

City of



Subdivision Ordinance

Updated:

Adopted March 15, 2010 (Effective April 25, 2010)
Amended July 18, 2011 (Effective August 28, 2011)



**CITY OF NEW PRAGUE
SUBDIVISION REGULATION ORDINANCE**

Section

General Provisions

- 001 Official subdivision ordinance
- 002 Regulations
- 003 Short title
- 004 Purpose
- 005 Applicability
- 006 Exceptions
- 007 Definitions

Filing and Recording

- 020 Restrictions on filing and recording conveyances
- 021 Concept plan

Minor Subdivisions

- 030 Minor Subdivisions

Preliminary Plat

- 040 Procedure for submittal and review
- 041 Data required for preliminary plat

Final Plat

- 050 Procedure for submittal and review
- 051 Review of final plat
- 052 Contents of final plat
- 053 Supplementary documents
- 054 Effect of subdivision approval

Design Standards

- 060 Conformance to design standards
- 061 Monuments
- 062 Street improvements
- 063 Public utilities
- 064 Erosion and sediment control
- 065 Lot and block standards

- 066 Park/public land dedication
- 067 Easements
- 068 Landscaping and walkways
- 069 Street Names

Required Improvements

- 070 Developer's agreement
- 071 Participation by the city
- 072 Inspection
- 073 As-built drawings

Administration and Enforcement

- 080 Grounds for denial of subdivision proposal
- 081 Variances/waivers
- 082 Fees and costs
- 083 Compliance required
- 084 Violations

GENERAL PROVISIONS

§ 001 OFFICIAL SUBDIVISION ORDINANCE.

This official subdivision ordinance regulates and governs the subdivision or platting of land in the City of New Prague which is located in Scott County and LeSueur County, Minnesota.

§ 002 REGULATIONS.

The city has adopted a comprehensive plan for the future physical development and improvement of the city pursuant to Minnesota Statutes Section 462.355, and finds it necessary to regulate the division of land for future development and use. The city finds that the public health, safety and general welfare require that the division of land into two or more parcels requires regulation to assure adequate space, light and air; to provide proper ingress and egress to property; to facilitate adequate provision for water, waste disposal, fire protection, open space, schools, public uses and adequate streets and highways; and to assure uniform monumenting, legal description and conveyance of subdivided land. The Minnesota Statutes authorize municipalities to regulate the subdivision and platting of land pursuant to Minnesota Statutes Section 462.358.

§ 003 SHORT TITLE.

This subdivision ordinance shall be known as the “Subdivision Ordinance of the City of New Prague” and is referred to herein as “this chapter.”

§ 004 PURPOSE.

This chapter is adopted in order to safeguard the best interests of the city and to assist the subdivider in harmonizing the subdivider’s interests with those of the city at large. Because each new subdivision becomes a permanent unit in the basic structure of the expanding community, and to which the community will be forced to adhere, and because piecemeal planning of subdivisions will bring on an undesirable, disconnected patchwork or pattern and poor circulation of traffic unless its design and arrangement is correlated to a comprehensive plan of the city aiming at a unified scheme of community interests, all subdivisions of land hereafter submitted for approval to the City Council and the Planning Commission shall, in all respects, fully comply with the regulations hereinafter set forth in this chapter. It is the purpose of this chapter to make certain regulations and requirements for the platting of land within the city to provide for health, safety, and the general welfare and to:

(A) Provide for and guide the orderly, economic and safe development of land and urban services and facilities;

(B) Encourage well planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction;

(C) Facilitate adequate provision for streets, transportation, city water, city sewer, storm drainage, schools, parks, playgrounds, and other public services and facilities;

(D) Assure that a reasonable portion of any proposed subdivision is dedicated to the public or preserved for public use as streets; parks; roads; sewers; electric, gas and water facilities; storm water drainage and holding areas or ponds; and similar utilities and improvements;

(E) Assure that public improvements are constructed to adequate standards;

(F) Place the cost of improvements against those benefiting from their construction;

(G) Secure the rights of the public with respect to public land and waters;

(H) Assure that new subdivisions are consistent with the comprehensive plan and overall development objectives of the city;

(I) Achieve a more secure tax base;

(J) Set the minimum requirements necessary to protect the public health, safety, and general welfare.

§ 005 APPLICABILITY.

Every division of land for the purpose of lease or sale into two or more lots, parcels or tracts within the incorporated area of the city, or within the City's Extraterritorial Subdivision Review Area as adopted by resolution, shall proceed in compliance with this chapter. It is the purpose of this chapter to make certain regulations and requirements for the platting of land within the city pursuant to the authority contained in Minnesota Statutes Chapters 429, 462, 471, 505, 508 and 515B, which regulations the City Council deems necessary for the health, safety, general welfare, convenience and good order of this community.

§ 006 EXCEPTIONS.

The provisions of this chapter shall not apply to:

- (A) A cemetery or burial plot while used for that purpose;
- (B) Any division of land made by testamentary provision, the laws of descent, or upon court order;
- (C) This chapter is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by or in conflict with this chapter, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the city is a party. Where this chapter imposes a greater restriction upon land than is imposed or required by such existing provisions of the law, ordinance, contract or deed, the provisions of this chapter shall control.

§ 007 DEFINITIONS.

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

ACCESS WAY. A public or private right-of-way across a block or within a block to provide non-vehicular access, to be used by the general public.

ALLEY. Any dedicated public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

APPLICANT. The owner of land proposed to be subdivided or the owner's representative. Consent shall be required from the fee owner of the premises.

BLOCK. An area of land within a subdivision that is entirely bounded by streets or by streets and the exterior boundary or boundaries of the subdivision or by a combination of the above with a river, lake or park.

BOULEVARD. A portion of the street right-of-way between the curb line and the property line.

BUILDABLE LAND. The net land area available for development determined by taking the gross land area in its pre-development condition and subtracting all delineated wetlands, rights-of-way, easements and floodplain areas.

BUILDING. Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, or awnings situated on private property which are used for shelter or as enclosures.

BUILDING SETBACK LINE. A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.

CERTIFICATE OF SURVEY. A document prepared by a licensed professional engineer or licensed professional land surveyor which precisely describes area, dimensions and locations of a parcel or parcels of land.

CITY, COMMUNITY. The city of New Prague.

COMMON INTEREST COMMUNITY. Contiguous or noncontiguous real estate that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; (iv) construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies.

CONVEYANCE. The sale, trading, donation, or offer of sale or other transfer of land.

COMPREHENSIVE PLAN. A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the city and its environs that includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

CONCEPT PLAN. A sketch drawing or map which depicts a proposed subdivision by showing proposed lots, streets, use, relationship to surrounding area, generalized

natural features, easements, and any requested zoning change and other information required by this chapter for review by the city.

COUNTY. Scott and LeSueur counties, Minnesota.

DESIGN STANDARDS. The specifications to landowners or subdividers for the preparation of preliminary plans indicating, among other things, the optimum, minimum or maximum dimensions of such features as right-of-way and blocks as set forth in this chapter.

DRAINAGE COURSE. A water course or surface area for the drainage or conveyance of surface water, including channels, creeks, ditches, drains, rivers, and streams.

DRIVEWAY. An area designed to provide vehicular access to a parking area or structure contained on the subject property.

EASEMENT. A grant by a property owner of land for a specific use by persons other than the owner.

ENGINEER. The person or persons, individual or corporate, designated from time to time by the City Council as the City Engineer.

FINAL PLAT. The final map, drawing, or chart on which the subdivider's plan of subdivision is presented to the City Council for approval and which, if approved and properly executed, will be submitted to Scott County or LeSueur County (depending on the jurisdiction) for recording in public records.

GRADE. The slope of a road, street, or other public way, specified in percentage terms.

LOT. Previously platted land, excluding outlots, occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of the current city zoning regulations, having not less than the minimum area required by said zoning regulations for a building site in the district in which such lot is situated and having its principal frontage on a street.

LOT, CORNER. A lot situated at the junction of and abutting on two or more intersecting streets.

LOT, DOUBLE FRONTAGE. An interior lot having frontage on two streets.

METES AND BOUNDS DESCRIPTION. A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by

describing lines or portions thereof.

NATURAL WATERWAY. A natural passageway on the surface of the earth so situated and having such a topographical nature that surface or percolating water flows through it from other areas before reaching a final ponding area.

OUTLOT. A lot remnant or parcel of land that is part of a larger unified development that is intended to remain as open space. No building permits will be issued by the City for an outlot meeting this definition.

OWNER. Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided or used to commence and maintain proceedings under this Chapter.

PARCEL. A contiguous tract of land, which may consist of unplatted land or one or more platted lots.

PARKS, PLAYGROUNDS AND PUBLIC OPEN SPACE. Public lands and local open spaces in the city dedicated and owned by the city that are reserved for recreation or conservation purposes.

PEDESTRIAN WAY. A public or private right-of-way across a block or within a block to provide access to be used by pedestrians and others that may also be used for the installation of utility lines. Pedestrian ways include sidewalks and trails for bicycle and pedestrian traffic.

PERCENTAGE OF GRADE ON STREET CENTERLINE. The distance vertically (up or down) from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.

PERSON. Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.

PLANNED UNIT DEVELOPMENT. A tract of land planned and developed to encourage a more creative and efficient development of land, while at the same time meeting the standards and purposes of the comprehensive plan for preserving the health, safety and welfare of the city, to allow for a mixture of residential units or residential and commercial units in an integrated and well-planned area and to ensure the concentration of open space into more useable areas and preservation of natural resources of the site including wetlands, steep slopes, vegetation and scenic areas.

PLANNING COMMISSION. The Planning Commission of the City of New Prague.

PLAT. The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statutes Chapter 505.

PLAT, GHOST. A subdivision or resubdivision concept plan illustrating possible future lot layout, street networks, and utility systems for oversized lots, outlots or undeveloped land adjoining a plat.

PRELIMINARY PLAT. The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and the City Council for their consideration, including required data.

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

PUBLIC IMPROVEMENT. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the city may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

RIGHT-OF-WAY. Property dedicated to public use and is intended to be occupied or which is occupied by a street, alley, trail, utility lines, oil or gas pipeline, railroad lines, storm sewer, or other similar use.

SETBACK. The distance between a building and the relevant property line nearest thereto.

STREET. A public right-of-way which affords primary access by pedestrians and vehicles to abutting properties or carries traffic from one part of the city to another, whether designated as a street, avenue, highway, road, boulevard, lane or however otherwise designated.

STREET, ARTERIAL (MINOR). Streets whose primary function is to carry larger volumes of traffic at higher speeds, typically from one part of the city to another, or from one city to another, and are intended to provide for the collection, distribution and mobility of traffic. Land access is limited in order to preserve the mobility function.

STREET, ARTERIAL (PRINCIPAL). Streets whose primary function is to carry large volumes of traffic from one city to another, typically serve longer trips, and are intended to provide for the mobility of traffic and not land access; hence direct access to property is not intended and regulation of access is limited in order to preserve the ability of the street to accommodate the mobility function. Access is typically provided by grade separated interchanges or ramps.

STREET, COLLECTOR. A street that carries traffic from local streets to minor arterials and serves a dual function of providing both mobility and land access. Collector streets provide principal access to residential neighborhoods and development centers,

and may also serve land access to commercial developments. Access spacing is limited in order to balance the street's function of providing both mobility and land access.

STREET, CUL-DE-SAC. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

STREET, HALF. A public right-of-way having only half the required width.

STREET, LOCAL. A street which is used primarily for access to abutting properties and for local traffic movement. Local streets generally connect to collector streets or other local streets.

STREET, PRIVATE. A street serving as vehicular access to two or more parcels of land which is not dedicated to the public and is owned and maintained by one or more private parties.

STREET WIDTH. The width of the right-of-way, measured at right angles to the centerline of the street.

SUBDIVIDE. The division of a lot, parcel, or tract of land by dividing it into two or more parcels or the adjustment of lot lines by the relocation of a common boundary.

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

SUBDIVISION. A described tract of land which is to be or has been divided into two or more lots, outlots, or parcels for the purpose of transfer of ownership, or building development, or if a new street is involved, any division of land. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

TANGENT. A straight line which is perpendicular to the radius of a curve at a point on the curve.

TRACT. A defined area of land, similar to a lot or parcel, that is occupied or will be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of the current city zoning regulations, having not less than the minimum area required by said zoning regulations for a building site in the district in which such lot is situated and having its principal frontage on a street.

UNIT LOTS. Lots created from the subdivision of a two-family dwelling, multi-family dwelling or common interest community having different minimum lot size requirements than the conventional base lot within the zoning district.

UTILITIES. Public or private systems for the distribution or collection of water, gas, sewer (wastewater), storm water, electricity including all transformers, streetlights, telephone, and cable television service.

VARIANCE. A modification or variation of the provisions of this chapter where it is determined that by reason of unique circumstances relating to a specific lot, that the strict application of this chapter would cause unusual hardship.

WATERS OF THE STATE. As defined in Minnesota Statutes Section 115.01, subdivision 22, all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

ZONING ORDINANCE. The Zoning Ordinance controlling the use of land, as adopted by the City of New Prague, including the Official City Zoning Map.

FILING AND RECORDING

§ 020 RESTRICTIONS ON FILING AND RECORDING CONVEYANCES.

(A) Upon the adoption of this chapter, no conveyance of land to which this chapter is applicable shall be filed or recorded, and no building permit shall be issued for construction or alteration on any property, if the land is described in the conveyance is by metes and bounds, or by reference to an unapproved registered land survey, or to an unapproved plat made after the effective date of this chapter. The foregoing provisions do not apply to a conveyance if the land described:

(1) was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, Chapter 287, whichever is the later, or

(2) was the subject of a written agreement to convey entered into prior to such time, and the instrument showing the agreement to convey was recorded in the office of the Registrar of Deeds within one year of such agreement, or

(3) was a separate parcel of not less than 2.5 acres in area and 150 feet in width on January 1, 1966, or

(4) was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980, or

(5) is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width, or

(6) is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.

(B) In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the city council may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded.

§ 021 CONCEPT PLAN.

In order to ensure that all subdividers are informed of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other city ordinances, prior to the filing of a preliminary plat, all subdividers shall present a concept plan to the city. The application fee shall be as indicated on the official city fee schedule.

(A) *Contents of plans.* Subdividers shall prepare, for review with the Planning Staff, the Planning Commission and Park Board (if applicable), subdivision concept plans which shall contain the following information: tract boundaries, north point, streets on and adjacent to the tract, significant topographical and physical features, proposed general street layout, proposed general lot layout including outlots and park dedication, and any zoning changes. The concept plan must be submitted to the city in an electronic format (such as .PDF) as well as in paper format to scale.

(B) *Informal consideration.* Such concept plans will be considered as submitted for informal review and discussion between the subdivider, Planning Staff and the Planning Commission. Submission of a concept plan shall not constitute formal filing of a plat with the Planning Department. The Planning Commission shall also review the concept plan at a regularly scheduled meeting and provide comment. Any comments or recommendations for modifications made by Planning Staff or the Planning Commission are advisory only and shall not constitute approval or a commitment to approve. No formal action will be taken by the Planning Commission or the City Council during concept plan review.

(C) *Modifications.* As soon as may be practical on the basis of a concept plan, Planning Staff will informally advise the subdivider of the extent to which the proposed subdivision conforms to the design standards of this chapter and will discuss possible plan modifications that are necessary to secure conformance.

(D) Planning Staff may determine that concept plan review with the Planning Commission is not necessary because of, but not limited to, the following reasons: small number of lots or no public land dedication.

MINOR SUBDIVISIONS

§ 030 MINOR SUBDIVISIONS.

(A) *Application.* A minor subdivision shall constitute any of the following:

(1) The addition of a parcel of land to an abutting parcel.

(2) The division of a lot from a larger tract of land that creates no more than two lots out of the original lot. The parcels of land must not have been part of a minor subdivision within the last five years.

(3) The division of a base lot upon which a two family dwelling, townhouse, four-plex, or any other multi-family unit which is a part of a recorded plat where the purpose of the division is to permit individual private ownership of a single dwelling unit within the structure. The newly created property lines must not cause any of the unit lots or the structure to be in violation of this chapter.

(4) The consolidation of two or more platted lots into one parcel.

(B) *Contents and data required.*

(1) *Certificate of survey.* The requested minor subdivision shall be prepared by a professional land surveyor in the form of a certificate of survey. The survey shall contain a legal description for the parcels to be created. Two copies of the survey, along with an electronic version of the survey, shall be submitted to the Planning Department.

(2) *Property description and submission information.* The data and supporting information detailing the proposed minor subdivision shall be the same as required for a preliminary plat as described in Section 040 of this chapter. Exceptions may be granted by the Planning Department in writing.

(C) *Design standards.* The minor subdivision must conform to all design standards as specified in Sections 060 through 069 of this chapter. Any proposed deviation from the design standards shall require the processing of a variance request.

(D) *Processing.*

(1) If the minor subdivision involves property which has been previously platted, or the property is greater than 10 acres in total area, the City Planner may administratively approve the application, provided that it complies with applicable provisions of this chapter.

(2) In all other instances, the procedures for review and approval of plats set forth in this chapter must be followed, including approval by the City Council.

(E) *Filing.* The City Planner shall be authorized to stamp and sign the deed or registered land survey as meeting the requirements of the city. The survey or deed shall be filed and recorded at the Office of the County Recorder within 30 days of approval.

PRELIMINARY PLAT

§ 040 PROCEDURE FOR SUBMITTAL AND REVIEW.

Pursuant to Minnesota Statutes Section 462.358, an application for a preliminary plat shall be approved or denied by the City Council within 120 days from the date of its official and complete submission, as approved by Planning Staff. All findings to support the decision of the City Council to approve or deny the application must be approved and adopted by the City Council within that 120-day period, unless an extension of the review period has been agreed to by the subdivider.

(A) *Filing.* Ten copies of the preliminary plat, plus an electronic copy in .PDF format, shall be filed with Planning Staff at least three weeks prior to the regular Planning Commission meeting, at which time the plat is to be considered, together with the fully completed Planning Application, proof of ownership or ownership interest (option, etc.) and application fee. When a proposed subdivision is outside of the city limits, an abstracter's certified property certificate showing the property owners within 350 feet of the outer boundary of the proposed subdivision must be submitted.

(B) *Variances.* Any necessary applications for variances from the provisions of this or other applicable code provisions must be filed with the Zoning Administrator before the preliminary plat will be considered complete and officially filed.

(C) *Application fee.* The application fee shall be as set by the City Council, to be used for the expenses of the city in connection with the approval or disapproval of said plans.

(D) *Rezoning.* If the property must be rezoned for the intended use, an application for rezoning, pursuant to the procedure in the Zoning Ordinance, must be filed with the preliminary plat application.

(E) *Review by Planning Staff.* Prior to the meeting of the Planning Commission at which the preliminary plat is to be considered, Planning Staff and other appropriate Department Directors shall examine the plat for compliance with this chapter and other ordinances of the city. Planning Staff will submit a written report to the Planning Commission incorporating all pertinent comments.

(F) *Review by the Planning Commission.*

(1) The Planning Commission shall conduct a public hearing to accept public input on the proposed preliminary plat at its first regular meeting after the application has

been filed in accordance with the procedure outlined above. Notice of said hearing shall be published in the official city newspaper at least 10 days prior to the hearing. Mailed notice of this hearing shall be sent to surrounding property owners within 350 feet, each utility company, the City Attorney, City Engineer and to the following, if appropriate:

(a) Commissioner of the Minnesota Department of Transportation if the proposed subdivision includes land abutting an established or proposed trunk highway;

(b) County Engineer if the proposed subdivision includes land abutting a county or county state-aid highway.

(c) Commissioner of the Department of Natural Resources if the proposed subdivision adjoins a water of the state.

(2) The Planning Commission shall consider the preliminary plat together with the reports from the Planning Staff and consultants and public input. The Planning Commission shall formulate a recommendation concerning the preliminary plat within 30 days of the conclusion of the public hearing, and shall promptly transmit it to the City Council together with one copy of the application and the staff report. If no recommendation is received by the Planning Commission within 30 days of the conclusion of the public hearing, the City Council may take action without a recommendation.

(G) *Review by the Park Board.* The Park Board shall make a recommendation to the Planning Commission and City Council as to the location, size and type of park improvements and sidewalk/trail systems proposed. If the City Council grants approval of the preliminary plat prior to review by the Park Board, such approval shall be contingent on review by the Park Board.

(H) *Action by the City Council.* The recommendations of the Planning Commission and Park Board on the preliminary plat shall be considered by the City Council, and the City Council shall approve, disapprove or conditionally approve the preliminary plat. If the City Council disapproves said plan, the grounds shall be set forth in the proceedings of the City Council and reported to the subdivider. The City Council shall also act on the approval or disapproval of any variances requested by the subdivider and the method of financing and constructing the required public improvements. Notice of the action(s) taken by the City Council shall be forwarded to the subdivider.

(I) *Term of approval.* Approval of the preliminary plat shall be effective for a period of 12 months, unless an extension is granted by the City Council. The subdivider may file a final plat limited to such portion of the preliminary plat as the subdivider proposes to record and develop at the time, provided that such portion conforms to all requirements of this chapter. If some portion of the final plat has not been submitted for approval within 12 months, a new application for preliminary plat approval must be submitted along with an application fee for review.

(J) *Preliminary approval.* Approval of the preliminary plat shall not be construed to be approval of the final plat. Subsequent approval will also be required of the engineering proposals pertaining to water supply, storm drainage, sewage disposal, grading, gradients and roadways widths by the Public Works Department, City Engineer and other governmental agencies having jurisdiction prior to the approval of the final plat by the city.

(K) *Drainage.* No plat will be approved for a subdivision which is subject to periodic flooding, that contains poor drainage facilities and would make adequate drainage to the streets and lots impossible. However, if the subdivider agrees to make improvements that will, in the opinion of the City Engineer, make the area completely safe for residential occupancy and provide adequate street and lot drainage, the preliminary plat of the subdivision may be approved. Subdivisions along any waterway must show the 100-year flood line on the preliminary plat.

§ 041 DATA REQUIRED FOR PRELIMINARY PLAT.

Any owner desiring to subdivide a piece of land in the city shall submit to the Planning Department Staff 10 24" by 36" copies of preliminary plat drawings or prints, one 8½" by 11" drawing, one 11" by 17" drawing, one digital copy in .PDF format, a completed application form, the application fee as identified in the city fee schedule and written documents containing the following information:

(A) *Identification and description.*

(1) The name of the proposed subdivision. Said subdivision name shall not duplicate or nearly duplicate the name of any other subdivision in the county, unless the proposed subdivision is an addition to an existing subdivision.

(2) The legal description of the land contained within the subdivision including the total acreage of the proposed subdivision.

(3) The names, addresses and telephone numbers of all owners of the property.

(4) An indication as to which parcels are registered or abstract property.

(5) The name, address, telephone number, professional license number and seal of the professional land surveyor or engineer who made, or under whose supervision was made, the survey of the proposed subdivision.

(6) The date of the survey and revision dates for all subsequent submissions.

(7) A graphic scale or plat, not less than one inch equal to 100 feet.

(8) Existing and proposed covenants, easements, liens or encumbrances.

(9) Elevation bench marks used for the topographic survey, which match the applicable county's coordinates.

(10) Reference to the coordinate system used for the survey.

(B) *Existing conditions.*

(1) A vicinity map at a scale acceptable to the Planning Department showing the relationship of the proposed subdivision to adjacent properties, roads, right-of-ways, and other property and subdivisions within 500 feet of the proposed subdivision, and the relation of the plat to the surrounding zoning districts.

(2) All existing monuments and markers found and set.

(3) The location, names and widths of all existing streets, roads and easements within the proposed subdivision and adjacent thereto.

(4) The approximate boundaries of all areas subject to inundation or storm water overflow, and the location, width and direction of flow of all watercourses.

(5) The approximate location of tree cover and general identification of size and types thereof.

(6) The location and, where ascertainable, sizes of all existing structures, wells, overhead and underground utilities, railroad lines, municipal boundaries, section lines, township lines, and other important features existing upon, over or under the land proposed to be subdivided.

(7) The location of soil test holes, together with data regarding soil bearing qualities, etc., attesting to the suitability of soils for the specific uses proposed in the subdivision.

(8) North arrow and scale.

(9) Existing contours, at two-foot intervals if required by the Planning Commission for a zero to five percent slope: five-foot intervals for slopes exceeding five percent up to 30 percent: 10-foot intervals for slopes in excess of 30 percent; and spot elevations to determine the general slope of the land, and high and low points thereof. Said contours and elevations shall be based upon datum acceptable to the City Engineer.

(10) Areas in the plat which have been designated as wetlands or floodplains by the Department of Natural Resources.

(C) *Proposed conditions.*

(1) The boundaries of all blocks and lots within the proposed subdivision, together with the numbers and letters proposed to be assigned each lot and block.

(2) The total number of proposed lots and outlots with a table of their sizes that includes a listing of the minimum, maximum and average sizes.

(3) The layout of proposed streets showing right-of-way widths, centerline grades of streets and proposed street names.

(4) The location of any of the foregoing improvements which may be required to be constructed beyond the boundaries of the subdivision shall be shown on the preliminary map or on the vicinity map, as appropriate.

(5) Provisions for surface water disposal, ponding, drainage, and flood control.

(6) Where the subdivider owns property adjacent to that which is being proposed for subdivision, the subdivider must submit a sketch plan or ghost plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions must relate well with existing or potential adjacent subdivisions.

(7) Proposed pad elevations on each lot. Pad elevations shall ensure a two percent minimum grade from the structure and along all drainage ways.

(8) Minimum front, side and rear setback lines on each lot. When lots are on a curve, the width of the lot at the building setback line shall be shown.

(9) Minimum building setbacks to wetlands as specified in the city's Zoning Ordinance.

(10) The location, size and proposed improvements for proposed parks, playgrounds and public open spaces; or other special uses of land to be considered for dedication to public use or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.

(11) Proposed right-of-way widths of any alleys, pedestrian ways, trails, drainage easements, utility easements and wetland or conservation easements.

(12) Preliminary utility plan including the proposed sizes and locations of water, sanitary sewer, and storm water facilities.

(13) Preliminary grading and drainage plan which shows existing and proposed contours, including the types of buildings proposed to be constructed on the lots, i.e. FB = Full Basement, SE L/O = Split Entry Lookout, SE W/O = Split Entry Walkout, or FB

W/O – Full Basement Walkout.

(D) *Supplemental information.* Any or all of the supplementary information requirements set forth in this subsection shall be submitted when deemed necessary by the Planning Department, consultants, advisory bodies or the City Council. If zoning changes are contemplated, the proposed zoning plan for the area, including dimensions, shall be shown. Such proposed zoning plan shall be for information only and shall not vest any rights in the subdivider.

FINAL PLAT

§ 050 PROCEDURE FOR SUBMITTAL AND REVIEW.

The procedure for submittal and review of the final plat shall be as follows:

(A) *Filing.* The final plat shall be submitted, along with a written application for approval of the final plat and the application fee, as established in the city fee schedule, at least three weeks prior to a Planning Commission meeting at which consideration is requested. The final plat shall be reviewed separately from the preliminary plat unless the city agrees to review the preliminary and final plats simultaneously. The final plat shall incorporate all changes, modifications, and revisions required by the city during the preliminary plat review process. Otherwise, the final plat must conform to the preliminary plat. If the final plat is not submitted within 12 months of the date that the City Council approved the preliminary plat, the approval of the preliminary plat shall be considered void unless time has been extended by the City Council.

(B) *Compliance with laws.* All final plats shall comply with the provisions of Minnesota Statutes, the requirements of this chapter and the City Code.

(C) *Certification.* The subdivider shall submit with the final plat a current abstract of title, title opinion, registered property certificate, or other such evidence as the City Attorney may require showing title or control in the subdivider's name.

(D) *No monies owing.* The subdivider shall submit with the final plat application, certification to the city that there are no delinquent property taxes, special assessments, or city utility fees due upon any of the parcels of land to which the subdivision application relates.

§ 051 REVIEW OF FINAL PLAT.

(A) *Staff review.* The city shall refer copies of the final plat to the City Engineer, for review of engineering standards and specifications, and to utility companies. The abstract of title, title opinion, registered property report or other such evidence of ownership shall be submitted to the City Attorney for examination and report. The subdivider shall reimburse the city for the fees of the City Engineer and City Attorney.

(B) *Review by other agencies.* Review by all other appropriate agencies that have jurisdiction within or adjacent to the final plat is required. Agencies may include, but are not limited to, the Minnesota Pollution Control Agency, Scott and LeSueur County Soil and Water Conservation Districts, the Army Corps of Engineers, the Minnesota Department of Transportation and the Department of Natural Resources.

(C) *Review by the Planning Commission.* A recommendation of approval or disapproval of the final plat will be forwarded to the City Council after the meeting of the Planning Commission at which such plat was considered.

(D) *Action by the City Council.*

(1) After review of the final plat by the Planning Commission, such final plat, together with the recommendations of the Planning Commission shall be submitted to the City Council for action. If approved, the final plat shall be approved by resolution, which resolution shall provide for the City's acceptance of all streets, alleys, easements or other public ways, parks, or other open space dedicated for public purposes. If disapproved, the grounds shall be set forth in a City Council resolution and the resolution shall be provided to the subdivider.

(2) No final plat shall be approved that:

(a) Does not conform to the preliminary plat.

(b) Does not meet the design standards and engineering specifications set forth in this chapter.

(c) Does not have the required documents calling for means to finance the public improvements as well as other required data.

(E) *Recording.* If the final plat is approved by the City Council, the subdivider shall record it with the County Recorder's Office within 90 days after the date of approval; otherwise the approval shall be considered void, unless the Council grants an extension of up to an additional 90 days.

§ 052 CONTENTS OF FINAL PLAT.

When a final plat is approved, it shall include the following:

(A) Name of plat.

(B) Financial security to ensure completion of improvements, as provided for in this chapter.

(C) Evidence that ground water control is at least five feet below the level of

finished grades of plan in order to avoid any ground water problems.

(D) Any supplemental engineering data required by the City Engineer.

(E) Data required by the county surveyor.

(F) Accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, streets, easements, areas to be reserved for public use, and other important features.

(G) Dimensions of lot lines shown in feet and hundredths.

(H) When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the width of the building setback lines shall be shown.

(I) All lots and blocks must be clearly numbered, shown in the center of each area.

(J) True angles and distances tied to the nearest established street line or official monuments (not less than three) which shall be accurately described on the plat.

(K) City, county, or section lines that are accurately tied to the lines of the subdivision by distances and angles.

(L) Complete curve data, including radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs.

(M) Accurate location of all monuments. A permanent marker shall be deemed to be a steel rod or pipe, three-fourths inch or larger in diameter extending at least 14 inches below the finished grade. In situations where conditions prohibit the placing of markers in locations prescribed above, offset markers shall be shown on the final plat, together with accurate interior angles, bearings and distances.

(N) Certification by a registered land surveyor to the effect that the plat represents a survey made by him/her and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.

(O) Notarized certification by the owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets, alleys, parks, public open space and easements and other public areas.

(P) A statement dedicating all easements, streets, alleys, parks and public open spaces and other public areas not previously dedicated.

(Q) Approval by signature of the chairperson and secretary of the Planning Commission, Mayor, City Administrator and City Attorney, and applicable county and state officials.

(R) Scale of the plat.

(S) Total acreage of the plat.

§ 053 SUPPLEMENTARY DOCUMENTS.

The following shall also be provided to the city:

(A) Mylar copies of the plat as approved by the city, in both 24” by 36” and 11” by 17.”

(B) Electronic copies of the recorded plat in Shapefile or CAD Format and .PDF format for inclusion in the city’s base map.

(C) A complete set of subdivision development plans containing plans and specifications to construct the required public improvements and to make the subdivision suitable for development, which conform to the city requirements. These documents will be reviewed in full by the City Attorney at the subdivider’s expense.

(D) A certified copy of the plat evidencing filing of the plat with the county within 90 days after approval by the City Council. No building permits will be approved by the City for construction of any structure on any lot in the plat until the city has received evidence of the plat being recorded from Scott County or LeSueur County, depending on the location of the plat.

(E) A complete set of as-built construction drawings for any public improvements constructed in the subdivision shall be furnished to the city within 120 days after the construction is complete and approved by the city.

(F) Copies of any protective or restrictive covenants, including homeowners’ association covenants affecting the subdivision or any part thereof.

(G) Upon adoption and filing of a final plat, the Planning Department shall prepare a street address map and distribute it to the subdivider, utility companies, the Police Department and the counties.

(H) Financial Security as approved by the City Attorney, in a sum of 125 percent of the engineer’s estimate or actual bid if available, for the cost of all improvements to be furnished and installed by the subdivider which have not been completed prior to approval of the plat, shall be deposited with the city to be held in escrow. In lieu of making the escrow deposit, the subdivider may furnish a bank letter of credit or performance bond with corporate surety. The bond or letter of credit must be approved as to form by the City Attorney. If the improvements are to be completed by the City pursuant to a public improvement project, the financial security shall also include the first year’s assessments. The city may reimburse itself out of the financial security for any

cost and expenses incurred by the city for completion of the work in case of default of the subdivider and for any damages sustained on account of any breach thereof. The city may release a portion of the financial security as public utility and street improvements are approved by the City Engineer, as grading and erosion control has been certified and signed by the subdivider's engineer or as the first year's assessments are paid. Upon completion of the work and termination of any liability, the balance of the remaining financial security must be refunded to the subdivider.

§ 054 EFFECT OF SUBDIVISION APPROVAL.

For one year following preliminary plat approval and for two years following final plat approval, unless the subdivider and the city agree otherwise, no amendment to the city's comprehensive plan or official controls shall apply to or affect the use, development density, lot size, lot layout, or dedication required or permitted by the approved application. Thereafter, the city may extend the period by agreement with the subdivider and subject to all applicable performance conditions and requirements, or it may require submission of a new application unless substantial physical activity and investment has occurred in reasonable reliance on the approved application and the subdivider will suffer substantial financial damage as a consequence of a requirement to submit a new application. In connection with a subdivision involving planned and staged development, the City Council may by resolution or agreement grant the rights referred to herein for such periods of time longer than two years which it determines to be reasonable and appropriate.

DESIGN STANDARDS

§ 060 CONFORMANCE TO DESIGN STANDARDS.

All subdivisions must conform to the design standards set forth in this chapter, except in cases of changes permitted in a planned unit development, by the City Council approval of a variance, or by specific exceptions designated by this chapter.

§ 061 MONUMENTS.

When completed, all subdivisions must have block corner monuments replaced. Survey error may not be more than 1' in 7,500'.

(A) The monuments shall be as approved by the Scott County or LeSueur County Surveyor's Office for use as judicial monuments and shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the city. The boundary line of the property to be included with the plat to be fully dimensioned; all angles of the boundary excepting the closing angle to be indicated; all monuments and surveyor's irons to the indicated, each angle point of the boundary perimeter to be so monumented.

(B) Pipes or steel rods shall be placed at each lot corner and at each intersection of street center lines. All United States, Minnesota, county or other official bench marks,

monuments or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys shall be shown on the plat.

§ 062 STREET IMPROVEMENTS.

(A) *Street locations.* The street layout of every subdivision shall be in conformity with the comprehensive plan or circulation element thereof, and shall provide for the continuation of major streets which serve property contiguous to the subdivision. Street networks shall provide ready access for fire and other emergency vehicles, and the City Council may require additional access points if such are found to be beneficial or necessary to protect the public safety.

(1) Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the un-subdivided portion must be prepared and submitted by the subdivider.

(2) Reserved strips controlling access to streets are prohibited.

(B) *Street access.*

(1) No land situated in the city which has been subdivided or laid out into separate tracts shall be sold for use for dwellings unless such tracts of land shall abut upon a public street or public highway. This limitation shall not apply to planned unit developments approved by the City Council pursuant to the zoning ordinance.

(2) Street access shall not be denied by creation of parcels of land of substandard depth which are held in private ownership.

(C) *Classification of streets.* Classification of streets shall be determined with reference to the comprehensive plan and official street maps including arterial, collector and local streets.

(1) *Cul-de-sacs/dead end streets.* Cul-de-sacs may only be used in areas where topography prohibits the use of through streets, to preserve natural features, when residential lots abut public parks but may require public access to the park or when residential lots' rear yards abut a major roadway. Cul-de-sacs or dead end streets designed to have one end permanently closed or in the form of cul-de-sac, (turn-around) shall be provided at the closed end with a turn-around having a minimum right-of-way radius of not less than 60 feet, or with a Y or T permitting comparable ease of turning. Such streets shall not exceed 500 feet in length, and a right-of-way radius of not less than 60 feet. Where dead end streets are constructed and have the possibility of extending to adjacent property a temporary cul-de-sac shall be provided. Cul-de-sac design shall meet the approved design specification which is generally described as an elongated roundabout with an island. The island of the cul-de-sac can be either landscaped or

paved. A landscaped cul-de-sac island will require a maintenance agreement be approved by the City. The required cul-de-sac detail plate is attached as an exhibit to this chapter.

(2) *Curved streets.* The location of all curved streets must be so arranged as to fit the natural topography as closely as possible and to make possible desirable land subdivisions and safe vehicular traffic.

(3) *Half streets.* Half streets are prohibited.

(4) *Local streets.* Local streets must be designed so their use by through traffic will be discouraged.

(5) *Private streets.* Private streets are not permitted. Driveways, as defined by this ordinance, are not considered private streets.

(D) *Classification of alleys.* Alleys within subdivisions must have a minimum width of 20 feet and must be improved to the same standards provided for streets generally. Dead end alleys and alleys with sharp changes in direction are prohibited.

(E) *Design Standards - Streets.*

(1) *Curb radius.* The minimum curb radii for thoroughfares, collector streets, local streets and alleys shall be as follows:

(a) Arterial streets - 25 feet.

(b) Collector and local streets – 15 feet.

(c) Alleys - 4 feet.

Collector and arterial streets as well as reconstruction projects, curbs and gutters shall be installed as per Minnesota Department of Transportation Construction Specifications as they may be amended from time to time.

(2) *Reserve curves.* Minimum design standards for collector and arterial streets shall comply with Minnesota State Aid Standards.

(3) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited.

(4) *Street alignment.* Connecting street center lines deflecting from each other at any point more than 10 degrees shall be connected by a curve with at a least 100 foot radius for collector and local streets, and at least a 300 foot radius for arterial streets. A tangent that is at least 100 feet long shall be introduced between curves on arterial streets.

(5) *Street grades.*

(a) Whenever feasible, street grades shall not exceed the following, with due allowance for reasonable vertical curves:

<i>Street Type</i>	<i>Percent Grade</i>
Arterial	4 percent
Collector	6 percent
Local	7 percent
Marginal access	7 percent

(b) All streets shall be graded in accordance with the specifications of the City Engineer. Such grading shall be for the full right-of-way width of the dedicated street.

(6) *Street intersections.* Street intersections shall be as nearly at right angles as is practicable. No street should intersect any other street at less than 80 degrees. Wherever possible, local and collector streets should be designed so as to not intersect with arterial roadways at intersections closer than 500 feet. In general, provisions shall be made at intervals not exceeding one-half mile for through streets (streets running through the subdivision in a fairly direct manner).

(7) *Street jogs.* Street jogs with center line offsets of less than 125 feet are prohibited.

(8) *Surfacing.* All streets shall be surfaced for the full roadway or curb to curb width as described in this chapter. Such surfacing shall consist of a gravel base over a suitable sub-grade and an approved bituminous or concrete surface in accordance with the specifications of the City Engineer. Any ditches required for suitable drainage shall be constructed in the unpaved portion of the street and shall be sodded. Unsuitable soil lying within one foot of the subgrade shall be removed and replaced with suitable material. The drop from the centerline of the street to the outer edge of the street shall be a minimum of a three percent slope.

(9) *Tangents.* A tangent at least 500 feet long must be introduced between reverse curves on collector streets and a tangent of at least 50 feet in length must be introduced between reverse curves and vertical curves on all other streets.

(F) *Minimum street/access standards.*

Street Class	R/W Width (feet)*	Curb Width (feet)*	Grade (Max %)	Sidewalk Width (feet)**	Trail Width ROW/Paved (feet)*
Arterial	100/150	44-68	4	6	20/10
Collector	80/120	36-40	6	5	15/8
Local	60	28-32	7	5	15/8
Cul-de-Sac (Dead End)	60' radius	45' radius	7	5	15/8
Alley	25	14-20	7	N/A	N/A

*The City Council may require larger or smaller than minimum widths upon recommendation of the Planning Commission, City Staff or the City Engineer. A street which intersects or crosses a railroad shall have a right-of-way of sufficient width to permit construction of a grade-separated crossing.

**A sidewalk is required on at least one side of all public streets, except as otherwise noted in Section 068 of this chapter.

(G) *Street Spacing Requirements.* When designing streets and intersections within a subdivision, the following spacing requirements shall apply to intersection streets. The City's Comprehensive Land Use Plan's Future Functional Classification Map defines the functional classification of all streets for the purposes of the minimum spacing table below:

Minimum Street Spacing Requirements Table

Functional Classification of Existing or Proposed Street	Functional Classification of Existing or Proposed Street			
	Local	Collector	Minor Arterial	Principal Arterial
Local	No Restriction	660'	1,320'	Not Permitted
Collector	660'	660'	1,320'	Not Permitted
Minor Arterial	1,320'	1,320'	1,320'	Not Permitted
Principal Arterial	Not Permitted	Not Permitted	Not Permitted	1 mile (grade separated access only)

§ 063 PUBLIC UTILITIES.

Public utilities must be provided to all subdivisions. Private systems will not be allowed in any case. Where sewer and water systems are installed, the mains shall be of adequate size to accommodate future growth and utilization. Stubs shall be provided to each lot from the utility main to the lot line for future connection. Wherever practical, similar utilities must be placed in the same general location on streets of the same direction.

(A) *Sanitary sewers.* Sanitary sewer lines must be extended to the edges of the subdivision to facilitate future subdivisions.

(B) *Water.* Water distribution facilities including pipe fittings, hydrants, valves, etc., must be installed to serve all properties within the subdivision. Water mains must be a minimum of eight inches in diameter in residential areas and 12 inches in diameter in commercial and industrial areas, unless approved by the City Engineer. Where mains larger than eight inches are required to serve future growth, the city may elect to participate in the cost of such water mains. Looping of all water mains is required and must conform to the city's comprehensive water plan.

(C) *Storm water.* All subdivision designs shall incorporate adequate provisions for storm water runoff consistent with the New Prague Surface Water Management Plan, as amended, and be subject to review and approval of the City Engineer.

(D) *Electric/telephone/cable/fiber optics.* All new electric distribution lines (excluding main line feeders and high voltage transmission lines), telephone service lines, cable television lines, fiber optic lines and services constructed within the confines of and providing service to customers in a newly platted residential area must be buried underground. Such lines, conduits or cables must be placed within easements or dedicated public ways in a manner that will not conflict with other underground services. Transformer boxes must be located so as not to be hazardous to the public and must be out of sight triangles at intersections of roadways. The City Council may waive the requirements of underground services as set forth in this section if, after study and recommendation by the Planning Commission, it is established that such underground utilities would not be compatible with the planned development or unusual topography, soil or other physical conditions that would make underground installation unreasonable or impractical.

§ 064 EROSION AND SEDIMENT CONTROL.

Grading and drainage requirements for each subdivision shall be subject to approval of the City Engineer. Section 734 of the Zoning Ordinance titled "Land and Water Preservation" (as may be amended) shall be used as the erosion and sediment control standards.

§ 065 LOT AND BLOCK STANDARDS.

(A) *Lot standards.* Lots must be designed to meet the following minimum standards:

(1) *Area.* The minimum lot area, width and depth must be sufficient to satisfy all Zoning Ordinance requirements.

(2) *Corner lots.* Corner lots for residential uses must have additional width to permit appropriate building setbacks from both streets as required in the Zoning Ordinance.

(3) *Double frontage lots.* Double frontage lots (or “through” lots) should be avoided, except where the subdivision abuts an arterial or collector roadway. A planting screen easement that is at least 10 feet in width in which there may be no right of access, shall be provided along the line of lots abutting such traffic artery or other disadvantageous use.

(4) *Features.* In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourses, bluffs, historic sites or similar conditions which, if preserved, will add attractiveness and stability to the proposed subdivision.

(5) *Frontage/access.* Every lot must have the minimum frontage on a city approved public or private street other than an alley, as required by the Zoning Ordinance, except where permitted under a planned unit development.

(6) *Lot boundaries.* No lot shall be divided by a boundary line between registered land and abstract property.

(7) *Lot corners at street intersections.* Curbs at street intersections shall be in accordance with § 067(E)(1).

(8) *Lot line angles.* Side lot lines shall be straight lines running within 20 degrees of perpendicular to the road upon which the lots front. Side lot lines on curved roads should run at or near radially to the curve.

(9) *Lot pads.* The top of the foundation and the garage floor of all structures shall at minimum provide for a two percent slope towards the street surface. Exceptions to this standard may be approved by the City Engineer for special circumstances such as increased setback, site topography, flooding potential, septic system operation and the like, provided that proper site and area drainage is maintained and the elevation of the structure is in keeping with the character of the area.

(10) *Lot remnants.* All remnants of lots below minimum size left over after

subdividing of a larger tract must be added to adjacent lots, rather than being permitted to remain as unusable parcels., unless they are platted as outlots to be added to an adjacent future development site.

(11) *Re-subdivision of lots.* When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate re-subdivision, with provision for adequate utility connections for such re-subdivision.

(12) *Setback lines.* On the preliminary plat, setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the Zoning Ordinance, as may be amended.

(13) *Turn-around access.* Where proposed residential lots abut an arterial or collector street, they should be platted in such a manner as to encourage turn-around access and egress on each lot.

(14) *Watercourses.* Lots abutting a watercourse, wetland, ponding area or stream shall have additional depth and width to meet all applicable buffers and setback requirements as required under the provisions of the Zoning Ordinance.

(B) *Block standards.* All blocks shall be designed to meet the following minimum standards:

(1) *Block access.* Paved pedestrian ways or bicycle trails that are 10 feet in width may be required between streets paralleling a block if pedestrian access to schools or other areas of pedestrian destination is deemed desirable by the Planning Commission and City Council.

(2) *Arrangement.* A block shall be so designated as to provide two tiers of lots, unless it adjoins a railroad or limited access collector or arterial roadway or unless topographical conditions necessitate a single tier of lots.

(3) *Block length.* In general, intersecting streets in determining block lengths, shall be provided as such intervals so as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, blocks in residential subdivisions should not exceed 1200 feet in length nor be less than 400 feet in length, except where topography or other conditions may justify a departure from these requirements. In blocks longer than 800 feet, pedestrian ways or easements through the block may be required near the center of the block to provide for alternate means of pedestrian ingress and egress.

(4) *Block shape.* Blocks shall be shaped so that all blocks fit readily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow and public open space areas.

(5) *Block use.* Blocks intended for commercial, institutional and industrial use must be designated as such and the plan must show adequate off-street areas to provide for parking, loading docks and such other facilities that may be required to accommodate motor vehicles.

§ 066 PARK/PUBLIC LAND DEDICATION.

(A) *Intent and purpose.* This section is adopted for the purpose of providing for the recreation, health, safety and welfare of the public through the orderly development of recreation areas and the conservation of natural resources and scenic beauty in the City of New Prague. It will also provide for a variety of activities within the park system, including various cultural and social activities, active and passive recreation and ensure that all areas of the city have equal access to parks and open space areas by providing for equal distribution of parks and open spaces throughout all sections of the city relative to user population densities.

The city council finds that:

(1) The preservation and development of parks, significant natural communities, features of significant historical interest, playgrounds, trails, and open space areas within the city are essential to maintaining a healthy and desirable environment for residents and persons employed within the city. The presence of parks, trails, and open space amenities also enhance the value and attractiveness of residential, commercial and industrial subdivisions to landowners, developers, purchasers, employers, and employees. The city must not only provide for its present citizens, but provide for the future.

(2) New subdivisions place a burden upon the city's parks and open space system. New facilities must be developed concurrently with development in order to provide the desired level of service and the quality of the environment for all. Therefore, new subdivisions shall be required to contribute toward the city's park system in rough proportion to the relative burden that they will place upon the park system.

(3) The city council recognizes that the need for such parks, trails, and public open spaces is directly related to the density and intensity of population and development permitted and allowed in the city. Urban development results in increased population, increased intensity of use, and greater demands for such public areas and facilities.

(4) The city council recognizes that residential subdivisions create approximately 90 percent of the park/public land dedication need and commercial/industrial subdivisions create approximately 10 percent of this need.

(5) Subdivision of land for schools and religious institutions may create additional demand on the city's park and recreational land and facilities. The city may enter into agreements with these organizations that foster cooperative use of property for recreational activities.

(B) *Land or Cash Dedication Required for Parks, Trails and Open Space.* Minnesota Statute Section 462.358, subdivision 2b provides that municipal subdivision regulations may require that a reasonable portion of the buildable land of a proposed subdivision be dedicated to the public or preserved for public use as parks, recreational facilities, playgrounds, trails, wetlands, or open space, and that the municipality may alternatively accept an equivalent amount in cash based upon the average fair market value of the unplatted land for which park fees have not already been paid.

(1) The form of contribution (cash, land, or any combination thereof) shall be decided by City Council based upon need and conformance with the comprehensive plan and the park plan therein.

(2) The city council shall establish the administrative procedures deemed necessary to implement the provisions of this section.

(C) *Park Board Recommendation.* For each subdivision, the Park Board shall, prior to the time that the Planning Commission completes its public hearings on the preliminary plat, review the preliminary plat and recommend to the Planning Commission the total area and location of the land that should be dedicated within the subdivision for public use. These recommendations shall be based on the comprehensive plan. The Park Board shall forward these recommendations to the Planning Commission and City Council. In those instances where the Park Board concludes that a cash equivalency payment should be made by the subdivider in lieu of dedication of land, the Park Board shall recommend to the Planning Commission the percentage of the total park dedication requirement to be paid to the city in cash. In the event that review at a regular meeting of the Park Board would result in a delay in the review and approval process so that statutory time limitations may not be met, the requirement of review by the Park Board may be waived by the City Council at the time of its review of the application.

(D) *General Standards for determination.*

(1) The Park Board shall develop and recommend to City Council for adoption general standards and guidelines for determining which portion of a subdivision should reasonably be required for public dedication. Such standards and guidelines may take into consideration the zoning classification to be assigned to the land to be subdivided, the particular use proposed for such land, amenities to be provided, and factors of density and site development as proposed by the subdivider.

(2) The Park Board shall develop and recommend standards for design and construction of public parks, trails, and open space areas in the city.

(E) *Dedicated land requirements.*

(1) Any land to be dedicated as a requirement of this section shall be reasonably useable for one or more of the above public purposes for which it is acquired. Factors

used in evaluating the utility of the area proposed to be dedicated shall include size, shape, topography, drainage, geology, tree cover, rare species and other significant wildlife habitats, access, and location.

(2) The required dedication or payment of fees in lieu of land dedication shall be made at the time of final plat approval.

(F) *Area of dedicated land.* For all vacant platted residentially zoned lots where the final plat was approved by the city prior to the effective date of this Ordinance, a park dedication fee equivalent to .25 percent of the value of the new dwelling unit improvement shall be required to be paid to the City at the time of issuance of the building permit for the home. For all subdivisions occurring after the effective date of this Ordinance, the following required dedication or payment of fees in lieu of land dedication shall be applicable. Subdividers shall be required to dedicate to the city for use as parks, recreational facilities, playgrounds, trails open space or areas of natural and environmental significance as the amount calculated as below or equivalent fair market value in cash in lieu as set out below:

- (1) Residential Subdivisions. A residential subdivision's proportional share is the product of (1) Per Capita Residential Share (established in the City's Official Fee Schedule) and (2) the number of residents anticipated in the subdivision at full build out.
- (2) Commercial and Industrial Subdivisions. A commercial or industrial subdivision's proportional share is the product of (1) Per Capita Commercial/Industrial Share (established in the City's Official Fee Schedule) and (2) the number of employees expected in the subdivision at full build out.
- (3) Mixed Use Subdivisions. A mixed use subdivision's proportional share is the sum of the proportional share for the residential portion plus the proportional share for the commercial or industrial portion.

(2) *Cash in lieu.* In no event shall the cash in lieu of land payment exceed 11.8 percent of the total buildable undeveloped fair market land value in the subdivision.

(3) *Schools and religious institutions.* The amount to be dedicated shall be determined by City Council based on discussion with the school district or religious institution. Determinations shall be based on anticipated use of city park facilities by the school or religious institution, and any agreements for cooperative use of recreational facilities. Subdivision of land for school purposes creates an additional demand on the City's park and recreational system to the extent that the school serves students who do not live within the city.

(4) *Determination of fair market value.* To determine the fair market value of the unplatted land, the subdivider shall submit an appraisal at the time of preliminary plat application. The city will then obtain its own appraisal as a validation of the subdivider's

appraisal. If city staff and the subdivider are unable to agree on fair market value, the city council shall make the determination of fair market value. The subdivider shall bear all appraisal costs for both parties. The appraisers must be designated as an SRA, SRPA or MAI, or equivalent designation.

(5) *Lands designated on parks, trails, and open space plan or comprehensive plan.* Where a proposed park, playground, trail, or open space area indicated in the city's parks, trails, and open space plan or comprehensive plan is located in whole or in part within a proposed subdivision, all or part of the proposed site shall be designated as such and should be dedicated to the city based on the area of land dedication required by this chapter.

(6) *Deviation from required dedication.* The dedication requirements based on the subdivision's proportional share of the city park system are presumptively appropriate.

(7) *Wetlands, ponding areas and floodplain.* Existing wetlands and drainage ways dedicated to the city shall not be considered as part of the required park land or cash contribution to the city.

(8) *Existing Utility Easements.* Land encumbered by a utility easement such as petroleum or electric power transmission lines shall not be considered as part of the required land dedication or cash contribution, except in instances where such easement is a standard platting requirement of the city or when the city determines that the land within the easement is useable for public purposes.

(9) In the event that the subdivision's proportional share cannot be determined due to the lack of an accompanying development proposal, the subdivider shall dedicate land to the public or cash equivalent equaling the lesser of:

(a) 11.8 percent of the unplatted buildable land value, less any applicable credits if residential, or,

(b) the maximum possible proportional share for the subdivision under the applicable zoning district's future land use plan designation by the comprehensive plan, less any applicable credits.

(10) Previously subdivided property from which park dedication has been received that is being re-subdivided with the same number of lots is exempt from park dedication requirements. If the number of lots is increased, the park dedication requirement shall only apply to the additional lots.

(G) *Land dedication/payment of fees.*

(1) *Land dedication.* When land is to be dedicated to satisfy the park dedication requirement, separate lots or outlots shall be indicated on the plat drawings for the area to be dedicated. Such lots or outlots shall be dedicated or deeded to the city prior to the

issuance of any building permits within the subdivision. The subdivider shall be responsible for finishing the grading, installing the ground cover, and the construction of trails on all land to be dedicated to the city. No credit toward the required park dedication shall be given for this work, except that a credit for the cost of improvements to trails included in the city's trail plan may be given.

(2) *Cash fee.* In the event that a cash fee is to be paid in lieu of land dedication, the payment of such fee shall be required as follows:

(a) The fee shall be paid prior to the city's release of the signed final plat mylars for recording with the county. The amount of any required cash contribution shall be calculated based on the rates established by the city and in effect as of the date of the release of the final plat for filing.

(b) In plats that include outlots for future development, the subdivider may pay to the city the subdivision's proportional share for the entire subdivision, including the outlots; or the subdivision's proportional share excluding such outlots, providing that the park dedication requirement will be satisfied when such outlots are re-platted. At that time, the amount of any required cash contribution shall be calculated based on the rates established by the city and in effect as of the date of the release of the final plat for filing.

(H) *Park fund.*

(1) *Purpose.* Cash payments received from subdividers in lieu of land dedications shall be deposited by the city into a separate fund to be used only for the purposes for which the cash was obtained, including acquisition of land, the development of existing public sites or for debt retirement in connection with land previously acquired. The City Council shall establish separate budgeting and accounting procedures to oversee said fund.

(2) *Annual financial report.* Each year the Park Board shall present to the City Council, in such detail as City Council shall require, its estimate of the financial needs of the Park Board for the ensuing fiscal year.

(3) *Gifts and donations.* The Park Board is authorized to receive gifts, devises, bequests, endowments, or other donations of money and property on behalf of the city. All monies received shall be deposited in the park fund.

(I) *Park Boundary Markers.*

(1) Where park land which abuts adjacent platted property, excluding right-of-way and other public lands, the subdivider shall install permanent boundary stakes at every other lot corner which clearly identifies the area as public park property.

§ 067 EASEMENTS.

(A) *Drainage.* Where a subdivision is traversed by a watercourse, there shall be provided a drainage way, channel, outlet, or drainage right-of-way conforming substantially with the lines of such watercourse, together with such further width of construction of both, as will be adequate for storm water run off. All drainage easements shall be identified on the plat and shall be graded and sodded in accordance with Section 73 of this chapter. Twenty foot wide easements for drainage purposes must be centered on rear and front lot lines. Ten foot wide easements for drainage purposes must be centered on side lot lines, unless the side lot line abuts a public right-of-way, in which case it must be 20 feet in width.

(B) *Public trails/walkways.* In addition to other required open space, easements to provide connections to public trails will be required where shown on the comprehensive plan. Twenty foot wide pedestrian easements shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities.

(C) *Utilities.* Twenty foot wide utility easements must be centered on rear and front lot lines. Ten foot wide utility easements must be centered on side lot lines, unless the side lot line abuts a public right-of-way where the easement must be 20 feet wide. Utility easements shall have continuity of alignment from block to block, unless infrastructure deems larger easements necessary. At deflection points, utility easements for pole-line anchors shall be provided where necessary.

§ 068 LANDSCAPING AND WALKWAYS.

(A) *Planting, gateways, entrances.* The type and spacing of trees to be planted on public property shall be determined by the City Council. No planting of trees or vegetation, installation of gateways or entrances or similar improvements shall be made on public property except with permission and approval of the City Council. This requirement includes boulevard trees, if permitted.

(B) *Treatment Along Arterial and Collector Streets.* When a subdivision abuts or contains an existing or proposed arterial or collector street, the City Council may require screen planting contained along the rear property line of residential lots for the adequate protection of residential properties from the effect of the adjacent roadways.

(C) *Sidewalks/pedestrian ways.* Concrete sidewalks of not less than five feet in width shall be provided on at least one side of each street, except for cul-de-sacs in instances where the sidewalk would not provide a connection to an adjacent trail, park or open space area. Where a proposed subdivision abuts or includes an arterial street, sidewalks of not less than six feet in width shall be provided on both sides of the street, unless a trail is included on one side of the street as designated by the comprehensive plan. In such case, the trail must be located on one side of the street and a sidewalk on

the other. All sidewalks and trails must be compliant with the Americans with Disabilities Act.

(D) *Sodding*. One row of good quality weed-free sod must be installed along boulevards adjacent to the curb. If a sidewalk is located in the front of the lot, the subdivider is responsible for sodding the boulevard between the sidewalk and the curb before a certificate of occupancy will be issued. All drainage swales must be graded and the turf established with a good quality sod approved by the Public Works Director or his or her designated representative. (See Section 736 of the Zoning Ordinance)

(E) *Trees*. Requirements for trees on individual lots shall meet the provisions listed in Section 736 of the Zoning Ordinance. Pre-development trees with a diameter of eight inches or more as measured three feet above the base of the trunk shall not be removed unless such tree is within the right-of-way of a street as shown on the final plat. Removal of trees shall be subject to the approval of the City Council.

§ 069 STREET NAMES.

- (A) All street names shall be approved by the City Council and shall conform to an established numbering and naming system based on the City's existing street names and quadrants of the City (i.e.: NW/SW/NE/SE).
- (B) Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names except that streets that join or are in alignment with streets of an abutting or neighboring subdivision shall bear the same name.
- (C) No street shall change direction by more than 90 degrees without a change in the street name.
- (D) The subdivider shall install street name signs as required and approved by the Planning Department.

REQUIRED IMPROVEMENTS

§ 070 DEVELOPER'S AGREEMENT.

The subdivider shall not be considered to have complied with all of the conditions and requirements of this chapter until the subdivider executes a developer's agreement, as approved by the City Council, for the new subdivision which contains satisfactory assurance that the subdivider will provide the following improvements at the subdivider's expense.

(1) General Required Improvements.

- (A) Monuments at all lot corners, block corners, angle points, points of curves and

streets and at intermediate points as required by the City Engineer.

(B) Streets graded and surfaced in accordance with standards of the city, and subject to the inspection and approval of the City Engineer.

(C) Concrete curbs, gutters, drainage ways and facilities in accordance with standards of the city, and subject to the inspection and approval of the City Engineer.

(D) Drain tiles placed for all lots in order to provide adequate sump pump connection access.

(E) Street name signs at all street intersections within or abutting the subdivision of a type approved by the city and placed in accordance with the standards of the city. Note the city may elect to order and place the street signs and charge said expense to the subdivider.

(F) Installation of sanitary sewer and water mains including the extension of both to the extremities of the property being subdivided.

(G) Connection of each lot to the city's sanitary sewer system subject to the approval of the City Engineer.

(H) Water mains and service connections sufficient to serve all lots in the subdivision, stubbed to the property line.

(I) Provisions shall be made for the proper drainage of all streets through the installation of adequately designated culverts, storm sewers and retention ponds and the installation thereof shall be considered part of the essential street construction requirements. The subdivider will be responsible for the first cleaning of any stormwater ponds. Stormwater ponds will not be accepted by the city for maintenance until approved by the City Engineer and Public Works Director.

(J) Provisions shall be made for the installation of sidewalks or trails at locations designated by the city.

(K) Decorative street lighting with underground wiring in accordance with the city specifications.

(L) Plans for final grading and planting of appropriate ground cover on vacant lots may be required of the subdivider as a condition of city acceptance of the public improvements identified in this section.

(M) Franchised and public utilities including telephone, cable TV, fiber optics, electric, and gas service lines are to be placed underground. Conduits, pipes or cables shall be placed within easements or in rights-of-ways adjacent to streets in such manner as not to conflict with other underground services.

(N) Every buildable lot shall be identified by a sign that indicates the lot and block number, and is approved by city staff prior to issuing any building permits. These signs can be removed as lots are developed.

(O) Mailbox placement and mailbox construction must conform to United States Postal Service standards. Mailboxes must be grouped into as few locations as possible.

(P) The subdivider shall pay the cost of the first seal coating application of all public streets in the subdivision at a rate established in the city's official fee schedule.

(Q) The subdivider shall pay all other costs associated and applicable to the subdivision as established in the city's official fee schedule.

§ 071 PARTICIPATION BY THE CITY.

The city may elect to install any, all, or none of the required improvements subject to a cash escrow agreement or other financial arrangement with the subdivider. The terms of these arrangements shall be specified in the developer's agreement.

§ 072 INSPECTION.

All required improvements must be inspected by the City Engineer during construction at the expense of the subdivider. The contract shall contain a provision for supervision of details of construction by the City Engineer and shall grant to the City Engineer the authority to correlate the work to be done under such contract by any subcontractor authorized to proceed there under with any other work being done or contracted by the city in the vicinity.

§ 073 AS-BUILT DRAWINGS.

Upon completion of the project, as-built drawings of all improvements shall be filed with the Public Works Director and Planning Department. Such as-built drawings shall show the date of construction and shall be drawn in such a manner and on such materials to meet the standards of the city, including in electronic format. As-built drawings must be completed and filed with the Public Works Director within 120 days of the completion of such improvements. If as-built drawings are not filed within the time period specified, the City Engineer may be authorized to conduct surveys and complete drawings, with all of the costs pursuant thereto to be paid by the subdivider, and the City Council may elect to withhold building permits for construction within the subdivision.

ADMINISTRATION AND ENFORCEMENT

§ 080 GROUNDS FOR DENIAL OF SUBDIVISION PROPOSAL.

(A) *Purpose.* Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the City Council.

(B) *Conditions establishing subdivisions premature for development.* A subdivision may be deemed premature for development should any of the conditions set forth in the provisions which follow exist:

(1) *Lack of adequate drainage.* A condition of inadequate drainage shall be deemed to exist if:

(a) Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structures.

(b) The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.

(c) The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downhill or downstream land.

(d) Factors to be considered in making these determinations may include, but are not limited to:

1. Average rainfall for the area.
2. The relation of the land to floodplains.
3. The nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems.
4. The slope of the land and its effect on effluents.
5. The presence of streams as related to effluent disposal.

(2) *Lack of adequate water supply.* A proposed subdivision shall be deemed to lack an adequate water supply if it, if developed to its maximum permissible density, does not have adequate sources of water to serve all of the lots without causing an unreasonable depreciation of existing water supplies for surrounding areas.

(3) *Lack of adequate streets or highways to serve the subdivision.* A proposed subdivision shall be deemed to lack adequate streets or highways to serve the subdivision when:

(a) Streets that currently serve the proposed subdivision or streets that are proposed to serve the subdivision are of such a width, grade, stability, site distance and condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare and, when with due regard to the

advice of the county or state, said streets are inadequate for the intended use.

(b) The traffic volume generated by the proposed subdivision as calculated by the City Engineer and subject to generally accepted generation computation formulas and design standards would create unreasonable highway congestion at the time of the application or proposed for completion within the next two years.

(4) *Lack of adequate waste disposal systems.* A proposed subdivision shall be deemed to lack adequate waste disposal systems if there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density after reasonable sewer capacity is reserved for schools, planned public facilities, and commercial and industrial development projected for the next five years. Expected wastewater generation rates applicable to a proposed subdivision shall be based on generally accepted generation computation formulas as assigned by the City Engineer.

(5) *Lack of adequate city support facilities.* A proposed subdivision shall be deemed to lack adequate support facilities, such as parks and recreational facilities and police, fire, and ambulance protection and services when said support facilities are reasonably expected to be necessitated by the subdivision and can not be reasonably provided for within the next five fiscal years.

(6) *Inconsistency with the comprehensive plan.* A proposed subdivision shall be deemed premature if it is found to be inconsistent with the purposes, objectives, and recommendations of the duly adopted comprehensive plan, as may be amended from time to time.

(7) *Inconsistency with environmental protection policies.* A proposed subdivision shall be deemed premature if it is found to be inconsistent with environmental protection policies set forth within the city, state and federal rules and regulations, as may be amended.

(C) *Burden of establishing.* The burden shall be upon the subdivider to show that the proposed subdivision is not premature.

§ 081 VARIANCES/WAIVERS.

Application procedures for variances are to be found in the City's Zoning Ordinance. When necessary, the Council upon recommendation by the Planning Commission, may authorize variances to the non-procedural requirements of this chapter in those cases where this Ordinance imposes unusual hardship to the subdivider in the use of his or her land. Unusual hardship includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. Such variances shall be requested by the subdivider in writing at the time of the application for preliminary plat approval, and the grounds for such variances shall be stated by the subdivider. A variance may be granted only if the City Council finds that all of the circumstances exist:

- (A) The variance is in harmony with the general purposes and intent of the Ordinance.
- (B) The variance is consistent with the comprehensive plan.
- (C) The subdivider proposes to use the property in a reasonable manner not permitted by this Ordinance, the City Code or the City Zoning Ordinance.
- (D) Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property since the enactment of this Ordinance has had no control. That the unique circumstances do not result from the actions of the applicant.
- (E) The variance does not alter the essential character of the neighborhood.
- (F) That the variance requested is the minimum variance which would alleviate the unusual hardship. Economic conditions alone do not constitute unusual hardship.
- (G) The City Council may impose such conditions upon the premises benefited by the variance, as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. The condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No variance shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permit standards lower than those required by federal, state or local law.

§ 082 FEES AND COSTS.

(A) *Application Fee.* To defray administrative costs of processing applications under this chapter, an application fee for each application shall be paid by all applicants in accordance with the official fee schedule adopted by the City Council.

(B) *Reimbursement of Costs.* In addition to the application fee, the applicant shall also pay an administrative fee deposit in the amount determined by the Planning Department and sign an agreement on a form provided by the city agreeing to reimburse the city for all of its costs, including staff and consulting time which includes engineering, planning, legal, administrative and inspection expenses and material costs incurred by the city in processing the application. The hourly rate for staff time shall be determined by the City Council and the rate for consulting time shall be at the actual rate charged to the city by the consultant. Payment of the application fee and the administrative fee deposit and execution of the reimbursement agreement shall be

required prior to an application being considered filed, complete and subject to processing. If City Planning Staff determines that the administrative fee deposit will not be sufficient to fully reimburse the city for its expenses, they may require the applicant to make a supplemental deposit in an amount deemed necessary to reimburse the city for all of its costs. If the applicant fails to submit the supplemental deposit within a reasonable time, the city may suspend processing the application until the deficiency is corrected or deny the application.

(C) *Reimbursement in Full Required.* Upon the termination of the application, by an approval, denial, withdrawal, or any other means, all costs incurred by the city shall be immediately payable by the applicant. Any deposit in excess of the city's costs shall be refunded to the applicant. No permits shall be issued, no construction or development shall commence, and no use of property shall be made until all fees and costs are paid in full. In the event that payment of costs is not made within a reasonable time after demand, the City Council or City Planner may take such steps as are available to the city under law to collect the unreimbursed amounts, including collection costs. The steps the city may take to recover its costs include, but are not limited to, placing the amount on the person's property as a service charge pursuant to Minnesota Statutes Section 366.011 and 366.012 and also pursuant to City Code 92.03, or taking such other action as may be deemed appropriate to obtain full reimbursement for the city for all costs it incurs related to the application.

(D) *Trunk area charges.* All unplatted land shall be charged water, sanitary sewer, and storm sewer trunk area charges calculated based on the current rate listed in the Official Fee Schedule. The charges will be set in the annual fee schedule during the first City Council meeting in January of each year.

§ 083 COMPLIANCE REQUIRED.

(A) *Conditions for recording.* No plat of any subdivision shall be entitled to record in the County Recorder's Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this chapter.

(B) *Building permits.* No building permits will be issued by the city for the construction of any building, structure, or improvement to the land or to any lot in a subdivision, as defined herein, until all requirements of this chapter have been fully complied with.

§ 084 VIOLATIONS.

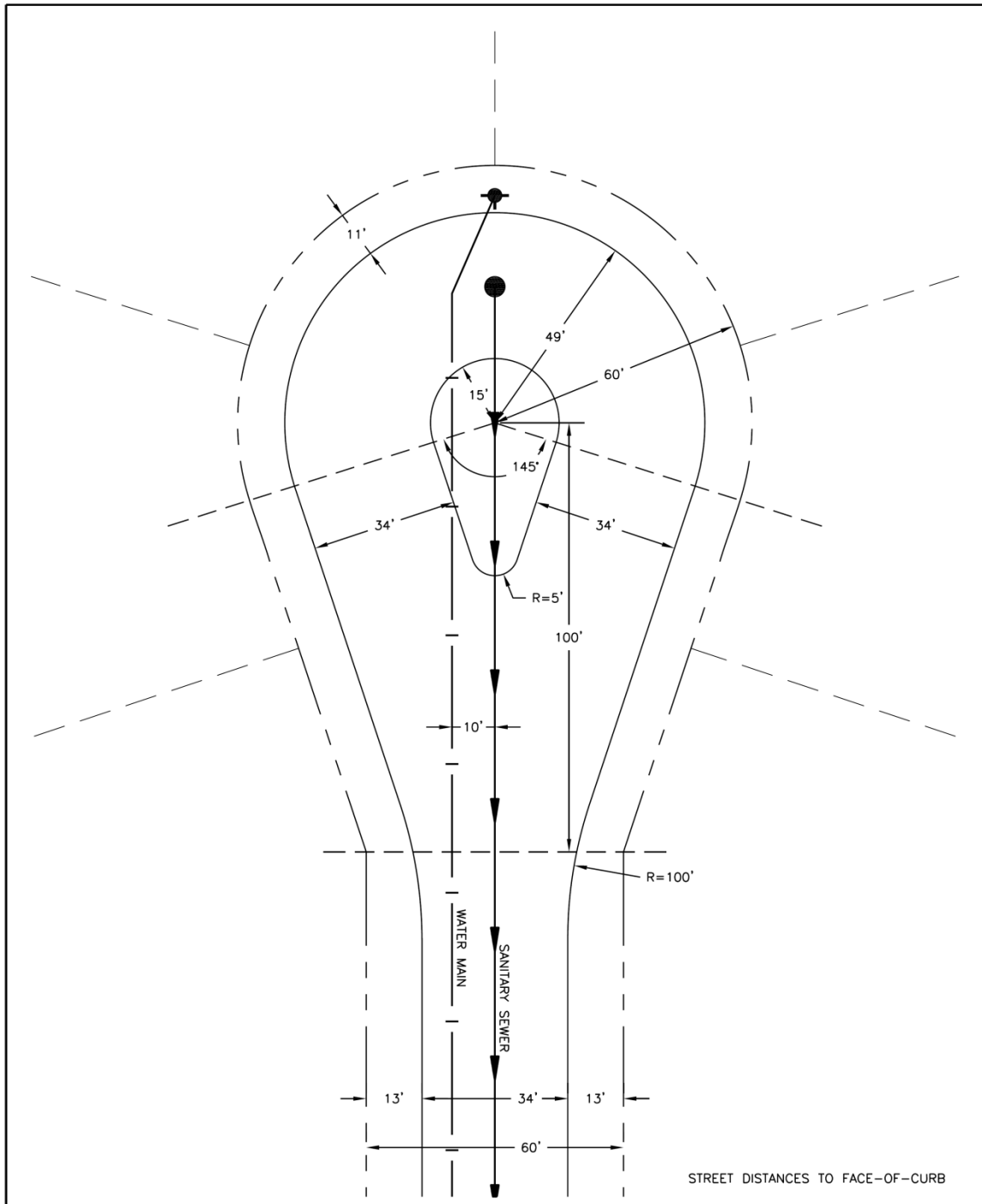
(A) *Sale of lots from unrecorded plats.* It is unlawful for any person to sell, trade or otherwise convey or offer to sell, trade or otherwise convey any lot or parcel of land as a part of, or in conformity with, any plan, plat or replat of any subdivision or area located within the jurisdiction of the city unless the plan, plat or replat has been recorded in the Office of the LeSueur or Scott County Recorder, depending on the location of the plat.

(B) *Receiving or recording unapproved plats.* It is unlawful for any person to receive or record in any public office any plans, plats or replats of land laid out in building lots and street rights-of-way, alleys or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the city, unless the same shall bear thereon, by endorsement or otherwise, the review of the Planning Commission and the approval of the City Council.

(C) *Misrepresentation as to construction, supervision or inspection of improvements.* It is unlawful for any person, owning an addition or subdivision of land within the city, to represent that any improvements upon any of the street rights-of-way, alley or avenues of the addition or subdivision, or any utility in the addition or subdivision have been constructed according to the plans and specifications approved by the City Council, or have been supervised or inspected by the city, when such improvements have not been so constructed, supervised, or inspected.

(D) *Violation a misdemeanor.* Every person who violates a section, subdivision, paragraph or provision of this chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Exhibit A – Cul-De-Sac Detail Plate



SEH
 12 CIVIC CENTER PLAZA
 SUITE 208B
 MANKATO, MN 56001
 PH. 507.388.1989

STANDARD DETAILS
 TYPICAL CUL-DE-SAC DETAIL
 WITH CENTER ISLAND

REVISED
 10/5/09

CITY OF NEW PRAGUE, MINNESOTA

CITY PLATE NO.
 STR-8