the survey and preliminary plat is accurate.

C. Existing Features and Conditions

1. A certificate of survey of the existing property that comprise the preliminary plat including all contiguous land owned or controlled by the owner(s) of the property to be subdivided,
2. The total acreage of the property to be subdivided, and
3. The existing zoning classification and land use for the property to be subdivided and properties within 100 feet of the proposed.
4. The following existing improvements and encumbrances within the property to be subdivided and to a distance of 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, type of surface, grades 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, invert elevations and capacity of existing and abandoned drainage and storm water facilities including culverts, catch basins and other drainage facilities located within roadways, and fire hydrants,
 - e. The location, size and invert elevations of any public water supply and sewage disposal facilities and associated structures, and the location and characteristics of any private wells or sub-surface sewage treatment systems, and
 - f. Other essential services and telecommunication facilities including the location of poles and corridors.
5. The following topographic data and natural features within the property to be subdivided and to a distance of 100 feet beyond the property boundaries:
 - a. Topography showing contour intervals of no more than two feet and wooded areas,

- b. Wetlands shall be delineated in accordance with the Wetland Conservation Act, and
- c. The location and elevation of all water bodies and any shoreland areas including the 100 year flood elevation, the Ordinary High Water Level (OHWL), and the Flood Insurance Rate Map (FIRM) zone elevations.

D. 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. If the preliminary plat is a re-arrangement or a re-plat of any recorded plat, the lot and block arrangement of the original plat, its original name, and all revised or vacated roadways shall be shown by dotted or dashed lines,
3. Roadway and pedestrian/bicycle trails location, right of way, width, drainage facilities and profiles and narrative describing planned short and long-term road maintenance responsibility,
4. Location, right of way and width of any road extensions to adjacent property (ies), as required by the City,
5. Proposed uses of all lots within the subdivision including public areas, drainage areas and open space,
6. The minimum required setbacks, including those required by public agencies from any public facilities, water resources, or adjacent land uses,
7. The location and general design of individual access from lots within the subdivision to public roads,
8. Location and preliminary design of utilities to serve the subdivision, including profiles of public sanitary sewer and public water lines,
9. Location, dimensions and purpose of all proposed easements,
10. Any required Stormwater Pollution Prevention Plan meeting the requirements of the City Surface Water Management Plan and Ordinance, and County Water Management Plan requirements including:
 - a. Grading plans showing how the subdivision will be graded and the final contours of all lots within the property, at contour intervals of no more than two feet,
 - 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.
11. Tree preservation and landscape plan,
12. Any proposed protective covenants, restrictions or homeowner association documents, and
13. Any plans for street lighting, sidewalks, boulevard improvements or other associated subdivision improvements.

E. Additional Information to be Furnished

1. If the entire property will not be subdivided for individual lots, a sketch showing how the remaining property can be subdivided in compliance with the Comprehensive Plan, the Zoning Ordinance and this Ordinance, and how access to a public road will be provided.

2. A narrative explaining the development concept of the subdivision according to the zoning district in which it is located, the type and number of residential dwelling units, as appropriate, and consistency with the Comprehensive Plan including the public facility phasing plan.
3. Other information as required by the City.

Section 2. Final Plat

A. General

1. The final plat and supporting information shall include all of the items contained within this Chapter, unless determined by the City to be not applicable to the subdivision, and shall be prepared in accordance with Minnesota Statutes 505 and County platting requirements.
2. The name of the subdivision shall not duplicate or be similar to any existing subdivision names in the County.
3. The final plat may cover only a portion of the preliminary plat approved by the City Council, provided it is in conformity with the approved preliminary plat and conditions attached to the approval by the City Council, and the requirements of this Ordinance.

B. The final plat shall include the following information:

1. The boundary line of the property included within 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.
2. All lot, block and outlot dimensions, including all necessary angles and other information to reproduce the plat on the ground. If the final plat is a re-plat of an earlier subdivision, the original platting of the subdivision shall be shown and identified by dotted lines,
3. Lots and blocks clearly numbered and labeled in numerical order,
4. Streets and roadways named, as approved by the City and County, with all dimensions including horizontal curve data and the lengths of all areas,
5. 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,
6. The location, dimensions and purpose of all easements to be dedicated,
7. Any judicial and county ditches shall be shown by dimensions and angles as determined from County records,
8. Certification by a registered land surveyor, as required by Minnesota Statutes 505.03, and
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.

C. The final plat shall be accompanied with:

1. A copy of all private restrictions or covenants, and homeowner association documents for the subdivision in a form approved by the City Attorney, and

2. Construction plans and specifications to be reviewed and approved by the City Engineer.

CHAPTER VII. SUBDIVISION DESIGN STANDARDS

Section 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 and wetlands.
- B. Subdivisions shall be designed to complement the surrounding properties, natural features, environmental conditions, historic features and public access to allow for coordinated, attractive and efficient development within the City and environs.
- C. If one or more lots in the subdivision may be further subdivided in compliance with the zoning district of the property and the Comprehensive Plan, the City may require the platting of public right of way or dedication of easements to allow for the extension of public roads.
- D. In addition to meeting the requirements of this Section of the Ordinance, the design of all improvements required by the subdivision shall comply with the:
 1. The construction plans approved by the City pertaining to the design of streets, sidewalk, trail and municipal sewer and water facilities,
 2. The City Surface Water Management Plan and Ordinance, and
 3. The County Water Management Plan.

Section 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 tiers of lots except if the property adjoins a wetland, 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 1,200' in length unless the City finds that topography or other conditions justify a departure from this standard.
 3. The City may require the placement of rights-of-way or easements for pedestrian/bicycle access through the block to provide access to parks, schools, other public facilities 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:
 1. Lots shall be designed to meet the area and dimensional standards for the zoning district in which the lot is located, accommodate the intended use and required parking by meeting all required setbacks and any applicable zoning provisions.
 2. All lots shall have at least the minimum required frontage required by the zoning district on a publicly dedicated street.
 3. 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.
 4. Corner lots shall meet the following:
 - a. The minimum lot width along one of the public streets abutting the corner lot shall be a

minimum of 10' wider than that required by the zoning district.

- b. Lots shall contain sufficient width and depth to comply with the front yard building setback requirement of the zoning district.
5. Double-frontage lots shall not be permitted except as follows:
 - a. The City Council may permit double frontage lots designed adjacent to minor arterial roads provided the lot contains additional depth for screen planting along the rear lot line and lot access is provided to a local roadway.
 - b. The City Council may permit double frontage lots where topographic or other physical conditions make subdividing otherwise unreasonable.
6. All lot remnants below the minimum required dimensions for the zoning district must be added to adjacent or abutting lots unless the applicant can demonstrate an acceptable use for the remnant to the City.
7. No outlots shall be created except when related to the phasing of development or for a specific purpose as approved by the City. No outlots shall become buildable unless approved by the City.

Section 3. Street Plan, Street Design and Lot Access Standards

A. Street Plan

1. The arrangement, function and design of streets planned within a subdivision shall be consistent with the Comprehensive Plan and include consideration of:
 - a. Reasonable traffic circulation within the subdivision and the existing and future supporting road network,
 - b. Topographic, vegetation and environmental conditions including wetland preservation,
 - c. Proper storm water drainage,
 - d. Public convenience and safety, and
 - e. The proposed uses of the area to be served.
2. Streets shall be designed to:
 - a. Provide access to all lots within the subdivision and to adjacent un-subdivided parcels, when reasonable and practical, and
 - b. Connect with existing and planned streets in adjoining or adjacent subdivisions, or to provide for future connections to adjoining unsubdivided parcels.
3. The following roadways are prohibited:
 - a. Reserved strips and land-locked areas or parcels,
 - b. Alleys constructed after the date of adoption of this Ordinance, and
 - c. Private roads and dead-end streets, except for private roadways approved by the City Council within a PUD District.

B. Street and Roadway Design

1. 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, except as approved within a PUD District, the private roadway shall be dedicated for public use and improved to public street standards.
2. 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, and shall comply with the following:

- a. Permanent cul-de-sac roads shall not exceed 500' in length, as measured along the centerline from the nearest intersection to the center point of the cul-de-sac turnaround.
- b. The cul de sac turnaround shall be a nearly circular shape with a minimum right-of-way diameter of 100' and a minimum roadway diameter of 84'.
- c. The property line at the intersection of the turnaround and the straight portion of the cul de sac shall be rounded at a radius of not less than 15'.
- d. 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 and shall meet the following:
 - 1.) Right of way for a temporary cul de sac turnaround shall be provided at an appropriate location near the adjacent property.
 - 2.) 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.
3. Wherever the proposed subdivision includes or is adjacent to the right of way of a minor arterial roadway, or railroad right of way, the City Council may require the platting and installation of a service road. The distance of the service road intersection from the arterial roadway or railroad shall be based upon the function of the intersecting roads as designated in the Comprehensive Plan, existing and future traffic volumes, land use, lot depths, and other factors that contribute to the design of safe and convenient access.
4. Subdivision road access spacing shall be as follows:
 - a. No less than 500' onto local roads.
 - b. No less than ¼ mile onto local collector roads.
 - c. As required by the County or Mn/DOT requirements on minor arterial or other arterial roads.
5. All street connections to minor arterials and collector roads shall be located to provide adequate intersection sight distance, as determined by the City Engineer or County Engineer, if a County road.
6. No public street connection shall be located within a turn lane to another public street or a private driveway.
7. 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>
a. Local street	50'-66', as determined by the City	34'
b. Collector street	80' or as required by the County or State	40' or as required by the County or State
c. Minor arterial road	80' or as required by the County or State	52' or as required by the County or State

8. 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 7. above.
9. Dedication of substandard width right of way and roads to the City may be approved by the City Council where:

- a. The proposed right of way is adjacent to a platted right of way and, when combined, the right of way meet the requirements of this Ordinance,
 - b. The City finds that such dedication will allow for reasonable access and circulation when the adjoining property is subdivided, or
 - c. Where satisfactory assurance to the City for dedication of the remaining part of the street can be secured.
10. 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.
11. Roadway design shall comply with the following:
- a. Road jogs with centerline offsets of less than 150' shall not be allowed.
 - b. When connecting road 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'.
 - c. Centerline gradients shall be at least 1/2 percent and but no greater than seven percent.
 - d. Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall be 20 times the algebraic difference in the percent of grade of the two adjacent slopes.
 - e. The angle formed by intersecting streets shall not be less than 60 degrees, with ninety degree intersections preferred.
 - f. Intersections of more than four corners shall be prohibited.
 - g. Roadways of street intersections shall be rounded by a radius of not less than 20'.
 - h. Other specifications as required by the City Engineer.
- C. Lot Access (Driveways): All access to lots shall meet the following minimum standards:
1. All lots shall be provided with direct access to an improved public roadway, or a private roadway within a PUD District 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 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.
 - c. An access permit shall be required from the County or State, as appropriate.
 6. For double frontage or corner lots, access shall be obtained from the lower functional class roadway as defined in the Comprehensive Plan.
 7. Commercial/industrial accesses shall also meet the following standards:

- a. The City Engineer 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.

Section 4. Other Improvements

A. Trails and Sidewalks

1. Pedestrian/bicycle trails or sidewalks shall be located in areas of the subdivision as required by the City or as designated in the Comprehensive Plan, and coordinated with those of adjacent subdivisions.
2. All pedestrian/bicycle trails or sidewalks shall be placed in the public right-of-way or within easements that are a minimum of 20' in width.
3. 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.

B. 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.
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.

C. Sanitary Sewer and Water Utilities

1. Subdivisions must be served with televised, 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.
2. Public sewer and water facilities, including fire hydrants, shall be designed to serve each lot in the subdivision.
3. Sewer and water trunk lines shall be extended to the lot lines of abutting sites that do not have municipal sewer and water service, as required by the City.
4. The City may require oversizing of utilities to provide future service for more intense development of the land or to provide future service to other areas.

D. Drainage and Water Quality

1. All subdivisions shall include provisions or facilities that control the quantity and quality of stormwater runoff.
2. Required Stormwater Pollution Prevention Plan shall comply with the City Water Management Plan and Ordinance, and the requirements of the County Water Management Plan.
3. Drainage facilities shall be of an adequate size to accommodate upstream drainage areas that may be located outside of the boundaries of the subdivision.
4. No stormwater drainage within a subdivision shall be designed to enter the public sanitary sewer system.
5. All subdivisions shall be designed and constructed in accordance with Best Management Practices to treat storm water discharge.

6. Private storm water facilities shall be maintained as follows:
 - a. All private storm water facilities shall be privately maintained in proper condition consistent with the performance standards for which they were originally designed.
 - b. All settled materials from drainage facilities shall be removed and properly disposed of on an annual basis as required by the City Engineer.

E. Erosion and Sediment Control

1. 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.
2. No subdivision shall be approved that requires land disturbing activities unless erosion and sedimentation controls are submitted to the City as part of required Stormwater Pollution Prevention Plans meeting City Water Management Plan and Ordinance, and County Water Management Plan requirements.

F. Easements

1. Easements for drainage and utilities of at least ten feet wide shall be provided along all lot lines and may be centered on the lot line of side or rear lot lines. In instances where a side or rear lot line abuts unplatted land, the easements shall be a minimum of ten feet wide.
2. Drainage easements shall be provided over any watercourse, ponding and wetland areas to a sufficient elevation as determined by the City Engineer to provide protection of property, storm water retention and runoff, water quality and for installation and maintenance of facilities.
3. Utility easements shall connect with easements established on adjoining properties.

G. Tree Preservation and Landscaping Requirements

1. A tree preservation and landscaping plan shall be prepared for all subdivisions containing three or more lots.
2. All subdivisions shall be planned, designed and maintained so that:
 - a. Existing native vegetation shall not be disturbed, injured, or removed prior to grading and site development.
 - b. Existing healthy trees and native vegetation on the site are preserved to the extent feasible and protected during construction by techniques approved by the City, including but not limited to:
 - 1.) Installation of snow fencing or similar device at the drip line
 - 2.) The prohibition of fill placed against the trunk, on the root crown, and under the drip line of the tree
 - 3.) Installation of erosion control measures
 - 4.) Prevention of spillage or leakage of harmful or toxic materials near tree preservation areas
 - 5.) Prohibition of pruning of oak trees from April 15 through July 1
3. The tree preservation plan and protection measures shall be followed during all grading activities including subdivision development and home construction.
4. Each new subdivision shall include the equivalent of two shade trees per lot meeting the following standards:
 - a. Trees shall not be planted within five feet of road right-of-way or within any utility or

drainage easement.

- b. All shade trees shall have a minimum trunk diameter of not less than two inches when planted as measured 12" above ground level.
 - c. The shade tree species to be planted shall be limited to long-lived shade trees acceptable to the City.
 - d. The location of all new trees to be provided shall be approved by the City.
5. If a new residential subdivision is located along an arterial roadway, the City may require the installation of coniferous, shade trees or fencing along the arterial roadway to screen the view and to reduce noise levels in residential areas.

CHAPTER VIII. PARK DEDICATION

Section 1. Purpose and Application

A. Purpose: The purpose of the City 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 which results 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 Chapter. The City may elect to receive a combination of cash, land and/or private park and open space development, in accordance with Section 2 of this Chapter, as the park dedication requirement.
2. Where a proposed park, playground, trail system or other public use shown on the Comprehensive Park Plan is located within or partially within a subdivision, the area shall be dedicated to the public or reserved for public purchase at fair market value. If within two years of recording of the plat, the purchase is not consummated, the reservation shall be canceled.
3. Property that is resubdivided with the same number of lots shall be exempt from all park dedication requirements.
4. 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.
5. 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, other public improvements or drainage facilities unrelated to parks, open space and trails.
6. 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.
7. The applicant of a development within a PUD District with mixed land uses shall make cash and/or land park dedication contributions in accordance with this Chapter based upon the acreage of land devoted to commercial or industrial uses and the number of residential units.

Section 2. Dedication Requirements

A. General

1. At the time of subdivision, the applicant 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.
2. Land to be dedicated shall be reasonably suitable for park and open space activities as determined by the City and shall be at a location that is convenient to the public. The suitability of land to be dedicated to the City shall consider the following:
 - a. Existing natural features which enhance the attractiveness of the community such as trees, watercourses, historical places, and similar irreplaceable assets that could be preserved, insofar as possible, in the design of the subdivision.
 - b. Property designated for parks or open space in the Comprehensive Plan.
 - c. 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.
3. If the City determines that the area proposed to be dedicated is not suitable or desirable for public park, recreational facilities, playgrounds, trails, open space or a related public use based on the factors listed in 2. above, the City may require an equivalent amount in cash to be remitted to the City in lieu of land dedication.
4. 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.
5. 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.

B. Land Dedication or Payment of Fees

1. Calculation of Dedication

- a. For residential subdivisions or residential portions of PUD's, a minimum of 10 percent of the total area of the property or portion of the property devoted to residential uses in a PUD is deemed a reasonable portion to meet dedication requirements.
- b. 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.
- c. For non-residential subdivisions or non-residential portions of PUD's, such as commercial or industrial plats, the City requires a minimum cash park dedication on a per acre basis, as specified in the City of New Germany 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.

2. Land Dedication

- a. The preliminary plat shall show the location and dimensions of all park, trail and open space areas proposed for dedication to the City as lots or outlots. The Planning Commission shall provide a recommendation regarding the location and adequacy of the proposed park and open space area to the City Council.
- b. 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. 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.

- c. 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.
- d. The applicant shall be responsible for finished grading and ground cover and construction of trails in all lands to be dedicated to the City.
- e. 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:
 - 1.) The City and the applicant may agree as to the fair market value based upon a current appraisal, or
 - 2.) The market value of the property as determined by a recent selling price of the land to be platted.

C. Cash Fee

- 1. Park dedication fees shall be as established by the City in the City of New Germany Fee Schedule.
- 2. When a cash fee is to be paid in lieu of land dedication, the payment of such fee shall be required as follows:
 - a. 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.
 - b. For commercial and industrial developments, the total fee shall be paid prior to issuance of any building permits for the development. 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.
- 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 of land for public parks, recreational facilities, playgrounds, trails or open space, and for the development of existing park and playground sites.

CHAPTER IX. CONSTRUCTION OF BASIC IMPROVEMENTS

Section 1. General

- A. The City, in consultation with the applicant, shall define the public improvements to be constructed by the applicant and establish procedures to assure satisfactory and completion of the required public improvements.
- B. All required improvements shall be furnished and installed at the sole expense of the applicant and at no expense to the City.

- C. If any improvement installed within the subdivision will be of substantial benefit to property outside the boundaries of the subdivision, the City Council may adopt provisions to assess a fair share portion of the improvement cost which represents the proportional benefit to such property, against the benefitting properties. The applicant will be required to pay for the portion of the total cost of improvements that benefit property within the subdivision.

Section 2. Development Agreement

- A. The applicant shall enter into a Development Agreement for any subdivision requiring the construction of required public improvements including street, water, and sanitary sewer improvements.
 - 1. The applicant may enter into the Development Agreement with the City after preliminary plat approval has been granted to a subdivision by the City,
 - 2. No construction of any improvement or issuance of any permit, including a land alteration permit, shall be granted by the City unless the Development Agreement has been signed by the applicant.
- B. If the City requires the applicant to complete all improvements, the Development Agreement shall specify:
 - 1. All improvements are to be installed at the applicant's expense, at no cost to the City, and completed in a manner that is satisfactory to the City Engineer,
 - 2. The type and extent of the public improvements to be constructed,
 - 3. That all required improvements shall be constructed according to construction plans and specifications meeting the requirements of the City, County and the State, as appropriate; and reviewed and approved by the City Engineer,
 - 4. The cost of construction and the construction time schedule,
 - 5. The City's authority to inspect the construction, and
 - 6. To furnish a financial security, to be approved by the City Attorney, guaranteeing satisfactory completion of all improvements and meeting the requirements of this Ordinance.
- C. If the City agrees to undertake the installation of the required public improvements, the Developers Agreement shall state that the applicant agrees to the following:
 - 1. Pay for all expenses including all construction, engineering, legal, financing, inspection and administrative costs incurred by the City,
 - 2. The method and schedule of payment to the City,
 - 3. To furnish a financial security, to be approved by the City Attorney, guaranteeing payment to the City for completion of all improvements,
 - 4. Other items, as required by the City, to guarantee reimbursement of all expenses and payments related to the completion of improvements.

Section 3. Financial Guarantee

- A. Prior to the approval of the final plat, the applicant shall make a financial guarantee in a form acceptable to the City Attorney equal to 120 percent of the total construction cost of the improvements as estimated by the City Engineer, including the cost of inspection by the City.
 - 1. If the applicant defaults on the construction of the improvements, the City may utilize the financial guarantee and pursue its remedies.
 - 2. The term of any financial guarantee shall be specified and approved by the City, and deposited in an account specified by the City.

3. The City may agree to provide for reduction of the amount of any financial guarantee commensurate with completion or payment for the improvements for which the financial guarantee has been made.
 4. The City may impose special assessments against benefited property for improvements made on it.
- B. If the City undertakes the installation of the required improvements and if requested by the City, the applicant shall deposit a financial security, to be approved by the City Attorney, in an amount agreed to with the City for the installation of the improvements. Any such deposit or bond shall accrue to the City in case of default of the subdivider.

Section 4. Construction Plans and Inspection

A. General

1. The applicant shall be responsible for the preparation of construction plans and specifications that are based on approved preliminary plans, and the plans shall be prepared in conjunction with the final plat.
 2. All construction plans shall be prepared in accordance with the public improvement standards or specifications as approved by the City and County.
 3. Two prints of the construction plans and specifications shall be filed with the City Clerk, at the time of final plat submission.
- B. All construction plans and specifications for the required improvements shall:
1. Conform to the requirements of this Ordinance and the City Engineer,
 2. Be prepared by a registered professional engineer at the applicants' expense,
 3. Be accompanied by the quantities of construction items and an estimate of the total costs for the grading, erosion control, public improvements and other required improvements for review and approval by the City Engineer, and
 4. Become part of the Development Agreement, upon approval by the City Engineer.
- C. The City Engineer shall inspect all required improvements in the subdivision installed under the provisions of this Ordinance during construction, at the applicants' expense.
- D. The acceptance of the improvements by the City shall require written certification by the City Engineer that the improvements have been constructed in compliance with the plans and specifications.

Section 5. Required Basic Improvements

A. Monuments

1. Official permanent monuments shall be placed as required by Minnesota Statutes Chapter 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 and Street Fixtures

1. 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 300' unless otherwise approved by the City Engineer.

2. 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, in accordance with the standards and construction plans established by the City Engineer.
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>
a. minor arterial, collector streets and streets serving commercial or industrial uses:	10 ton minimum
b. local streets:	7 ton minimum

4. Design B-618 concrete curb and gutter, approved by the City Engineer, shall be constructed on both sides of all paved surfaces of streets.
5. The portion of the right of way outside of the pavement material shall be sodded.
6. The design of all street name and traffic control signs and street lighting fixtures shall be approved by the City Engineer.

C. Sidewalks

1. All sidewalks shall be constructed of concrete four inches thick placed on a four inch gravel base, with grades approved by the City Engineer.
2. Sidewalks shall be placed in the public right-of-way, a minimum of one foot from the property lines.

D. Private Driveways: All private driveways providing access to public right-of-ways shall approach at grade level.

E. Grading and Drainage

1. Stormwater and drainage facilities shall be designed as required by the City Engineer to insure adequate drainage for the area. All such drainage facilities shall be constructed in accordance with standards and specifications established by the City Engineer.
2. All land disturbing or land filling activities or soil storage shall be undertaken in a manner consistent with the required Stormwater Pollution Prevention Plan approved for the subdivision, the City Stormwater Management Plan and County Stormwater Plan requirements.
3. A grading permit shall be obtained from the City before any land disturbing activity associated with the subdivision commences on the property and shall meet the following:
 - a. Shall be accompanied by the final required Stormwater Pollution Prevention Plan that was submitted to the City and County, as appropriate.
 - b. Shall not be issued unless the applicant provides evidence that the final required Stormwater Pollution Prevention Plan has been approved by the County.
4. After issuance of the grading permit by the City, the applicant shall:
 - a. Install the erosion and sedimentation controls as approved on the final plans,
 - b. Comply with all requirements of the County and the City, and
 - c. Maintain the erosion and sedimentation controls on a continual basis until the City Engineer authorizes the discontinuance or removal of the measures.
5. All individual lots shall be graded to avoid slopes of an average grade of 30 percent or more and slopes that create a potential erosion, drainage or public safety hazard. The City may

require the applicant to incorporate the following techniques to mitigate 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 current 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.

F. Public Utilities

1. Water: A minimum water main of six inch ductile cast iron pipe or other pipe approved by the City Engineer shall be required.
2. Sanitary Sewer: The following shall be provided and approved by the City Engineer:
 - a. Sewer lines shall be of PVC pipe of a size and appropriate grades determined by the City Engineer,
 - b. Service wyes shall be six inches, and
 - c. Root repellent joint material shall be required.
3. House Services: Public sewer and water lines shall be stubbed to the property line of each lot within the subdivision, in accordance with the following:
 - a. A cap or plug placed at property line until the service is extended to the structure.
 - a. A one inch, Type K, copper water service, corporation cock and curb box and stop, and six 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.
 - b. Curb boxes shall be easily located and visible.

G. Restoration: Utility and road construction restoration shall be required in accordance with the following:

1. Utility trenches are to be backfilled according to the specifications of the City Engineer.
2. All areas disturbed by construction are to be restored to a condition equal to or better than what existed prior to construction.
3. 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.
4. Sod shall be required where improved lawn areas are disturbed and shall meet the following:
 - a. Sod shall be densely rooted blue grass or other approved grasses free of noxious weeds and objectionable grasses.
 - b. After placement, sod shall be pressed into the underlying soil by rolling or tamping.
 - c. Pegging of sod shall be required on steeper slopes.
5. 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.
6. In areas of steep slopes, seeding with wood fiber blankets may be substituted for sod, if approved by the City Engineer.

7. 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.
 8. Waste materials of any kind shall not be buried in any land or left deposited on any lot or road.
- H. Other Improvements
1. Telecommunications, electric and gas service lines shall meet the following:
 - a. All lines shall be placed underground, where practical and feasible, within dedicated public ways or recorded easements in such manner as not to conflict with other underground services.
 - b. All underground installation of service lines within street rights-of-way shall be completed prior to street surfacing.
 - c. Following completion of the installation of underground service lines in dedicated public ways, an electronic copy and two paper copies of the construction plans and specifications showing the completed installation shall be filed with the City Clerk.
 2. All necessary utility poles, except those providing street lighting, shall be placed in rear lot line easements.

Section 6. Completion of Required Basic Improvements

- A. The applicant shall complete all required basic improvements no later than one year following the commencement of work on the improvements except:
1. Street lighting shall be completed within two years following the initial commencement of work on the required basic improvements.
 2. Landscaping shall be completed within one 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 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 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 year from the date of final City acceptance, or
 - 2.) Two 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 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.
3. 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.
4. 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 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 7. Prior Improvements

Improvements which have been completed prior to application for final plat approval or execution of the Development Agreement shall be accepted as equivalent improvements provided the City Engineer shall certify in writing that the improvements conform to City standards.

Section 8. Non-Conformance

The City Engineer shall order cessation of all construction within the subdivision for any non-conformance with the standards of this Ordinance, the Development Agreement, or other City ordinances in the installation of the required improvements by the applicant. No further construction shall be allowed until the non-conformance is corrected.

CHAPTER X. ENFORCEMENT, VIOLATIONS, AND PENALTIES

- A. No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel unless the subdivision has been approved by the City in accordance with the provisions of these regulations and filed in the Carver County Office of Property Records.
- B. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of this Ordinance.
- C. Any person who violates or fails to comply with any provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, may be punished to the maximum extent allowed by law. For each day the violation continues, a separate offense shall be declared.

CHAPTER XI. EFFECTIVE DATE

This Ordinance was adopted by the New Germany City Council on October 16, 2012 and shall be effective upon publication according to law.

ATTEST:

Jason Kamerud, Mayor

Joan Guthmiller, City Clerk

Summary of this Ordinance published in the Herald Journal on _____, 2012