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42	GENERAL PROVISIONS
43	§ 151.01 TITLE.
44	This chapter shall be known as the “Subdivision Regulations of the City Stacy”
45	and will be referred to herein as “this chapter.”
46	(Prior Code, § 1001.01)

47 § 151.02 PURPOSE.

48 Pursuant to the authority contained in M.S. § 462.358, as amended from time to
49 time, this chapter is adopted for the following purposes:

50 (A) To provide for the orderly, economic and safe development of land and
51 urban services and facilities;

52 (B) To promote the public health, safety, morals and general welfare of the
53 residents of the city;

54 (C) To assure equitable handling of all subdivision plats by providing uniform
55 procedures.

56 (Prior Code, § 1001.01)

57 § 151.03 SCOPE.

58 The provisions of this chapter relate to any division or tract of land into 1 or more
59 parcels by platting, replatting, conveyance, registered land survey, or other means.

60 (Prior Code, § 1001.01)

61 § 151.04 JURISDICTION.

62 These regulations governing plats and the subdivision of land shall apply to the
63 area within the corporate limits of the city.

64 (Prior Code, § 1001.01)

65 § 151.05 DEFINITIONS.

66 (A) For the purpose of these definitions, the word "shall" is mandatory; words
67 used in the present tense shall include the future; and the singular number shall include
68 the plural, and the plural the singular.

69 (B) For the purpose of this chapter, the following definitions shall apply unless
70 the context clearly indicates or requires a different meaning.

71 ALLEY. A public vehicular way which affords a secondary means of
72 vehicular access to abutting property and which is not intended for general traffic
73 circulation.

74 BLOCK. An area of land within a subdivision which is entirely bounded by
75 streets or by street, railroad right-of-way, waterway or exterior boundary of the
76 subdivision.

77 BOULEVARD. ~~The portion of the street right of way between the curb line~~
78 ~~and the property line. That part of the right-of-way not occupied by the street. (see PC~~
79 ~~minutes 2-15-2022).~~

80 BUILDING. Any structure used or intended for supporting or sheltering any
81 use or occupancy.

82 BUILDING SETBACK LINE. A line parallel to a street between which line
83 and the nearest street right-of-way line no building may be erected or placed.

84 COUNCIL or COUNTY BOARD. The governing body of the city or county.

85 CLUSTER DEVELOPMENT. A subdivision development planned and
86 constructed so as to group housing units into a relatively tight pattern while providing a
87 unified network of open space and esthetically pleasing areas and meeting the overall
88 density regulations of this chapter and the zoning ordinance.

89 COMPREHENSIVE PLAN. The comprehensive plan prepared and
90 adopted by the city or county indicating the general locations recommended for major
91 land uses, streets, parks, public buildings and other public improvements.

92 CROSS WALK or PEDESTRIAN WAY. A ~~publically~~publicly owned right-of-
93 way which crosses a block and furnishes pedestrian access to adjacent streets or
94 properties.

95 DESIGN STANDARDS. Specifications to land owners or subdividers for
96 the preparation of plats, both preliminary and final, indicating among other things the
97 optimum, minimum or maximum dimensions of such items as right-of-way, blocks,
98 easements and lots.

99 EASEMENT. A grant by a property owner to the use of a strip of land by
100 the public, a corporation, or persons for specific purposes as the construction of utilities,
101 drainageways and roadways.

102 ENGINEER. The city or county engineer or a duly authorized consulting
103 engineer.

104 FINAL PLAT. The final map, drawing or chart on which the subdivider's
105 plan of subdivision will be submitted to the County Recorder's office. The plat must
106 conform to these subdivision regulations and all appropriate state laws.

107 GRADE, PERCENTAGE OF. The rise or fall of a street in feet and tenths
108 of a foot for each 100 feet of horizontal distance measured at the center line of the
109 street.

110 GROWTH MANAGEMENT SYSTEM. The goals, policies, programs,
111 ordinances, and regulations used to guide the city's growth and development.

112 LOT. The smallest unit of a subdivision individually numbered or
113 designated on the plat for purposes of description, recording, conveyance, development
114 and taxation.

115 LOT (OF RECORD). A parcel of land, whether subdivided or otherwise
116 legally described, as of the effective date of the ordinance set forth in this chapter, or
117 approved by the city as a lot subsequent to such date, and which is occupied by or
118 intended for occupancy by 1 principal building or principal use, together with any
119 accessory buildings or such open spaces as required by this chapter and having its
120 principal frontage on a street or a proposed street approved by the Council.

121 LOT DEPTH. The mean horizontal distance between the street right-of-
122 way line and the opposite rear line of the lot measured in the general direction of the
123 side lot lines.

124 LOT, DOUBLE FRONTAGE. A lot having frontage on 2 parallel or
125 approximately parallel
126 streets.

127 LOT WIDTH. The mean horizontal distance between the side property
128 lines of a lot as measured at the building line.

129 OWNER. Person(s), partnership(s), firm(s), association(s), corporation(s),
130 or combination thereof.

131 PARKS AND PLAYGROUNDS. Public land and open spaces dedicated or
132 reserved for recreational purposes.

133 PEDESTRIAN WAY. Public or private right-of-way across a block or within
134 a block to provide access for pedestrians and which may be used for the installation of
135 utility lines.

136 PLANNING COMMISSION. The Planning Commission of the city.

Commented [BD1]: I noticed that the pedestrian way is listed here as well as in the cross walk definition area on line 92. Not sure if it needs to be in both areas.

137 PLANNED UNIT DEVELOPMENT. A zoning designation regulated under
138 § 153.055 allowing a tract of land to be planned and developed as a unit rather than an
139 aggregate of houses or other structures on individual lots.

140 PLAT. A map or drawing indicating the subdivisions or resubdivision of
141 land into lots and blocks intended to be filed for record.

142 PRELIMINARY PLAT. The preliminary plat map, drawing or chart
143 indicating the proposed layout of the subdivision to be submitted to the Planning
144 Commission and the Council for their consideration as to its compliance with the growth
145 management goals, policies and these regulations, along with required supporting data.

146 PROTECTIVE COVENANTS. Contracts made between private parties as
147 to the manner in which land may be used, with the view to protecting and preserving the
148 physical and economic integrity of any given area.

149 RIGHT-OF-WAY. Land dedicated and publicly owned for use as a street,
150 alley or crosswalk.

151 STREET. A public right-of-way affording primary access by pedestrians
152 and vehicles to abutting properties, whether designated as a street, highway,
153 thoroughfare, parkway, road, avenue or boulevard.

154 STREET, COLLECTOR. A feeder street which provides connection
155 primarily between arterial streets or arterial streets and minor streets. COLLECTOR
156 STREETS include the principal entrance streets of a residential development and the
157 principal streets for circulation within such development.

158 STREET, CUL-DE-SAC. A comparatively short minor street having 1 end
159 open to traffic and the other end permanently terminated by a vehicular turnaround.

160 STREET, MAJOR or ARTERIAL. A street of considerable continuity,
161 which is used primarily for heavy through traffic between major traffic generation areas.

162 STREET MARGINAL ACCESS. A minor street which is parallel and
163 adjacent to a highway or an arterial street and which provides access to abutting
164 properties and protection from through traffic.

165 STREET, MINOR or LOCAL. A street which serves primarily as access to
166 abutting properties and is not intended to carry through traffic.

167 STREET WIDTH. The street right-of-way width, measured at right angles
168 to the center line of the street.

169 SUBDIVIDER. Any individual, firm, association, syndicate, partnership,
170 corporation, trust or legal entity having sufficient interest in the land sought to be
171 subdivided to commence and maintain proceedings to subdivide the same under this
172 chapter.

173 SUBDIVISION. The division of a lot, tract or parcel of land into 1 or more
174 lots, tracts or parcels for the purpose of transferring ownership or building development,
175 or if a new street is involved, any division or development of a parcel of land. The term
176 shall include resubdivision of land.

177 TANGENT. A straight line that is perpendicular to the radius of where it
178 intersects a curve.

179 VERTICAL CURVE. The surface curvature on a street center line located
180 between lines of different percentage of grade.

181 (Prior Code, § 1001.02) (Am. Ord. 2015-3-2, passed 3-16-2015)

182 § 151.06 COMPLIANCE.

183 After the effective date of these regulations, no lot in a subdivision shall be sold,
184 no permit shall be issued to alter or erect any building upon land in a subdivision, and
185 no building shall be erected in a subdivision unless a subdivision plat has been
186 approved and recorded and until the improvements required by the Council relative to
187 subdivision have been constructed or arranged for as provided herein.

188 (Prior Code, § 1001.01)

189 § 151.07 REQUIRED APPROVALS OF SUBDIVISION PLATS.

190 Before any plat shall have validity, it shall have been approved by the Planning
191 Commission and the Council and recorded in the Chicago County Recorder's office.

192 (Prior Code, § 1001.01)

193 § 151.08 CONFLICT.

194 It is not intended by this chapter to annul or interfere with any official regulations
195 or ordinances of the city; provided, however, that when there is a difference between
196 minimum standards or dimensions herein and those contained in other official
197 regulations or ordinances of the city, the highest standards shall apply.

198 (Prior Code, § 1001.01)

199 § 151.09 EXCEPTIONS.

200 (A) When requesting a subdivision, if either of the 2 following conditions exist,
201 the Zoning Administrator or Clerk shall bring the request to the attention of the Planning
202 Commission, whereupon they shall review the request and may recommend exemption
203 of the subdivision from complying with any procedural requirements of this chapter
204 deemed inappropriate for adequate review of subdivision requests.

205 (1) In any case in which compliance with § 151.10 will create an
206 unnecessary hardship and failure to comply does not interfere with the intent of this
207 chapter, provided that such conveyance does not necessitate the dedication of a public
208 right-of-way and the newly created parcel will not cause the other remaining portion of
209 the property to be in violation of this chapter or the zoning ordinance.

210 (2) Where written justification is submitted by an applicant which
211 clearly indicates that the intent of this chapter can be satisfied without enforcing all of
212 the procedural requirements of this chapter.

213 (B) Upon receiving the recommendation of the Planning Commission, the
214 Council by resolution may exempt the conveyance and the conveyance may then be
215 filed or recorded.

216 (Prior Code, § 1001.01)

217 § 151.10 CONVEYANCE BY METES AND BOUNDS.

218 No conveyance of 1 or more parcels in which the land is described by metes and
219 bounds or by reference to an unapproved registered land survey shall be recorded if the
220 parcels are less than either 5 acres or less in area or 300 feet in width, unless such
221 parcel was a separate parcel of record or was the subject of a written agreement to
222 convey entered into prior to the effective date of this chapter.

223 (Prior Code, § 1001.01)

224 § 151.11 SUBDIVISIONS WITHOUT CENTRAL WATER AND SEWER.

225 In subdivisions where central water and/or sewer service are not presently
226 available, the Planning Commission may recommend and the Council may require that
227 the lots in the subdivision be in accordance with the minimum lot area and lot width
228 requirements of the zoning regulation and that the subdivider convey 2 or more lots for

229 the purpose of transfer of ownership or building development of sufficient size to safely
230 accommodate a private well and/or disposal system in accordance with applicable state
231 law and regulations and further that any such building development be confined to one
232 of the multiple lots conveyed. At such time as central water and/or sewer service
233 becomes available, and upon connection of the existing building development to the
234 same, the undeveloped lots may be conveyed to other persons and building
235 development may be permitted on the lots.

236 (Prior Code, § 1001.01)

237 § 151.12 EXEMPTIONS.

238 The following conveyances shall be exempt from the provisions of this chapter
239 and shall not constitute a subdivision:

240 (A) The parcel was a separate lot of record prior to the effective date of this
241 chapter;

242 (B) The parcel was the subject of a written agreement to convey entered into
243 prior to the effective date of this chapter;

244 (C) The parcel is described by metes and bounds, is not less than 10 acres in
245 area and 300 feet in width, does not result in the division of the parcel into 2 or more
246 parcels, any 1 of which is less than 5 acres in area or 300 feet in width, and does not
247 necessitate the dedication of a public right-of-way;

248 (D) The parcel relates to a division of a lot which is a part of a recorded plat
249 where the division is to permit the adding of a parcel of land to an abutting lot and will
250 not cause the other remaining portion of the lot to be in violation of this chapter or the
251 zoning regulations.

252 (Prior Code, § 1001.01)

253 § 151.13 INSTALLATION OF PUBLIC SEWER AND WATER SYSTEMS.

254 It is the policy of the city to require that public sewer and water systems be
255 installed and made available to all lots within subdivisions. The Council may make
256 exception to this policy upon demonstration by the subdivider, to the satisfaction of the
257 Council in its sole discretion, that the installation of public sewer and/or water to each
258 such lot in a subdivision is not feasible, in which case such lots shall meet the minimum
259 lot area requirements, and all other applicable requirements, of the city code and such
260 reasonable conditions as shall be imposed by the Council.

261 (Ord. 104, passed 10-12-1993)

262 § 151.14 VARIANCES AND AMENDMENTS.

263 (A) Procedure.

264 (1) Request for amendments or variances, as provided within this
265 chapter, shall be filed with the Zoning Administrator or Clerk on an official application
266 form. Such application shall be accompanied by complimentary copies of detailed
267 written and graphic materials fully explaining the proposed change, development, or
268 use. The Zoning Administrator or Clerk shall refer said complete application, along with
269 all related information, to the Planning Commission for consideration and a report at
270 least 15 days before the next regular meeting.

271 (2) The Zoning Administrator or Clerk, on behalf of the Planning
272 Commission, shall set a date for a public hearing. Notice of such hearing shall be
273 posted as provided by state law at least 10 days prior to the date of the hearing. In the
274 requests for variances, such notice shall also be mailed not less than 10 days to all

275 abutting property owners of record according to the county assessment records of the
276 property to which the request relates. And if the variance to this chapter relates to lands
277 located within 1000 feet of the Sunrise Pools or Unnamed Lake or within 300 feet of
278 Sunrise River, a notice shall be mailed to the Commissioner of Natural Resources or his
279 or her authorized agent at least 10 days prior to such hearings. A copy of the notice and
280 a list of the property owners and addresses to which the notice was sent shall be
281 attested to by the Zoning Administrator or Clerk and made part of the official record. The
282 failure to give mailed notice to individual property owners, or defects in the notice, shall
283 not invalidate the proceedings, provided a bona fide attempt to comply with this
284 subdivision has been made.

285 (3) The Planning Commission shall consider the request and hold a
286 public hearing at its next regular meeting unless the filing date falls within 15 days of
287 said meeting, in which case the request would be placed on the agenda and considered
288 at the regular meeting following the next regular meeting. The Zoning Administrator or
289 Clerk shall refer the application, along with all related information, to the Planning
290 Commission for consideration. The applicant or a representative thereof shall appear
291 before the Planning Commission in order to answer questions concerning the proposed
292 amendment.

293 (4) In requests for variances, the Planning Commission may
294 recommend a variance from the provisions of this chapter when, in its opinion, undue
295 hardship may result from strict compliance. In recommending any variance, the
296 Planning Commission shall prescribe only conditions that it deems necessary to or
297 desirable for the public interest. In making its recommendations, the Planning
298 Commission shall take into account the nature of the proposed use of land and the
299 existing use of land in the vicinity, the number of persons to reside or work in the
300 proposed subdivision and the probable effect of the proposed subdivision upon traffic
301 conditions in the vicinity. A variance shall only be recommended when the Planning
302 Commission finds:

303 (a) That there are special circumstances or conditions affecting
304 said property such that the strict application of the provisions of this chapter would
305 deprive the applicant of the reasonable use of his or her land;

306 (b) That the granting of the variance will not be detrimental to
307 the public welfare or injurious to other property in the territory in which property is
308 situated;

309 (c) That the variance is to correct inequities resulting from an
310 extreme physical hardship such as topography, soils, wetlands, and the like.

311 (5) Within 60 days from the date of the public hearing, the Planning
312 Commission shall make a recommendation and in requests for variances shall also
313 make a finding of fact to the Council.

314 (6) Upon receiving the recommendation of the Planning Commission,
315 or until 60 days after the public hearing at which the request was considered, the
316 Council shall place the report and recommendation on the agenda for the next regular
317 meeting. Such reports and recommendations shall be entered in and made part of the
318 permanent written record of the Council meeting.

319 (7) (a) Upon receiving the recommendation of the Planning
320 Commission, the Council shall either:

321 1. Approve or disapprove the request as recommended
322 by the Planning Commission; or
323 2. Approve or disapprove the recommendation of the
324 Planning Commission with modifications, alterations, or differing conditions. Such
325 modifications, alterations, or differing conditions shall be in writing and made part of the
326 Council's records; or
327 3. Refer the recommendation back to the Planning
328 Commission for future consideration. This procedure shall be followed only 1 time on a
329 single action.

330 (b) Approval of a request shall require passage by two-thirds
331 vote of the full Council. The Zoning Administrator or City Clerk shall notify the applicant
332 of the Council's action.

333 (8) Variance decisions affecting all or part of any land located within
334 1000 feet of the Sunrise Pools and Unnamed Lake or 300 feet of the Sunrise River shall
335 be mailed to the Commissioner of Natural Resources or his or her authorized agent
336 within 10 days of the decision. On lands located within 300 feet of the Rum River no
337 approval of a variance shall be final until the decision is approved by the Commissioner
338 of Natural Resources, or until 30 days have lapsed since the Commissioner received
339 the notice of the decision.

340 (B) Lapse of variance. Whenever within 1 year after granting a variance the
341 work as permitted by the variance shall not have been completed, then such variance
342 shall become null and void unless a petition for extension of time in which to complete
343 the work has been granted by the Council. Such extension shall be requested in writing
344 and filed with the Zoning Administrator or Clerk at least 30 days before the expiration of
345 the original variance. There shall be no charge for the filing of such petition. The request
346 for extension shall state facts showing a good faith attempt to complete the work
347 permitted by the variance. Such petition shall be presented to the Planning Commission
348 for a recommendation and to the Council for a decision and shall be made only one time
349 for a single action.

350 (Prior Code, § 1001.08)

351 § 151.15 FEES.

352 (A) Application fee. To defray the administrative costs of processing of
353 requests for amendments, variances, appeals, exceptions, and subdivisions a base fee
354 per application shall be paid by all applicants as set forth in the city fee schedule.

355 (B) Processing fee. In order to defray the additional cost of processing
356 applications (amendment, subdivision, exception, variance, and appeal) for
357 developments, all applicants shall pay the total cost of staff and/or consulting time spent
358 exclusively in producing and reviewing materials for the applicant's request. Prior to an
359 application being considered filed and completed, the owner or subdivider of land shall
360 execute and submit to the city a preliminary deposit and distribution agreement
361 addressing the reimbursement of costs described herein, along with the security deposit
362 in the amount set forth in the city fee schedule.

363 (1) MATERIALS shall include, but not be limited to, maps, graphs,
364 charts, drawings, and similar items, and all printing or reproduction of same.

365 (2) STAFF and/or CONSULTING TIME shall include any time spent in
366 either researching, reviewing, or actual production of materials.

367 (3) The hourly rate for staff and/or consulting time shall be established
368 and made available to the applicant by the City Clerk prior to production of any
369 materials and the applicant shall be given a reasonable estimate of project time and/or
370 material costs.

371 (C) Fees. The application fee shall be payable at the time an application is
372 filed with the City Clerk and is not refundable unless the application is withdrawn prior to
373 referral to the Planning Commission. Any amount of the security deposit remaining after
374 all costs have been reimbursed to the city shall be refunded to the applicant.
375 (Prior Code, § 1001.09) (Am. Ord. 2003-7-3, passed 8-12-2003)
376 § 151.16 ENFORCEMENT.

377 Unless approved as a final plat or as a valid non-plat subdivision as provided
378 herein, no conveyance of land shall be filed or recorded in the County Recorder's office
379 or have validity; and the Zoning Administrator shall not issue building permits for any
380 structure on a lot in any proposed subdivision. The city shall not permit any public
381 improvements to be installed unless the final plat is approved and recorded.
382 (Prior Code, § 1001.10)

383 SUBDIVISION REVIEW

384 § 151.30 PRELIMINARY PLAT.

385 (A) Request for subdivision approval shall be filed with the Clerk on an official
386 application form. The application shall be accompanied by a fee as outlined in § 151.15.
387 This fee shall not be refunded. In the case of a subdivision involving a plat, the
388 application shall also be accompanied by ~~two standard plat sizes measuring 20x30,~~
389 ~~and two 11x17 copies, and digital file copies of the preliminary plat and in all cases~~
390 ~~a listing of the property owner and all property of record within 350 feet of the property~~
391 ~~in question. (See Ordinance 2022-5-5 change May 2022)~~ The Clerk shall refer the
392 application and any preliminary plats to the Planning Commission for consideration at
393 least 15 days before the next regular meeting. The applicant for subdivision shall enter
394 into a preliminary agreement with the city to pay all engineering, planning, legal and
395 administrative costs incurred by the city in reviewing the preliminary plat and shall place
396 a deposit with the city in a non-interest bearing account sufficient to pay all said costs
397 prior to commencement of review by the city.

398 (B) (1) The Clerk, on behalf of the Planning Commission, shall set a date
399 for a public hearing. Notice of the hearing shall be posted as provided by state law at
400 least 10 days prior to the date of the hearing. The notice shall also be mailed not less
401 than 10 days to:

402 (a) All property owners of record according to the county
403 assessment records within 350 feet of the property;

404 (b) The Commissioner of the Minnesota Department of Natural
405 Resources if the proposed subdivision is located in part or in total within 1,000 feet of
406 the Sunrise Pools and Unnamed Lake or within 300 feet of the Sunrise River;

407 (c) The Commissioner of the Minnesota Department of
408 Transportation and the Chicago County Engineer if the proposed plat abuts or includes
409 a state trunk highway or a county state aid road, respectively;

410 (d) The local gas and power utility companies having
411 jurisdiction.

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412 (2) A copy of the notice and a list of the individuals and/or property
413 owners and addresses to which the notices were sent shall be attested to by the Clerk
414 and made a part of the official record. The failure to give mailed notice to individual
415 property owners or defects in the notice shall not invalidate the proceedings, provided a
416 bona fide attempt to comply with this subdivision has been made.

417 (C) The Planning Commission shall consider the subdivision and hold a public
418 hearing at its next regular meeting unless the filing date falls within 15 days of said
419 meeting, in which case the subdivision would be placed on the agenda and considered
420 at the regular meeting following the next regular meeting. The Clerk shall refer said
421 application, along with all related information, to the Planning Commission for
422 consideration. The applicant or a representative thereof shall appear before the
423 Planning Commission in order to answer questions concerning the subdivision.

424 (D) In considering a proposed subdivision, the Planning Commission shall
425 consider the following factors:

426 (1) Consistency with the design standards and other requirements of
427 this chapter;

428 (2) Consistency with the city's growth management system or other
429 development plans;

430 (3) Consistency with the zoning regulations;

431 (4) The physical characteristics of the site, including, but not limited to
432 topography, erosion, and flooding potential, and soil limitations, are suitable for the type
433 of development or use contemplated;

434 (5) The proposed development will not create a negative fiscal or
435 environmental impact upon the city.

436 (E) The Planning Commission and city staff shall have the authority to request
437 additional information from the applicant concerning the subdivision or to retain expert
438 testimony with the consent and at the expense of the applicant concerning said
439 information to be declared necessary to establish compliance with all pertinent sections
440 of this chapter.

441 (F) Within 60 days from the date of the public hearing, the Planning
442 Commission shall make a finding of fact and recommend such actions or conditions
443 relating to the subdivision or preliminary plat to the Council.

444 (G) Upon receiving the report and recommendation of the Planning
445 Commission, and within 60 days after the public hearing at which the preliminary plat or
446 subdivision was considered, the Council shall place the report and recommendation on
447 the agenda for the next regular meeting. Such reports and recommendations shall be
448 entered in and made part of the permanent written record of the Council meeting.

449 (H) (1) Upon receiving the report and recommendation of the Planning
450 Commission, the Council shall either:

451 (a) Approve or disapprove the request as recommended by the
452 Planning Commission; or

453 (b) Approve or disapprove the recommendation of the Planning
454 Commission with modifications, alterations, or differing conditions which shall be in
455 writing and made part of the Council's records; or

456 (c) Refer the recommendation back to the Planning Commission
457 for future consideration. This procedure shall be followed only one time on a singular
458 action.

459 (2) The Clerk shall notify the applicant of the Council's action and
460 reasons thereof. In the case of a subdivision not involving platting, the Council's action
461 is final.

462 (l) Upon approval of a subdivision requiring a preliminary plat by the Council,
463 the subdivider shall submit the final plat to the Planning Commission within 1 year after
464 said approval or approval of the preliminary plat shall be considered void. Prior to the
465 expiration of the preliminary plat approval, the Planning Commission may extend the
466 approval for an additional year. The extension shall be in writing specifically designating
467 the expiration date. The extension shall not be subject to an additional fee, and only 1
468 extension may be granted per preliminary plat.

469 (Prior Code, § 1001.03) (Am. Ord. 2001-6-1, passed - -2001)

470 § 151.31 FINAL PLATS.

471 (A) Final plats shall consist of ~~2~~ two mylar or linen reproducible tracings, a
472 digital file in electronic format as required by the City Engineer suitable for updating city
473 base maps, ~~and 3~~ two standard plat sizes measuring 20x30, and two 11x17 (See
474 Ordinance 2022-5-6 May 2022) copies filed with the Clerk and submitted to the Planning
475 Commission within 15 days of the Planning Commission meeting. The Planning
476 Commission shall review final plats to assure consistency with the approved preliminary
477 plat. The Planning Commission shall make a recommendation for approval or
478 disapproval with conditions and reasons thereof to the Council. If the plat is
479 disapproved, the subdivider shall be notified in writing of the reason for such
480 disapproval and what requirements are necessary to meet the approval of the Planning
481 Commission.

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482 (B) All final plats, together with the recommendations of the Planning
483 Commission, shall be submitted to the Council at its next regularly scheduled meeting. If
484 accepted, the final plat shall be approved by resolution, including acceptance of all
485 agreements for basic improvements, public dedication and other requirements as
486 indicated by the Council. If denied, the reasons for such refusal shall be set forth in the
487 proceedings of the Council and reported to the subdivider.

488 (C) It shall be the responsibility of the subdivider to file the plat with the
489 appropriate county offices after final approval. Failure to do so within 1 year of final
490 approval shall result in the requiring of a new preliminary plat. This new preliminary plat
491 must be reviewed in accordance with the procedure set out in this chapter to insure
492 compliance with any new requirements.

493 (D) A copy of all final plats located in total or in part within the SL Shoreland
494 District shall be submitted to the Commissioner of DNR within 10 days of final plat
495 approval.

496 (Prior Code, § 1001.03) (Am. Ord. 2016-11-6, passed 11-9-2016)

497 § 151.32 DATA REQUIREMENTS FOR PRELIMINARY PLAT.

498 All preliminary plats must contain the following information.

499 (A) Identification and description.

500 (1) Proposed name of subdivision.

501 (2) Date and north point.

502 (3) Scale of plat, not less than 1 inch to 200 feet.
503 (4) Indication of any proposed covenants.
504 (5) Location map indicating location of proposed subdivision in
505 relationship to general known area.
506 (6) ~~Names and addresses of the subdivider and surveyor making plat~~
507 ~~and property owners of record within 350 feet of the proposed subdivision. (See~~
508 ~~Ordinance 2022-5-5 May 2022)~~
509 (7) Legal description of proposed subdivision.
510 (B) Existing conditions and proposed design features.
511 (1) Boundary line of proposed subdivision.
512 (2) Zoning of land within and abutting the subdivision.
513 (3) Layout, dimensions and acreage of proposed lots and blocks.
514 (4) Name, location and right-of-way width of existing or proposed
515 streets, highways, alleys, sidewalks and pedestrian ways.
516 (5) High water mark of all lakes, rivers, streams and wetlands.
517 (6) Location, dimensions, and purpose of existing and proposed
518 utilities and utility easements.
519 (7) Location and dimensions of existing and proposed public sewer
520 and water systems.
521 (8) Existing and proposed storm water drainage system, including
522 drainage easements.
523 (9) Boundary lines of adjoining unsubdivided or subdivided land within
524 350 feet, identifying by name and ownership.
525 (10) Proposed zoning changes, if necessary.
526 (11) Minimum front, side and rear yard setbacks as required by the
527 zoning ordinance.
528 (12) Location, dimensions, and size of areas, other than streets, alleys,
529 ~~pedestrian ways~~ pedestrian ways, and utility easements, proposed to be dedicated or
530 reserved for public uses.
531 (C) Supplementary information. The following information may be required if it
532 is deemed necessary and appropriate by the Clerk or Zoning Administrator:
533 (1) Soil survey, grading plan, soil erosion and sediment control plan,
534 and landscaping plan;
535 (2) Statement of proposed use of development, including type and
536 number of structures and units;
537 (3) Statement of adequacy of existing or proposed utilities to
538 accommodate or serve the proposed development;
539 (4) Statement relative to the relationship of the proposed subdivision
540 with existing or potential adjacent subdivisions;
541 (5) Statement of estimated cost of proposed required improvements;
542 (6) Other information deemed necessary by the Clerk, Zoning
543 Administrator Planner, Planning Commission or subdivider;
544 (7) Existing topography, including contour lines at 2-foot intervals.
545 Water courses, wetlands, rock outcrops, power transmission poles and lines, and other
546 significant features shall also be known. United States Geological Survey (U.S.G.S.)
547 data may be used for all topographic mapping where feasible.

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548 (Prior Code, § 1001.04)

549 § 151.33 DATA REQUIREMENTS FOR FINAL PLAT.

550 All final plats shall be prepared in accordance with provisions of Minnesota State
551 Statutes and shall include as a minimum the following information:

552 (A) Name of subdivision;

553 (B) Scale, north arrow, and date of plat;

554 (C) All plats shall be of either 2 standard sizes measuring 20 by 30 or 30 by
555 40 inches from outer edge to outer edge. A border line shall be placed one-half inch
556 inside the outer edges of the plat on the top, bottom, and right hand side of the plat, and
557 2 inches inside the outer edge of the left hand side of the plat;

558 (D) Durable iron monument shall be set at all angles and curve points on the
559 outside boundary lines of the plat, at all block corners, and at all intermediate points on
560 the block lines indicating changes of direction in the lines. The outside boundary lines of
561 the plat shall be correctly designated showing bearings on all straight lines, angles at all
562 angle points, and central angle and radii and arc length for all curves. All distances shall
563 be shown between monuments as measured to the nearest hundredths of a foot. If a
564 curved line constitutes the line of more than 1 lot in any block, the central angle for that
565 part of each lot on the curved line shall be shown. The outside boundary lines shall
566 close by latitude and departure with an error not to exceed 1 foot in 7,300 feet;

567 (E) In any instance where a river, stream, creek, lake, or pond constitutes a
568 boundary line within or of the plat, a survey line shall be shown with bearings or angles
569 and distances between all angle points and their relationship to a water line, and all
570 distances measured on the survey line between lot lines shall be shown. The survey
571 line shall be shown as a dashed line;

572 (F) Location, dimensions, and name or number of all existing or proposed
573 lots, blocks, streets, highways, alleys, parks, and public lands;

574 (G) All rivers, streams, creeks, lakes, ponds, swamps, and wetlands shall be
575 correctly located and designated;

576 (H) Name and boundary lines or any adjoining platted lands;

577 (I) Location and width of all easements to be dedicated;

578 (J) Name and address of developer and surveyor making the plat;

579 (K) A written instrument of dedication signed and acknowledged by the owner
580 of the land, including a full and accurate description of the land platted and set forth
581 what part of the land is dedicated and also to whom and for what purpose these parts
582 are dedicated;

583 (L) A written surveyor's certificate certifying that the plat is a correct
584 representation of the survey, that all distances are correctly shown on the plat, that all
585 monuments have been correctly placed in the ground as shown, and that the outside
586 boundary lines are correctly designated on the plat. If there are no wetlands, streets or
587 highways to be designated, he or she shall so state. The certificate shall be sworn to
588 before any officer authorized to administer an oath;

589 (M) Delinquent tax certification as follows:

590 "No delinquent taxes and transfer entered this _____ day of _____
591 , 20____."

592 (N) Certification of city approval as follows:

593 "Approved by the City of Stacy, Minnesota, this _____ day of _____,
594 20____."

595 Signed _____
596 Mayor

597 Attested _____
598 City Clerk

599 (O) A written and signed attorney's certificate that proper and clear evidence
600 of title has been presented and examined.
601 (Prior Code, § 1001.04)

602 PLAT DESIGN STANDARDS

603 § 151.45 STREETS AND ALLEYS.

604 (A) General.

605 (1) The character, extent, width, grade and location of all streets shall
606 be considered in their relation to existing and planned streets, to topographical
607 conditions, to public convenience and safety, and in their appropriate relation to the
608 proposed uses of the land to be served by such streets.

609 (2) The arrangements of streets in a subdivision shall either provide for
610 the continuation of existing streets in surrounding areas or conform to a plan for the
611 neighborhood approved or adopted by the Council to meet a particular situation, where
612 topographical or other conditions make continuance of existing streets impractical.

613 (3) Residential streets or minor streets should be so arranged as to
614 discourage their use by through traffic.

615 (4) Where a subdivision abuts on or contains an existing or proposed
616 arterial street, marginal access streets, reverse frontage with screen plantings, non-
617 access reservations along arterial property lines abutting the arterial streets, deep lots,
618 or such other treatment as may be necessary for protection of residential properties is
619 encouraged. Direct frontage and/or access to arterial streets should be avoided.

620 (5) Street traffic should be designed to flow toward arterial and
621 collector streets. Streets should fit the contours of the land. Street grades, where
622 feasible, shall not be greater than 8% and not less than .5%.

623 (B) Half streets. Dedication of half streets shall be prohibited, except where
624 essential to reasonable development of future subdivisions.

625 (C) Dead end streets and cul-de-sacs. Dead end streets are prohibited, but
626 cul-de-sacs will be permitted. Cul-de-sacs shall not be longer than 500 feet, including a
627 turn-around at the closed end. The turn-around shall have a minimum outside curb
628 radius of at least 40 feet and a right-of-way radius of not less than 50 feet; except for T-
629 shaped turn-arounds where permitted.

630 (D) Street intersections. Streets should intersect as nearly as possible at right
631 angles, except under unusual topographic conditions. The minimum angle of street
632 intersection shall be 80 degrees. Street intersections shall not be off-set less than 150
633 feet as measured from the center lines and shall have a minimum vertical sight distance
634 of 300 feet as measured 15 feet from the roadway along the center line.

635 (E) Alleys. Alleys, where provided, shall not be less than 30 feet wide in
636 commercial areas and 20 feet wide in residential areas. Dead end alleys should be
637 avoided, but if unavoidable, adequate turn-around areas shall be provided at the closed
638 end.

639 (F) Right-of-way standards. Public right-of-way widths shall be dedicated
640 using the following minimum standards or those recommended by the state or county
641 highway department and as approved by the city (in feet):

642

643	Public Right-of-Way	Right-of-Way	Paved
644	Arterial street	100	60
645	Collector street	70	44
646	Minor or local street	60	Per Engineering Design Standards***
647	Marginal access street	60	
648	Cul-de-sac	60***	
649	Alley	As provided in § 151.45(E)	As provided in § 151.45(E)
650	Pedestrian way	10	10
651	Private common access	**	**

652

653 ** The Council may decide to approve private common access where appropriate
654 and may require such standards as deemed appropriate.

655 *** In addition to turn-around requirements outlined in § 151.45(C).

656 (G) Street alignment. The horizontal and vertical alignment minimum
657 requirements on all streets shall be as follows (in feet):

658

659	Street	Horizontal*	Vertical**
660	Arterial	150	500
661	Collector	50	300
662	Minor	50	200
663	Cul-de-sacs	50	100
664	Intersections	15***	300

665

666 * Radii of center line.

667 ** Minimum sight distance as measured at 4 feet above ground level along the
668 center line. For intersections as measured 15 feet from the edge of the roadway.

669 *** Curb line radius.

670 (Prior Code, § 1001.05)

671 § 151.46 EASEMENTS.

672 (A) Easements having a minimum width of 10 feet shall be provided along the
673 side or rear lot lines as required for utility lines and underground mains and cables.

674 (B) Utility easements shall connect with easements established in adjoining
675 properties. All utility easements should be reviewed by the appropriate utility company
676 or corporation. Where feasible, all utilities shall be placed underground.

677 (C) Where a subdivision is traversed by a water course, drainage way,
678 channel or strain, there shall be provided a floodage easement or drainage right-of-way
679 conforming substantially with the lines of such water course.

680 (D) Pedestrian walkway easements with right-of-way of not less than 10 feet
681 in width shall be required where deemed essential to provide circulation or access to
682 schools, playgrounds, shopping centers, transportation and other community facilities
683 as shall be determined by the Planning Commission and Council.

684 (Prior Code, § 1001.05)

685 § 151.47 BLOCKS.

686 (A) Length. Blocks shall not be greater than 1,800 feet in length, except if
687 necessary due to unusual topographic or other conditions. In residential areas, blocks
688 longer than 600 feet shall be provided with pedestrian ways or easements near the
689 center of the block.

690 (B) Width. Blocks should have sufficient width to provide 2 tiers of lots of
691 minimum depth to allow sufficient area for building and adequate off-street parking.
692 (Prior Code, § 1001.05) (Am. Ord. 2016-11-4, passed 11-9-2016)

693 § 151.48 LOTS.

694 (A) General. The lot size, width, shape, and orientation shall be appropriate
695 for the proposed type of development and meet the minimum requirements of the
696 zoning ordinance in effect upon approval of the final plat.

697 (B) Frontage. All lots shall have frontage upon a public street or upon an
698 approved private common access road.

699 (C) Corner lots. Corner lots for residential purposes shall have extra width to
700 allow appropriate building setback from and orientation to both streets, as required by
701 the zoning ordinance in effect upon approval of the final plat.

702 (D) Lot lines. All side lot lines shall be perpendicular or radial to street right-of-
703 way lines.

704 (E) Double and reverse lots. Double frontage and reverse lots should be
705 avoided except where essential to provide separation of residential uses from arterial
706 streets, conflicting uses, or other adverse conditions.

707 (Prior Code, § 1001.05)

708 § 151.49 SOIL EROSION AND STEEP SLOPES.

709 (A) Topsoil and vegetation distributed or destroyed during or after construction
710 shall be replaced or replanted to minimize soil erosion.

711 (B) No construction or grading shall be allowed on slopes greater than 20%.
712 The subdivider does have the option of dedicating steep slopes to the city or an officially
713 recognized homeownership association.

714 (C) During and after construction, slopes shall be protected from erosion by
715 quick establishment of vegetative cover, benches, terraces, mulches, or other proper
716 protection devices or practices. Stands of existing vegetation adequate to control
717 erosion should be preserved wherever possible.

718 (D) Any land reclamation or filling shall conform to the applicable regulations
719 outlined within the zoning ordinance.

720 (Prior Code, § 1001.05)

721 § 151.50 DRAINAGE.

722 (A) Plans for surface water runoff and drainage shall be reviewed by the
723 Planning Commission and Council prior to final plat approval.

724 (B) The subdivision should be designed so the drainage system utilizes to the
725 greatest extent possible existing natural overland flows, open channel and drainage
726 routes.

727 (C) The drainage system shall be constructed and operational during the initial
728 phase of construction.

729 (Prior Code, § 1001.05)

730 § 151.51 WETLAND, SHORELAND, AND FLOOD PLAIN AREAS.

731 Where the subdivision of a lot or tract of land contains water courses, floodable
732 areas or wetlands, said land shall be:

733 (A) Dedicated to the city as a park, parkway, open space, or other public use;
734 or

735 (B) Carried in a private easement to the individual deeds affected with no
736 allowance for building construction therein; or

737 (C) Developed in accordance with a plan setting forth provisions for sediment
738 control, water management, maintenance of landscaped features, and indicating any
739 change will be made in the natural condition of the earth and its effects, if any, upon
740 water courses, lakes, streams, wetlands and drainage ways;

741 (D) (1) Not approved as a final plat, if located within 300 feet of the Sunrise
742 River and no control sewer is available, until the subdivider has submitted data from
743 percolation tests and soil borings which prove that each lot in the subdivision has a
744 suitable location and an adequate area for the installation of an on-site sewage
745 treatment system that meets the general requirements of the Minnesota Department of
746 Health and the Minnesota Pollution Control Agency.

747 (2) The Planning Commission and Council shall review the option
748 selected and approve or disapprove said dedication, private easement or development
749 plan. In no case shall land be subdivided which is held unsuitable by the city or the
750 Commissioner of the Minnesota Department of Natural Resources for the proposed use
751 because of flooding, inadequate drainage, soil and rock formations with severe
752 limitations for development, severe erosion potential, unfavorable topography,
753 inadequate water supply or sewage disposal capabilities, or any other feature likely to
754 be harmful to the health, safety, or welfare of future residents of the proposed
755 subdivision or of the city.

756 (E) Development within the Floodplain Management Overlay District shall
757 comply with the standards set forth in § 153.059 and the specific provisions of §
758 153.059(G) of the city code.

759 (Prior Code, § 1001.05) (Am. Ord. 2012-3-2, passed 3-13-2012)
760 § 151.52 SIDEWALKS.

761 (A) Applicability and exemptions. This section shall apply to all new
762 subdivision, replatting, registered land surveys (RLSs), development and
763 redevelopment applications after March 1, 2017. All new subdivision, replatting,
764 development, and redevelopment applications shall meet the requirements of division
765 (C) of this section, and those containing more than 1 principal building shall meet the
766 requirements of division (D) of this section.

767 (B) General requirements. Applications for subdivision, replatting, registered
768 land survey, development, or redevelopment shall meet the following standards:

769 (1) Where adopted city plans show a bicycle or pedestrian path or trail
770 or sidewalk, the site design shall provide connections to those paths or trails or
771 sidewalks;

772 (2) Any requests by the city for designation or dedication of land for
773 bicycle or pedestrian trails within a proposed development shall comply with § 151.81;

774 (3) Unless the city engineer waives the requirement based on
775 concerns of public safety or site/topography constraints, each proposed public or private

776 street in all zoning districts shall include a sidewalk at least 5 feet wide on both sides of
777 the street;

778 (4) Whenever cul-de-sac streets are created, a sidewalk shall be
779 provided, within a minimum 10-foot-wide pedestrian access/public utility easement,
780 between the cul-de-sac head or street turnaround and the sidewalk system of the
781 closest adjacent street or pedestrian sidewalk or pathway, unless the city engineer
782 determines that public access in that location is not practicable due to site or
783 topography constraints;

784 (5) A sidewalk shall be provided, within a pedestrian way at least 10
785 feet in width, near the middle of any block face longer than 600 feet in order to provide
786 connections with streets on either side of the block;

787 (6) Sidewalks shall be constructed as approved by the city engineer as
788 follows:

789 (a) Sidewalks shall be constructed of 4 inches of PC concrete
790 on compacted porous subgrade. The walk must be continued through driveway sections
791 where it shall be increased in thickness to 8 inches on major thoroughfares and
792 collector roads and 6 inches in all other instances. Curbs must be tapered to meet the
793 walk. Cross slopes on the sidewalk shall be 1/4-inch per foot toward the street;

794 (b) Proposed grades must be indicated along the property line
795 and of the walk, driveways, and intermittent locations along the length of the walk;

796 (c) Any structures, hydrants, poles, etc. that are existing along
797 the alignment of the walk, must be adjusted or relocated at the expense and
798 coordination of the developer;

799 (d) Sidewalks and trails shall be constructed in such a manner
800 so as to prevent pooling of surface water runoff and to drain away from any nearby
801 buildings. The profile grade shall not exceed the grade of the adjacent roadway, unless
802 authorized by the city engineer; and

803 (e) Sidewalks shall be at least 5 feet wide and constructed in
804 accordance with details and specifications approved by the city engineer;

805 (7) Location.

806 (a) Sidewalks shall be included within the dedicated street right-
807 of-way unless otherwise approved by the city engineer.

808 (b) Sidewalks shall be located at least 5 feet from the back of
809 the curb to allow for snow storage, street trees, and boulevard sodding.

810 (C) Americans with Disabilities Act. All "places of public accommodation," as
811 defined in the federal Americans With Disabilities Act (42 U.S.C. 12101 et. seq.) shall
812 comply with the requirements of that act concerning on-site circulation and access.

813 (D) Multi-building developments. Commercial developments containing more
814 than 1 principal building on a single lot or parcel shall include an unobstructed walkway
815 or pathway providing access between the principal buildings. The walkway or pathway
816 shall be at least 5 feet wide.

817 (Ord. 2017-2-1, passed 2-15-2017)

818 PUBLIC USE OF DEDICATION OR CONTRIBUTION

819 § 151.65 GENERAL.

820 (A) Required. Pursuant to M.S. § 462.358, subd. 2(b), as amended from time
821 to time, except as otherwise provided in this section, the city requires all owners or

822 developers, as a prerequisite to approval of a plat, subdivision or development of any
823 land, to convey to the city, or dedicate to the public use, a reasonable portion of any
824 such proposal for public use as streets, roads, sewers, electric, gas and water facilities,
825 stormwater drainage and holding areas or ponds, similar utilities and improvements, or
826 parks playgrounds, trails or open space, such portions to be approved and acceptable
827 to the city.

828 (B) Suitability of dedicated land. Any land to be dedicated as a requirement of
829 this section shall be reasonably adaptable for its proposed use and shall be at a location
830 convenient to the people to be served. Factors used in evaluating the adequacy of
831 proposed park and recreation areas shall include size, shape, topography, geology, tree
832 cover, access and location.

833 (C) Park dedication requirements. Except as otherwise provided in this
834 division (C), subdividers and developers of land within the city shall be required to
835 dedicate to the city for park, playground, trail and public open space purposes the
836 following minimum amounts of land or cash, or both, whichever the city, at its option,
837 shall require. The required dedication shall be made prior to the city's release of the
838 final plat for filing. Subdividers and developers may, however, pay the park dedication
839 fee at any time after the final plat has been approved by the city council. The amount of
840 any required cash contribution shall be calculated based upon rates established by the
841 city and in effect as of the date of the release of the final plat for filing. For purposes of
842 this division (C), words such as, but not limited to, "total acreage", "subdivision area",
843 "the property in the plat, subdivision or development", and "the property being platted",
844 whenever such words appear in this division or any resolution or policy adopted
845 pursuant thereto, shall mean the gross area of the plat, subdivision or development
846 except any undeveloped outlot that will, by current standards, be required to make the
847 dedication required in this division at such time as the outlot is developed, subdivided or
848 platted in the future.

849 (1) Residential dedications.

850 (a) Land shall be dedicated pursuant to the following schedule,
851 wherein density is calculated by considering the total acreage of the entire plat,
852 subdivision or development being considered:

853
854 Dwelling Units per Gross Acre Dedication Requirement
855 Less than 9 10% of subdivision area
856 9 and more 11% of subdivision area plus an additional 1% for each additional dwelling
857 unit per acre over 9

858
859 (b) A cash contribution in lieu of land dedication may be
860 required at the discretion of the city. The cash contribution shall be calculated by the city
861 estimating the fair market value per acre of residential property in the city, and such
862 value shall then be multiplied by 10% and the resulting figure divided by the average
863 density of residential development existing in the city. The city shall establish the cash
864 contribution by resolution, which shall not exceed the above calculation.

865 (c) The city may require the subdivider or developer to make a
866 combination cash and land dedication pursuant to the following formula.

867 1. The amount of land which could be required in
868 accordance with this chapter shall be calculated.

869 2. From the total calculated under division (C)(1)(c)l. of
870 this section, the actual amount of land the city determines to be needed to fulfill the
871 purposes of this division (C)(1)(c) shall be subtracted.

872 3. The balance arrived at under division (C)(1)(c)2. of
873 this section shall be converted into a cash contribution in lieu of land dedication
874 pursuant to a standard formula established by the city, which formula takes into
875 consideration such things as, but not necessarily limited to, the fair market value of the
876 property in the plat, subdivision or development and the percentage of the total park
877 dedication obligation represented by such balance.

878 (2) Commercial and industrial dedication requirements.

879 (a) Land dedication, if required, shall be 7 1/2% of the
880 subdivision or development.

881 (b) If the city requires payment of fees in lieu of land dedication,
882 that fee shall be based upon the same percentage set forth in division (C)(2)(a) of this
883 section, multiplied by the acreage of the proposed plat, development or subdivision, and
884 by the council's estimate, as established at least annually by resolution, of the fair
885 market value per acre of undeveloped commercial/industrial land in the community.

886 (c) Where a combination land and cash dedication is made, the
887 lands dedicated will be deducted from the total park dedication land requirement, and
888 the balance of required dedication acreage will be multiplied by the current council
889 estimate established pursuant to division (C)(2)(b) of this section to determine the
890 amount of cash dedication.

891 (3) Miscellaneous requirements. The following requirements apply to
892 all dedications or conveyances for park, playground, trail or public open space
893 purposes:

894 (a) Suitability of land. Land conveyed or dedicated pursuant to
895 the provisions of this division (C) must be located outside of drainageways, floodplains
896 and ponding areas after the site has been developed.

897 (b) Installation of improvements. As part of their development
898 contract or site plan approval responsibilities, owners and developers shall be
899 responsible for making certain improvements to the developments for park, playground,
900 trail and public open space purposes, including, but not limited to, finished grading and
901 ground cover for all park, playground, trail and public open spaces within their
902 developments.

903 (c) Standards for location.

904 1. The City Council shall adopt standards and guidelines
905 for determining what geographic location of each such development should reasonably
906 be required to be so conveyed or dedicated.

907 2. Such standards and guidelines may take into
908 consideration the zoning classification to be assigned to the land to be developed, the
909 particular use proposed for such land, amenities to be provided and factors of density
910 and site development as proposed by the owners or developers.

911 3. The City Council may adopt changes and
912 amendments from time to time to such standards and guidelines to reflect changes in

913 the usage of land which may occur, changes in zoning classifications and concepts, and
914 changes in planning and development concepts that relate to the development and
915 usages to which land may be put.

916 (d) Acquisition of sites proposed on official map or
917 comprehensive plan. Where a proposed park, playground, trail, open space or other
918 recreational area that has been indicated on the official map and/or comprehensive plan
919 is located in whole or in part within a proposed subdivision, such proposed site shall be
920 designated as such and be dedicated to the city. If the subdivider chooses not to
921 dedicate an area in excess of the land required under this section for such proposed
922 site, the council shall not be required to act to approve or disapprove the plat of the
923 subdivision for a period of 90 days after the subdivider meets all the provisions of this
924 chapter, in order to permit the council to consider the proposed plat and to take the
925 necessary steps to acquire, through purchase or condemnation, all or part of the public
926 site proposed on the official map or comprehensive plan.

927 (e) Density and open space requirements under zoning
928 regulations. Land area so conveyed or dedicated for park playground, trail and open
929 space purposes may not be used by an owner or developer as an allowance for
930 purposes of calculating the density requirements of the development as set out in
931 Chapter 153 and shall be in addition to and not in lieu of open space requirements for
932 planned unit developments pursuant to Chapter 153.

933 (f) Private open space. Where private open space for park,
934 playground, trail, open space or other recreation purposes is provided in a proposed
935 subdivision and such space is to be privately owned and maintained by the future
936 residents of the subdivision, such areas may be used for credit at the discretion of the
937 city council against the requirement of dedication for purposes described in this division
938 (C), provided the City Council finds it is in the public interest to do so and that the
939 following standards are met:

940 1. Yards, court areas, setbacks and other open space
941 required to be maintained by the zoning and building regulations shall not be included in
942 the computation of such private open space;

943 2. The private ownership and maintenance of the open
944 space shall be adequately provided for by written agreement;

945 3. The private open space shall be restricted for park,
946 playground, trail, open space or recreational purposes by recorded covenants which run
947 with the land in favor of the future owners of property within the tract and which cannot
948 be eliminated without the consent of the City Council;

949 4. The proposed private open space must be reasonably
950 adaptable for use for such purposes, taking into consideration such factors as size,
951 shape, topography, geology, access and location of the private open space land;

952 5. Facilities proposed for such purposes must be in
953 substantial accordance with the provisions of the recreational element of the
954 comprehensive plan, and be approved by the City Council; and

955 6. Where such credit is granted, the amount of credit
956 shall not exceed 25% of the amount calculated in division (C)(1) or (2) of this section,
957 whichever is applicable.

958 (g) Disposition of cash contributions. The city shall establish a
959 separate fund into which all cash contributions received from owners and developers in
960 lieu of conveyance or dedication of land for park, playground, trail and open space
961 purposes shall be deposited. The city shall establish separate budgeting and accounting
962 procedures for such fund and shall make from time to time appropriations from such
963 fund for acquisition of land for such purposes, for developing existing park, playground,
964 trail and open space sites or for debt retirement in connection with land previously
965 acquired for such purposes.

966 (h) Administrative procedures. The city shall establish such
967 administrative procedures as it may deem necessary and required to implement the
968 provisions of this division (C).

969 (4) Determination of land type. The determination of whether land is
970 residential, commercial, or industrial shall be based upon the zoning of the particular
971 land for which dedication is required. Zoning classifications shall be categorized as
972 follows:

973	Zoning	Land Type	
974	R-1,R-2,R-3A,R-3B,R-M	Residential	
975	CBD, GB,	Commercial	
976	I, LI	Industrial	
977	Planned unit development (PUD),SL	See underlying zoning classification	
978	A	Agricultural	
979			

980 (5) Waivers. The park dedication requirement may be waived by the
981 city council in connection with lands described below in (a) and (b) of this division
982 (C)(5), subject to the requirements of (c) and (d) of this division (C)(5). Such lands
983 include:

984 (a) Land owned by a government or governmental subdivision,
985 which land is or will be devoted to a public purpose; and

986 (b) Privately owned land that is intended to be maintained or
987 developed so as to contain on at least 90% of the gross subdivision area large park-like
988 areas open to use by the public such as a golf course.

989 (c) Prior to subdivision approval and any such waiver, the
990 property owner (public or private) must present to the city in recordable form a covenant
991 running with the land and satisfactory to the city wherein the owner agrees for himself,
992 his heirs, successors, and assigns to make park dedication for the land according to
993 prevailing requirements at the time dedication is required in any of the following
994 circumstances:

995 1. Whenever public lands or uses or portions thereof
996 which are otherwise exempt become privately owned and do not or will not meet the
997 90% requirement set forth in this division, as measured at the time of the covenant;

998 2. Whenever more than 10% of the gross subdivision
999 area of any privately owned property, as measured at the time of the covenant,
1000 becomes developed so as to prevent the public by design or implication from
1001 unrestricted access to the land; or
1002

1003 3. If the actual or intended use of the land changes so
1004 as to be inconsistent with the types of public activities and uses set forth in this
1005 subsection.

1006 (d) The covenant referred to in division (C)(5)(c) of this section
1007 shall be filed in the office of the county recorder at the owner's expense at or before the
1008 recording of the plat by which the subdivision is accomplished.
1009 (Ord. 2010-5-1, passed 5-11-2010)

1010 REQUIRED IMPROVEMENTS
1011 § 151.80 GENERAL.

1012 The following improvements shall be complied with and provided in accordance
1013 with city standards and approval and as provided within the plat agreement as indicated
1014 in § 151.82.

1015 (Prior Code, § 1001.07)

1016 § 151.81 IMPROVEMENTS.

1017 (A) All improvements identified below and as included within the subdivision
1018 agreement shall be installed at the expense of the subdivider according to standards
1019 and specifications approved by the Council and installed in the following sequence:

1020 (1) The full width of all street right-of-ways and utility easements as
1021 approved on the final plat will be finished at rough grade; for example, no more than 6
1022 inches from the finished grade;

1023 (2) Sanitary sewer, water, and drainage facilities, and electric,
1024 telephone and gas service lines shall be installed as required by the subdivision
1025 agreement. Where city water and sewer facilities are not available for extension into the
1026 subdivision, the Council may permit the use of individual water and sewer systems in
1027 accordance with appropriate state regulations and city goals and policies;

1028 (3) All streets shall be curbed, guttered, and paved as required by the
1029 subdivision agreement. The city may delay street paving if city water, sewer or storm
1030 sewer facilities are not available but are anticipated in the foreseeable future, in which
1031 case the owner or subdivider shall provide the city with security for the completion of
1032 such improvements, as set forth in § 151.83, all on terms acceptable to the city. If street
1033 paving is not required, all street right-of-ways shall be finished at final grade with Class
1034 V gravel;

1035 (4) Street signs and street lights shall be installed as required by the
1036 subdivision agreement;

1037 (5) As may be required by the city, street trees and boulevard sodding
1038 shall be planted;

1039 (6) Sidewalks as required by this title shall be installed; and

1040 (7) Street signs and street lights shall be installed as required by this
1041 chapter and in conformance with § 153.008.

1042 (B) Where feasible, all utility service lines shall be placed underground within
1043 easements or dedicated right-of-ways. All drainage and other utility installations which
1044 traverse privately owned property shall be protected by proper easements and/or legal
1045 agreements.

1046 (Prior Code, § 1001.07) (Am. Ord, 2003-7-4, passed - -2003; Am. Ord. 2017-2-1,
1047 passed 2-15-2017)

1048 § 151.82 SUBDIVISION AGREEMENT.

1049 Prior to the approval of the final plat by the Council, the owner or subdivider of
1050 the land covered by the said plat shall execute and submit to the Council an agreement,
1051 binding on his or her or their heirs, personal representatives and assigns, including:

1052 (A) A provision that no private construction will be made on said plat or no
1053 building permit shall be filed for such construction until all improvements required under
1054 this chapter have been made or arranged for in a manner approved by the Council;

1055 (B) A listing or schedule of when and what improvements shall be required as
1056 recommended by the Planning Commission and approved by the Council;

1057 (C) A certification by the Clerk or City Engineer that the improvements,
1058 agreements, and documents meet the minimum requirements of all applicable
1059 regulations;

1060 (D) A provision containing all conditions, if any, imposed by the Council upon
1061 approval of the final plat;

1062 (E) A provision outlining the procedure or alternative to be utilized in the
1063 financing of required improvements in accordance with § 151.83.

1064 (Prior Code, § 1001.07)

1065 § 151.83 FINANCING REQUIRED IMPROVEMENTS.

1066 (A) Prior to the final plat approval and included within the subdivision
1067 agreement, the owner or subdivider shall submit to the Council for approval the
1068 alternative requested to be utilized in the financing of the required improvements. Such
1069 alternative shall be limited to one of the following:

1070 (1) Cash deposit, cash escrow agreement, or performance bond, with
1071 sureties satisfactory to the city submitted to the Clerk in an amount 125 % the estimated
1072 cost of such improvements;

1073 (2) Cash deposit, cash escrow agreement, or performance bond equal
1074 to or greater than 25% of the estimated cost of improvements with the remaining costs
1075 to be assessed to the improved properties at the interest rate specified by the Council.
1076 The Council shall have the option to select the type and amount of improvements to be
1077 assessed;

1078 (3) Improvements within the subdivision which have been completed
1079 prior to final plat approval shall be accepted as equivalent improvements in compliance
1080 with the requirements of this subchapter, but only if said improvements conform to
1081 applicable state and city standards.

1082 (B) Improvement costs shall include all construction costs incurred in making
1083 such improvements, all expense incurred by the city for engineering, planning and legal
1084 fees, and all other expense in connection with the making of such improvements. The
1085 Council shall determine which alternative and what type of security shall be acceptable
1086 in financing the improvements.

1087 (Prior Code, § 1001.07)

1088 § 151.84 ODOR AND CORROSION CONTROL MEASURES, FINANCIAL SECURITY.

1089 All subdivisions under this chapter shall comply with the sanitary sewer odor and
1090 corrosion control regulations as set forth in § 52.61 of this city code.

1091 (Ord. 2012-6-1, passed 6-12-2012)