Chapter 151: Subdivision Regulations

151.001 Title
151.002 Policies
151.003 Purpose
151.004 Authority
151.005 Jurisdiction
151.006 Interpretation; conflict
151.007 Definitions

Administration

151.020 Zoning Board and Board of Adjustment
151.021 Jurisdiction
151.022 Exceptions
151.023 Issuance of permits
151.024 Variances

Subdivision Application: Procedure and Approval Process

151.035 Purpose
151.036 Classification of subdivision
151.037 Official submission date
151.038 Sketch plan
151.039 Minor subdivisions; application
151.040 Preliminary plat
151.041 Final plat
151.042 Soil tests
151.043 Appeals to City Council
151.044 Effect of subdivision control
151.045 Zoning
151.046 Restriction on filing and recording conveyances
Morristown - Land Usage

Assurance for Completion and Maintenance of Improvements

151.060 Generally
151.061 Improvements may be partial
151.062 Financial guarantee
151.063 Inspection of improvements
151.064 Maintenance of improvements
151.065 Deferral or waiver of required improvements
151.066 Issuance of zoning permits

Design and Improvement Standards

151.080 General requirements
151.081 Land requirements
151.082 Site design standards
151.083 Easements
151.084 Open space and recreation
151.085 Adequate public facilities
151.086 Streets
151.087 Water supply
151.088 Sanitary sewers
151.089 Storm water management
151.090 Erosion and sediment control
151.091 Survey monuments

Off-Tract Improvements

151.105 Purpose
151.106 Definition and principles
151.107 Cost allocation
151.108 Escrow accounts

Documentation Requirements

151.120 Purpose
151.121 Requirements

Enforcement

151.135 Violations
151.136 Fees, charges, and expenses
GENERAL PROVISIONS

§ 151.001 TITLE.

This chapter shall be known and may be cited as the “Subdivision Ordinance of the City of Morristown.”
(Ord. 180, passed 11-1-2004)

§ 151.002 POLICIES.

(A) It is the policy of the City of Morristown to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the municipality pursuant to the official comprehensive plan of the municipality for the orderly, planned, efficient, and economical development of Morristown.

(B) Land to be subdivided shall be of the character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities, and improvements. It shall also be the city’s policy that the cost of the improvements be placed against those benefitting from their construction.

(C) To provide for the orderly and equitable development of the municipality, all subdivisions hereafter shall, in all respects, fully comply with the regulations set forth herein which shall be interpreted as minimum requirements for the protection of the public health, safety, and general welfare.

(D) Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of regulations identified in division (C) above.
(Ord. 180, passed 11-1-2004) Penalty, see § 10.99

§ 151.003 PURPOSE.

(A) Generally. These regulations are adopted for the following purposes.

(B) Specifically.

(1) To protect and provide for the public health, safety, and general welfare of the municipality;

(2) To guide the future growth and development of the municipality in accordance with the Morristown Land Use Plan;
(3) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population;

(4) To protect the character and the social and economic stability of all parts of the municipality and to encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and nonresidential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, to protect environmentally critical areas and areas premature for urban development;

(5) To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;

(6) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities;

(7) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines;

(8) To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land to encourage well planned, efficient, and attractive subdivisions by establishing adequate and impartial standards for design and construction;

(9) To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation to ensure that the development provides its fair share of capital facilities needs generated by the development;

(10) To prevent the pollution of air, assure the adequacy of drainage facilities, safeguard the water table, and encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;

(11) To prevent the pollution of air, assure the adequacy of drainage facilities, safeguard the water table, and encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;
(12) To preserve the natural beauty and topography of the municipality and to ensure appropriate development with regard to these natural features;

(13) To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the zoning ordinance of the municipality;

(14) To ensure that land is subdivided only when subdivision is necessary to provide for uses of lands for which market demand exists and which are in the public interest; and

(15) To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, scattered and low-grade subdivision.
(Ord. 180, passed 11-1-2004)

§ 151.004 AUTHORITY.

The Zoning Board of the City of Morristown is vested with the authority to review applications for the subdivision of land, including sketch, preliminary, and final plats, and to make recommendations to the City Council for approval, approval with conditions, or denial of the applications. The City Council of Morristown is vested with the authority to approve, approve conditionally, or disapprove the submitted subdivision applications. The City Council may grant variances from these regulations pursuant to the provisions of § 151.024.
(Ord. 180, passed 11-1-2004)

§ 151.005 JURISDICTION.

(A) These regulations apply to all subdivision of land located within the corporate limits of the municipality or outside the corporate limits as provided by law.

(B) No land may be subdivided through the use of any legal description other than with reference to a plat approved by the City Council in accordance with these regulations.

(C) No zoning permit shall be issued for any parcel or plat of land created by subdivision after the effective date of, and not in substantial conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.

(D) No plat or any subdivision shall be entitled to be recorded in the Rice County Recorder’s office or have any validity until the plat or subdivision has been prepared, approved, and acknowledged in the manner prescribed by this chapter.
(Ord. 180, passed 11-1-2004) Penalty, see § 10.99
§ 151.006 INTERPRETATION; CONFLICT.

(A) Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

(B) Conflict. Where the conditions imposed by any provisions of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this chapter or of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern. (Ord. 180, passed 11-1-2004)

§ 151.007 DEFINITIONS.

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

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

APPLICANT. The owner of land proposed to be subdivided or its representative who shall have express written authority to act on behalf of the owner and has executed an application form with the city. Consent shall be required from the legal owner of the premises.

ATTORNEY. The attorney employed by the city, unless otherwise stated.

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 a combination of the above with a natural waterway.

BOND. Any form of a surety bond in an amount and form satisfactory to the governing body. All bonds shall be approved by the governing body whenever a bond is required by these regulations.

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

BUILDING. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

CAPITAL IMPROVEMENT. A public facility owned and operated by or on behalf of the local government.

CITY. The City of Morristown.
CITY CLERK/TREASURER. The person employed by the City of Morristown and who is hereby established as the Administrative Officer of this chapter.

CITY ENGINEER. A professional engineer working for the city, unless otherwise stated.

COMMON OWNERSHIP. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockbroker, partner, or associate, or a member of his or her family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

CONSTRUCTION PLAN. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of this chapter or as conditions linked to approval of the plat.

CONTIGUOUS. Lots are contiguous when at least 1 boundary line of 1 lot touches a boundary line or lines of another lot.

COUNTY. Rice County, Minnesota.

COVENANTS. Protective or restrictive covenants are contracts made between private parties and constitute an agreement between these 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.

DESIGN STANDARD. The specifications for the preparation of preliminary plans indicating minimums and maximums in the dimensions, magnitude, and capacity in the features as the layout of streets, lots, blocks, drainage, and required improvements.

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

DEVELOPMENT. The act of building structures and installing site improvements.

DEVELOPMENT AGREEMENT. Agreement between the City Council and developer through which the City Council may agree to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation, in exchange for agreement to construct any and all improvements to existing city standards, or a higher standard in some cases, abide by all conditions specified by the City Council, perform all required tasks within the established time frame, warranty all improvements, and provide security in an amount acceptable to the city to ensure performance of the agreement and all warranties. The agreement shall be recorded at the same time or prior to the final plat.

EASEMENT. A grant by a property owner for the use of a strip of land by the public or any person for any specific purpose or purposes.
ESCROW. A deposit of cash with the local government or escrow agent to secure the promise to perform some act.

FRONTAGE. The width of a lot from property corner to corner that abuts a public street or way.

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

LAND USE PLAN. A plan prepared by the city, including a compilation of policy statement goals, standards, and maps indicating the general locations recommended for the various functional classes of land use, places, and structures, and for the general physical development of the city, including any unit or part of the plan separately adopted and any amendment to the plan or parts thereof.

LANDSCAPING. Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers, and shade trees.

LOT. A portion of the subdivision intended for building development or for transfer of ownership.

LOT, BUTT. A lot at the end of a block, located between 2 corner lots.

LOT, CORNER. A lot bordered on at least 2 sides by streets.

LOT, DOUBLE FRONTAGE. Lots having a front line abutting on a street and a back line abutting another street.

LOT IMPROVEMENT. Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of the betterment. Certain proposed lot improvements shall be properly bonded for as provided in these regulations.

LOT OF RECORD. Any lot which is 1 unit of a plat heretofore duly approved and filed, or 1 unit of an auditor’s subdivision or a registered land survey that has been recorded in the office of the County Recorder for Rice County, Minnesota, prior to the effective date of this chapter.

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 described lines or portions thereof.

NATURAL WATERWAY. A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures placed in lieu of natural waterway in order to facilitate the continuity of the natural waterway.

ORDINANCE. Any legislative action, however denominated, of a local government that has the force of law, including any amendment or repeal of any ordinance.
ORE. A lot remnant or parcel of land left over after platting, which is intended as open space or other future use, for which no zoning permit shall be issued.

OWNER. An individual, association, syndicate, partnership, corporation, trust, or any other legal entity holding an equitable or legal ownership interest in the land sought to be subdivided.

PARKS. Playgrounds, trails, parks, or open spaces within the city, owned, leased, or used, wholly or in part, by the city for park and recreational purposes or of which is designated by the City Council as a park.

PEDESTRIAN WAY. A public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may be used for the installation of paths or trails.

PERCENTAGE OF GRADE. Along a centerline of a street, the change in vertical elevation in feet and tenths of a foot for each 100 feet of horizontal distance, expressed as a percentage.

PERSON. Any individual or group of individuals, or any corporation, limited liability company, general or limited partnership, or any other legal entity, joint venture, unincorporated association, or governmental or quasi-governmental entity.

PLANNED UNIT DEVELOPMENT (PUD). Land under unified control to be planned and developed as a whole in a single development operation, in a programmed series of development operations, or to address unique development concepts. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. The development is built according to general and detailed plans that include not only streets, utilities, lots, and building location, but also site plans for all building locations, how they are to be used and related to each other, and plans for other uses and improvements on the land as they relate to the buildings. The PUD concept may also be an appropriate development strategy for land containing unique features that would make it difficult to develop strictly under established city code.

PLAT, FINAL. A map of a subdivision, meeting all the requirements of the city and in the form as required by the county for purposes of recording.

PLAT, PRELIMINARY. The preliminary drawings described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Zoning Board and City Council for approval.

PRELIMINARY APPROVAL. The official action taken by a municipality on an application to create a subdivision that established the rights and obligations set forth in M.S. Ch. 462, as it may be amended from time to time, and the applicable subdivision regulation. In accordance with M.S. Ch. 462, as it may be amended from time to time, and unless otherwise specified in the applicable subdivision regulations, preliminary approval may be granted only following the review and approval of a preliminary plat of other map or drawing establishing without limitation the number, layout, and location of lots, tracts, blocks, and parcels to be created, location of streets, and lands to be dedicated for public use.
**PROPERTY OWNERS ASSOCIATION.** An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision, be it a lot, parcel site, unit plot, condominium, or any other interest, is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro rated share of expense of the association which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.

**PROTECTIVE OR RESTRICTIVE COVENANTS.** Contracts entered into between all owners and holders of mortgage constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and providing mutual protection against undesirable aspects of development which would tend to impair the stability of property value and economic integrity of any given area.

**PUBLIC HEARING.** An adjudicatory proceeding held by the Zoning Board or City Council, preceded by published notice and actual notice to certain persons and at which certain persons, including the applicant, may call witnesses and introduce evidence for the purpose of demonstrating that plat approval should or should not be granted. The hearing may be combined with other adjudicatory or legislative hearings to address related issues such as a land use plan amendment, a zoning map or text amendment, or a variance.

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

**QUADRUMINIUMS.** Single structures that contain 4 subdivided dwelling units all of which have individually separate entrances from the exterior of the structure.

**REGISTERED LAND SURVEYOR.** A land surveyor properly licensed and registered in the state.

**RESUBDIVISION.** Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

**RIGHT-OF-WAY.** The land dedicated for public use as a street or way or private use such as a power line or railroad.

**SERVICE AREA.** The area for a particular category of public facilities within the jurisdiction of the local government and within which fees for capital improvements may be collected for new development occurring within such an area and within which fees so collected will be expended for those types of improvements for that category of public facility identified in the public facility improvements program. **SERVICE AREAS** may be subdivided into subareas for purposes of assuring that fees collected and expended therein reasonably benefit new development within the areas.

**SETBACK.** The distance between a building and the street line nearest to the building.
**Sketch Plan.** A sketch preparatory to the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the Zoning Board as to the form of the plat and the objectives of these regulations.

**Street.** A public right-of-way or easement for vehicular traffic, whether designated as highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, drive, court, or otherwise designated.

**Street, Arterial.** A higher order, interregional road in the street hierarchy. Conveys traffic between centers. It should be excluded from residential areas.

**Street, Cul-de-sac.** A street with a single means of ingress and egress and having a turnaround. Design of turnaround may vary. Cul-de-sacs shall be classified and designed according to anticipated daily traffic levels.

**Street, Marginal Access (Service Road).** A service street that runs parallel to a higher order street and provides access to abutting properties and separation from through traffic. May be designed as residential access street or subcollector according to the anticipated daily traffic levels.

**Street, Residential Access.** The lowest order of residential streets. This type of street provides frontage for access to lots and carries traffic having destination or origin on the street itself. Designed to carry the least amount of traffic at the lowest speed.

**Street, Residential Collector.** This street is the highest order of residential street. It conducts and distributes traffic between lower order residential streets to higher order streets (arterials). It carries the largest volume of traffic at higher speeds. It functions to promote free traffic flow; therefore; direct access to homes from this street should be restricted.

**Street, Residential Subcollector.** This street is the middle order of residential street. It provides frontage for access to lots, and carries traffic of adjoining residential access streets. It is designed to carry somewhat higher traffic volumes with traffic limited to motorists having origin or destination within the immediate neighborhood.

**Street Width.** The shortest distance between the lines delineating the right-of-way of a street.

**Subdivide.** The act or process of creating a subdivision.

**Subdivider.** Any person who:

1. Having an interest in land causes it directly or indirectly, to be divided into a subdivision;

2. Directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision;
(3) Engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision; and

(4) Is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

**SUBDIVISION.** The separation of an area, parcel, or tract of land under single ownership into 2 or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or the use of any combination thereof, except the following separations:

(1) Where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and 5 acres or larger in size for commercial and industrial uses;

(2) Creating cemetery lots; or

(3) Resulting from court orders, of the adjustment of a lot line by the relocation of a common boundary.

**SUBDIVISION, MAJOR.** All subdivisions not classified as minor subdivisions.

**SUBDIVISION, MINOR.**

(1) Any subdivision containing 3 or fewer lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Land Use Plan, Official Map, zoning ordinance, or the regulations contained in this chapter.

(2) In addition, none of the parcels shall have been a part of a minor subdivision within the preceding 5 years.

**SURVEYOR.** A land surveyor registered under Minnesota state laws.

**TOPOGRAPHIC MAP.** A map showing the irregularities in elevation of land surface through the use of lines connecting points of equal elevation.

**ZONING BOARD.** The Zoning Board of the City of Morristown.

**ZONING ORDINANCE.** The zoning ordinance controlling the use of land as adopted by the city.

(Ord. 180, passed 11-1-2004)
ADMINISTRATION

§ 151.020 ZONING BOARD AND BOARD OF ADJUSTMENT.

(A) A Zoning Board is hereby established pursuant to M.S. Ch. 462.354, Subd. 1, as it may be amended from time to time.

(B) A Board of Adjustment is hereby established pursuant to M.S. Ch. 462.354, Subd. 2, as it may be amended from time to time. The Board of Adjustment shall be the City Council.

(C) The City Council hereby appoints the Zoning Administrator as the administrative officer who is responsible for the tasks as assigned herein. In addition, the City Clerk/Treasurer shall be given the responsibility for ensuring orderly and expeditious processing of subdivision applications.

(Ord. 180, passed 11-1-2004)

§ 151.021 JURISDICTION.

Pursuant to M.S. Ch. 462.358, as it may be amended from time to time, approval of subdivision plats by resolution of the City Council is hereby required as a condition for the filing of the plats with the Rice County Recorder’s office, as well as a condition for issuance of a permit for any development.

(Ord. 180, passed 11-1-2004)

§ 151.022 EXCEPTIONS.

The City Council, when acting upon applications for preliminary or minor subdivision approval, shall have the power to grant the exceptions from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of the provisions for subdivision review and approval of this chapter.

(Ord. 180, passed 11-1-2004)

§ 151.023 ISSUANCE OF PERMITS.

No zoning permit shall be issued for the construction of a building, the enlargement, alteration, repair, demolition, or moving of any building or structure on any lot or parcel conveyed in violation of the provisions of this subchapter.

(Ord. 180, passed 11-1-2004)
§ 151.024 VARIANCES.

(A) Hardship. Where the Zoning Board finds that extraordinary hardships may result from strict compliance with these regulations, it may recommend to the Board of Adjustment that the regulations be varied so that substantial justice may be done and public interest secured; provided that the variations will not have the effect of violating the Land Use Plan or the regulations contained herein.

(B) Conditions in granting variances and modifications. The Board of Adjustment may require that conditions be placed on the granting of the variances which it deems necessary to or desirable for the public interest. In making its approval, the Board of Adjustment shall take into account the nature of the proposed use of the land and the existing use of the land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be approved when the Board of Adjustment finds:

1. That there are special circumstances or highly unique conditions associated with the property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his or her land;

2. That the granting of the variance will not be detrimental to the public health, safety, and welfare, or injurious to other property in the territory in which the property is situated;

3. That the variance is to correct inequities resulting from an unusual physical hardship, such as topography;

4. Hardships relating to economic difficulties shall not be considered for the purpose of granting a variance;

5. That the hardship is not a result of an action or actions by an owner, applicant, or an agent thereof; and

6. That the granting of a variance will not increase the potential for damage from flood waters nor be in violation of any rules promulgated by FEMA that may apply to the area within the city limits of Morristown.

(C) Procedures.

1. Requests for a variance or appeal shall be filed with the City Clerk/Treasurer on an official application form. The application shall be accompanied by a fee, as established by the City Council. The application shall also be accompanied by 4 copies of detailed written and graphic materials, including 1 plan no larger than 11 inches by 17 inches necessary for the explanation of the request.

2. The review of the variance application shall be run concurrently with the preliminary plat application.
(3) Upon receiving the application, the City Clerk/Treasurer shall refer the application, along with all related information, to the Zoning Board for a report and recommendation to the Board of Adjustment.

(4) The Zoning Board shall consider the variance at its next regular meeting. The City Clerk/Treasurer shall refer the application, along with all related information, to the City Zoning Board for consideration and a report and recommendation to the Board of Adjustment.

(5) The city staff may submit a report on and recommendation for action regarding the variance application to the Zoning Board.

(6) The Zoning Board and City Clerk/Treasurer shall have the authority to request additional information from the applicant regarding the variance or to obtain expert reports of testimony at the expense of the applicant concerning the variance.

(7) The Zoning Board shall make a finding of fact and recommend the actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this chapter and submit this finding in the form of a report to the Board of Adjustment for their information prior to the variance application’s public hearing date.

(8) The City Clerk/Treasurer shall set a date for a public hearing. Notice of the hearing shall be published in the official newspaper at least 10 days prior to the hearing and individual notices shall be mailed not less than 10 days nor more than 30 days prior to the hearing to all owners of property within 350 feet of the parcel included in the request. Failure of any property owner to receive the notice shall not invalidate any such proceedings as set forth within this chapter.

(9) The applicant or a representative thereof shall appear before the Board of Adjustment in order to answer questions concerning the proposed variance request.

(10) A copy of the Zoning Board’s report shall be entered in and made a part of the written record of the public hearing.

(11) The Board of Adjustment shall make a recorded finding of fact and impose any condition it considers necessary to protect the public hearing, safety, and welfare of the city.

(12) The Board of Adjustment shall decide whether to approve or deny a request for a variance or an appeal within 30 days after the public hearing on the request.

(13) A variance of this chapter or grant of an appeal shall be by a simple majority vote of the full Board of Adjustment.

(Ord. 180, passed 11-1-2004)
§ 151.035 PURPOSE.

The purpose of this subchapter is to establish the procedure for Zoning Board and City Council review and action on applications for subdivisions. The procedure is intended to provide orderly and expeditious processing of the applications.
(Ord. 180, passed 11-1-2004)

§ 151.036 CLASSIFICATION OF SUBDIVISION.

Before any land is subdivided, the owner of the property proposed to be subdivided, or his or her authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, based upon whether the proposal is classified a minor subdivision or a major subdivision:

(A) Minor subdivision (see § 151.039(A) below):

(1) Sketch plan; and
(2) Final plat.

(B) Major subdivision (all other subdivision proposals):

(1) Sketch plan;
(2) Preliminary plat; and
(3) Final plat.

(Ord. 180, passed 11-1-2004) Penalty, see § 10.99

§ 151.037 OFFICIAL SUBMISSION DATE.

For the purpose of meeting the statutory time lines, the date on which the applicant has submitted a complete application containing all information requirements of this chapter, has properly executed all required application forms and paid the required fees, and any additional requests of the City Clerk/Treasurer or Zoning Administrator, shall constitute the official submission date of the plat on which the statutory period required for formal approval, conditional approval, or disapproval shall commence to run.
(Ord. 180, passed 11-1-2004)
§ 151.038 SKETCH PLAN.

(A) In order to insure that all applicants are informed of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other city code provisions or plans, and prior to the submission of a plat, all applicants shall submit a sketch plan to the City Clerk/Treasurer for review.

(B) Applicants seeking review of a sketch plan shall submit the items stipulated in §§ 151.120 et seq. This submission requirement is needed for the developer, City Clerk/Treasurer, and other participants, as needed, to review and discuss the development proposal in its formative stages. The City Clerk/Treasurer shall determine whether the development proposal is a major or minor subdivision and shall provide the developer with a list of submission requirements for the appropriate development type as well as the expected process flow and timetable.

(C) The applicant shall not be bound by any sketch plan for which review is requested, nor shall any representatives of the city be bound by any such review.

(Ord. 180, passed 11-1-2004)

§ 151.039 MINOR SUBDIVISIONS; APPLICATION.

(A) Minor subdivision defined:

(1) In the case of a request to divide a portion of a lot where the division is to permit the adding of a parcel of land to an abutting lot so that no additional lots are created and both new lots conform to zoning ordinance lot size standards;

(2) In the case of a request to combine 2 existing platted lots;

(3) In the case of a request to divide no more than 2 lots from a larger tract of land thereby creating no more than 3 lots. To qualify, the parcel of land should not have been a part of a minor subdivision within the last 5 years;

(4) In the case of a request to divide a base lot, which is a part of a recorded plat upon which has been constructed a 2-family dwelling, townhouse, or quadraminium, where the division is to permit individual private ownership of a single dwelling unit within such a structure and the newly created property lines will not cause any of the unit lots or structure to be in violation of this chapter, the zoning ordinance, or the State Building Code; and

(5) Any other subdivisions that meet the definition contained in § 151.007.

(B) Content and data requirements for minor subdivisions.

(1) The requested minor division shall be prepared by a registered land surveyor in the form of a certificate of survey.
(2) The data and supportive information detailing the proposed subdivision is specified in §§ 151.120 et seq. Exceptions, stipulated in writing, may be granted by the City Clerk/Treasurer or Zoning Administrator.

(3) The minor subdivision shall conform to all design standards as stipulated in this chapter. Any proposed deviation from the standards requires the processing of a variance request.

(Ord. 180, passed 11-1-2004)

§ 151.040 PRELIMINARY PLAT.

(A) The application shall:

(1) Be filed with the City Clerk/Treasurer at least 2 weeks prior to the next regularly scheduled meeting of the Zoning Board;

(2) The City Clerk/Treasurer shall notify an applicant within 10 days of the submission of the application whether there are any deficiencies in the information submitted as part of the application. If the notification is not made within the 10-day period, the subdivision application is officially accepted for review;

(3) Be made on forms available at the city offices accompanied by the required fee, as established by the City Council. The City Clerk/Treasurer shall deposit any money received as fees hereunder to the credit of the general fund of the City of Morristown. No money shall be refunded to the applicant. The fee is not intended to cover specialized engineering, planning, or site analysis reviews. Fees for additional technical services such as these will become the responsibility of the subdivider;

(4) An up-to-date certified abstract of title or registered property report showing title in the applicant’s name, or an option to buy the property by the applicant as shown on the preliminary plat;

(5) The application shall include the items specified in §§ 151.120 et seq. which constitutes a checklist of items to be submitted for subdivision review; and

(6) Be accompanied by a minimum of 10 copies of the preliminary plat and 1 reduced copy of the plat no larger than 11 inches x 17 inches.

(B) The City Clerk/Treasurer shall submit 5 copies of the preliminary plat to the Zoning Board, and may, at their discretion, submit 1 copy to the City Engineer, 1 copy to the City Planner, and 1 copy to the City Attorney. The remaining copies shall be placed in the city’s files.

(C) The City Clerk/Treasurer may instruct the appropriate staff to prepare technical reports and provide general assistance in preparing a recommendation on the action to the City Council. This may include the City Planner, the City Engineer, City Building Official, or the City Attorney, or others as deemed needed.
(D) Upon receipt of the completed application as outlined above, the Zoning Board shall set a public hearing for public review of the preliminary plat. The hearing shall be held within 60 days of the official submission date of the application. The applicant and/or his or her representative shall appear at the public hearing before the Zoning Board in order to answer questions concerning the proposal. Notice of the public hearing may consist of a legal property description, shall contain a description of the request, and shall be advertised in the official newspaper at least 10 days before the day of the hearing. Property owners within 350 feet of the proposed subdivision shall also be notified through the mail of the hearing. Failure of any property owner to receive the notice shall not invalidate the public hearing.

(E) No later than 30 days after the close of the public hearing described above, the Zoning Board shall submit the plat to the City Council with its own recommendations, including any conditions it recommends be placed upon the plat prior to approval. The City Council may approve, approve with conditions, or disapprove the plat by a majority vote of its members regardless of the recommendations made by the Zoning Board. If the Zoning Board has not acted upon the preliminary plat within 30 days following the close of the public hearing on such and in compliance with this chapter, the Council may act on the preliminary plat without the Zoning Board’s recommendation, and may approve, approve with conditions, or disapprove the plat by a majority vote of its members after the required public hearing.

(F) The City Council shall take final action within 120 days of the application’s official submission date. The subdivision application shall be preliminarily approved or denied by the City Council. If the City Council fails to approve or disapprove the preliminary plat in this review period, the application shall be deemed preliminarily approved.

(G) At any time during this process, either the applicant or the city may request an extension of the imposed time limits. Both the applicant and the city must agree to the time extension and must execute a time extension form that will become a part of the subdivision file.

(H) If the City Council requires changes to the preliminary plat, and if the changes are determined to be minor changes in the opinion of the City Council, then the changes may be noted on the plat and approved as such.

(I) If the changes to be made are major changes in the opinion of the City Council, then a new preliminary plat must be prepared and resubmitted, along with the payment of new fees, based upon the procedures and time lines established in this section.

(J) No preliminary plats shall be approved unless the applicant proves by clear and convincing evidence that:

1. The application for a preliminary plat is not premature and conforms to the Morristown Comprehensive Plan;

2. The uses in the subdivision will be connected to and served by public utilities for the provision of water supply and sewage collection and treatment facilities;
(3) The subdivider has the financial ability to complete the proposed subdivision in accordance with all applicable laws and regulations;

(4) The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels; and

(5) The subdivider has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.

(K) The Zoning Board may recommend and the City Council may require the changes or revisions as deemed necessary for the health, safety, general welfare, and convenience of the city. The approval of a preliminary plat by the Zoning Board and the City Council is tentative only, involving merely the general acceptability of the layout submitted. Subsequent approval will be required of the proposals pertaining to water supply, storm drainage, sewage and sewage disposal, gas and electric service, grading, gradients and roadway widths, and the surfacing of streets.

(L) If the preliminary plat is approved, the approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this chapter to be indicated on the final plat. The City Council may impose the conditions and restrictions as it deems appropriate or require the revisions or modifications in the preliminary plat or final plat as it deems necessary to protect the health, safety, comfort, general welfare, and convenience of the city.

(M) If the preliminary plat is not approved by the City Council, the reasons for the action shall be recorded in the proceedings of the Council and shall be transmitted to the applicant.

(N) Any resubmission of a plat application that has been denied by the City Council shall be prohibited for 1 year following denial unless the City Council votes to allow the resubmission either unanimously or by super majority.

(Ord. 180, passed 11-1-2004)

§ 151.041 FINAL PLAT.

(A) After approval of the preliminary plat, the applicant shall prepare and submit a final plat to the city for study and recommendation. This plat must be submitted within 1 year from approval of the preliminary plat, or as specified in an approved development agreement. If the final plat is not submitted within this time period and the applicant has not requested a time extension, the approved preliminary plat becomes null and void within 1 year of its approval date.

(B) In some development proposals, the city may agree to review the preliminary and final plats simultaneously.

(C) The procedure for filing the final plat is that which is established for submission of the preliminary plat under this subchapter, except as specified below. Ten copies of the final plat shall be
provided to the city by the applicant, and 1 reduced copy no larger than 11 inches by 17 inches. All final plats shall comply with the provisions of Minnesota Statutes and the requirements of this chapter. An applicant shall submit with the final plat a current abstract of title or a registered property certificate, along with any unrecorded documents and an opinion of title.

(D) Upon receipt of a final plat, the City Clerk/Treasurer shall refer 1 copy each to the City Council, appropriate city staff, the County Surveyor, and to all applicable utility companies, and 1 copy with abstract of title or registered property certificates and opinion title to the City Attorney. The City Council may refer the final plat to the Zoning Board for recommendation if they feel the proposed final plat is substantially different from the approved preliminary plat. The Zoning Board shall submit a report thereon to the City Council within 30 days. The city staff receiving a copy of the final plat shall submit reports through the City Clerk/Treasurer to the City Council within 15 days of receiving the plat expressing their recommendation on the final plat. The County Surveyor shall review the final plat and notify the subdivider’s surveyor or final plat preparer of corrections that are to be made to the final plat. Prior to approval of a final plat, the applicant shall have executed an agreement with the city controlling the installation of all required improvements. The agreement will require all improvements to comply with approved engineering standards and applicable regulations, and shall set forth the amount and form of security required by the city to insure proper installation and warranty of all improvements. Unless otherwise approved by the City Council, the security shall be in the form of an irrevocable letter of credit.

(E) The City Council, after receiving the final plat and any recommendations from the Zoning Board, shall either approve, approve with attached conditions, or disapprove the final plat within 60 days of receiving the final plat. This action taken by the City Council is dependent upon the final plat’s conformance with the preliminary plat, as approved by the City Council. If the final plat is not approved, the reasons for the action shall be recorded in the official proceedings of the city and shall be transmitted to the applicant.

(F) At any time during this process, either the applicant or the city may request an extension of the imposed time limits. Both the applicant and the city must agree to the time extension and must execute a time extension form that will become a part of the subdivision file.

(G) The final plat, when approved, shall be submitted by the applicant to the Rice County Recorder for recording. A developer’s agreement must be recorded prior to or simultaneously with the plat. The final plat must be recorded within 180 days from the date of approval or it will become null and void. If recording is not accomplished according to these procedures, the city may require another review of the proposed subdivision according to these regulations and state law. Prior to recording, the final plat must be signed by representatives of the city and the applicant must post all required security in a city approved manner. If a final plat is submitted for a portion of the area encompassed in the preliminary plat and it is recorded within 180 days from the date of approval, the remaining portion of the preliminary plat will remain valid for 2 years. That portion of a preliminary plat for which a final plat is not submitted and recorded or for which a time extension form has not been executed between the applicant and the city within this 2-year period, shall become null and void.
(H) Fees for final recording by the county shall be paid by the applicant. The applicant immediately upon recording shall furnish the City Clerk/Treasurer with a reproducible copy of the recorded plat, either chronoflex or its equivalent and 2 prints and an electronic version of the plat in a format the city requests. Failure to furnish the copies shall be grounds for a refusal to issue zoning permits for the lots within a plat.

(I) Any resubmission of a plat application which has been denied by the City Council shall be prohibited for 1 year following denial unless the City Council votes to allow the resubmission either unanimously or by super majority.
(Ord. 180, passed 11-1-2004)

§ 151.042 SOIL TESTS.

The City Council may require soil tests prior to the final approval of any plat. These soil tests shall consist of test holes to a depth necessary to determine the various types of soil to be encountered before reaching a stable base. The test holes when ordered by the City Council or Zoning Board, shall be drilled at the expense of the owner or developer and the information disclosed shall be furnished to the City Council together with a copy of the proposed plat showing the location of each test hole. The information required shall include a report as to the various types of soils encountered and their depths, the level of the ground water and a percolation test and may include additional information. The number of test holes to be drilled and their location on the property which is proposed to be platted will be as directed by the governing body or its authorized representative. In questionable cases, the owner shall be required to furnish a report from a recognized engineering laboratory as to the safety and practicality of the use of the area for building construction, including the feasibility for installation of sewage facilities.
(Ord. 180, passed 11-1-2004)

§ 151.043 APPEALS TO CITY COUNCIL.

The applicant for subdivision approval may appeal the disapproval of a plat by filing a notice of appeal with the City Council no later than 10 days after the date on which the plat was disapproved. The notice of appeal shall set forth in clear and concise fashion the basis for the appeal. The appeal shall be considered at the next regularly scheduled public meeting of the City Council, at which time it may affirm or reverse its decision of the disapproval only by a unanimous vote of the members present at the meeting. On appeal, the applicant shall be allowed to make a presentation to the City Council under the terms, conditions, and procedures as established by the City Council. The City Council shall render a decision affirming or reversing their earlier decision no later than 45 days after the date on which the notice of appeal is filed. If the City Council reverses its prior decision, the applicant may proceed to submit a preliminary or final plat as is appropriate under the conditions for approval agreed to by the City Council.
(Ord. 180, passed 11-1-2004)
§ 151.044 EFFECT OF SUBDIVISION CONTROL.

For 1 year following preliminary approval and for 2 years following final approval, unless the subdivider and the city agree otherwise, no amendment to a comprehensive plan or official control shall apply to or affect the use, development density, lot size, lot layout, or dedication or platting required or permitted by the approved application. Thereafter, pursuant to its regulations, 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 may by resolution or agreement, grant the rights referred to herein for the periods of time longer than 2 years it determines to be reasonable and appropriate.
(Ord. 180, passed 11-1-2004)

§ 151.045 ZONING.

Prior to the approval of the final plat, the applicant shall submit an application to rezone any or all plats of the area previously zoned incorrectly for the proposed use, in accordance with the provisions of Chapter 152.
(Ord. 180, passed 11-1-2004)

§ 151.046 RESTRICTION ON FILING AND RECORDING CONVEYANCES.

(A) Generally. No conveyance of land to which these regulations are applicable shall be filed or recorded if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after 4-21-1961 or to an unapproved plat made after the regulations become effective (Minnesota Statutes).

(B) Registered land surveys. All registered land surveys shall be filed subject to the same procedure as required for the filing of a preliminary plat for platting purposes. The standards and requirements set forth in these regulations shall apply to all registered land surveys. Unless the City Council approves an applicant's request to do so, a registered land survey shall not be used to divide a parcel of land into lots for the purpose of transfer or of ownership or building development, if any of these tracts do not have the required frontage on a dedicated public street.

(C) Metes and bounds.

(1) Conveyances by metes and bounds shall be prohibited where any lots or parcels involved are less than 5 acres in area or have a width of less than 300 feet at the building setback line.

(2) No zoning permit shall be issued for any structure on any parcel of land less than 5 acres in area or having a width of less than 300 feet on an improved public street, at a building setback line.
which is described by metes and bounds until a plat describing the parcel of land is filed with the Rice County Recorder’s office and proof thereof is furnished to the city.

(3) When a conveyance by metes and bounds is made and the parcels involved are between 5 acres and 20 acres in size, a survey of the parcels involved shall be submitted to the City Clerk/Treasurer before any zoning permits will be issued for those parcels, and a copy of the survey should be attached to the deed when it is submitted to the Rice County Recorder’s office for recording.

(D) Exceptions.

(1) The foregoing provisions do not apply to a conveyance if the land described (Minnesota Statutes):

(a) Was a separate parcel of record on 4-1-1945 or the date of adoption of subdivision regulations under Laws 1945, Chapter 287, whichever is later, or of the adoption of subdivision regulations pursuant to a home rule charter;

(b) Was the subject of a written agreement to convey entered into prior to such time;

(c) Was a separate parcel of not less than 2-1/2 acres in area and 150 feet in width on 1-1-1966;

(d) Was a separate parcel of not less than 5 acres in area and 300 feet in width on 7-1-1980;

(e) Is a single parcel of commercial or industrial land of not less than 5 acres having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into 2 or more lots or parcels, any 1 of which is less than 5 acres in area or 300 feet in width; or

(f) 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 2 or more lots or parcels, any 1 of which is less than 20 acres in area or 500 feet in width.

(2) 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 the compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this subdivision shall be subject to the penalties set forth in §§ 151.135 et seq. A municipality may enjoin the conveyance or may recover the penalty by a civil action in any court of competent jurisdiction.

(Ord. 180, passed 11-1-2004)
ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

§ 151.060 GENERALLY.

(A) Before a final plat is approved by the City Council, the owner and subdivider of the land covered by the plat shall execute and submit to the Council a written developers agreement, which shall be binding on their heirs, personal representatives, and assigns, that they will cause no private construction to be made on the plat or file or cause to be filed any application for zoning permits for the construction until all improvements required under this chapter have been made or have been arranged for, in the manner, with respect to the streets to which the lots sought to be constructed have access.

(B) The agreement shall provide that all of the required improvements will be made in accordance with standards established by the City Engineer. This shall include provision for inspections by the City Engineer and shall grant to the City Engineer authority to coordinate the work and improvements to be done under the contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the city in the vicinity. The agreements shall include adequate provisions to insure that all improvements accomplished by the subdivider will comply with the standards.

(C) A developer’s responsibility for contributing to off-tract improvements may be required. Refer to §§ 151.105 et seq. for the standards related to this requirement.

(Ord. 180, passed 11-1-2004)

§ 151.061 IMPROVEMENTS MAY BE PARTIAL.

It is not the intent of this chapter to require the subdivider to develop the entire plat and make all required improvements at 1 time, but no zoning permits shall be granted except on the lots having access to streets on which the required improvements have been made.

(Ord. 180, passed 11-1-2004)

§ 151.062 FINANCIAL GUARANTEE.

(A) Generally. The contract provided for in § 151.060 shall require the applicant to provide a financial guarantee in a form approved by the City Council or the City Attorney, and in an amount based upon the City Engineer’s estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection. The amount of the financial guarantee shall equal 120% of the City Engineer’s estimate. The agreement may further provide for additional sums to be placed in escrow for estimated engineering, legal, and administrative costs.

(B) Escrow deposit; certified check. If an escrow deposit is required, the escrow deposit shall be made with the City Clerk/Treasurer. Upon completion of the work and termination of any liability, the balance remaining in the deposit shall be refunded to the applicant.
(C) Irrevocable letter of credit. An irrevocable letter of credit in a form acceptable to the City Council or City Attorney shall be payable to the order of the city and delivered to the City Clerk/Treasurer in a sum equal to the amount specified in division (A) above, for all the improvements to be furnished and installed by the applicant pursuant to the developer's agreement which have not been completed prior to the approval of the plat. The letter of credit may include an amount for the cost of inspection by the city. In the event of any default in the terms and conditions of the contract the city may, at its discretion, draw upon the letter of credit and use those funds to contract for completion of the improvements required by the contract.

(D) Reduction of letter of credit. Upon receipt of proof satisfactory to the city that work has been completed and financial obligations to the city have been satisfied, with city approval, the security may be reduced by 90% of the financial obligations that have been satisfied. Ten percent of the security shall be retained until all improvements have been completed, all financial obligations to the city satisfied (which includes the duration of the established warranty period), and the required “as built” plans have been received by the city.

(Ord. 180, passed 11-1-2004)

§ 151.063 INSPECTION OF IMPROVEMENTS.

The City Council shall provide for inspection of required improvements during construction and ensure their satisfactory completion. The applicant shall pay to the city an inspection fee based on the estimated cost of inspection. These fees shall be due and payable upon demand of the city and no zoning permits shall be issued until all fees are paid. If the City Engineer finds upon inspection that any 1 or more of the required improvements have not been constructed in accordance with the city’s construction standards and specifications, the applicant shall be responsible for properly completing the improvements.

(Ord. 180, passed 11-1-2004)

§ 151.064 MAINTENANCE OF IMPROVEMENTS.

The developer shall be required to maintain all public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of the improvements by the City Council. Following the acceptance of the dedication of any public improvement by the local government, the city may, in its sole discretion, require the subdivider to maintain the improvement for a period of 1 year from the date of acceptance.

(Ord. 180, passed 11-1-2004)

§ 151.065 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS.

(A) The City Council may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all public improvements as, in its judgment, are not requisite in the
interests of the public health, safety, and general welfare, or which are inappropriate because of the inadequacy or in existence of connecting facilities. Any determination to defer or waive the provision of any public improvement must be made on the record and the reasons for the deferral or waiver also shall be expressly made on the record.

(B) Whenever it is deemed necessary by the City Council to defer the construction of any improvement required under these regulations because of incompatible grades, future planning, inadequate or nonexistent connecting facilities, or for other reasons, the subdivider shall pay his or her share of the costs of the future improvements to the city prior to signing of the final subdivision plat by the City Mayor, or the developer may execute a separate subdivision improvement agreement secured by a letter of credit guaranteeing completion of the deferred improvements upon demand of the city. (Ord. 180, passed 11-1-2004)

§ 151.066 ISSUANCE OF ZONING PERMITS.

(A) The extent of street improvement shall be adequate for vehicular access by emergency vehicles prior to the issuance of a zoning permit.

(B) No zoning permit shall be issued for the final 10% of the lots in a subdivision, or if 10% is less than 2 lots, for the final 2 lots of the subdivision, until all public improvements required by the Zoning Board or City Council for the subdivision have been fully completed and the local government has accepted the developer’s offer(s) to dedicate the improvements. (Ord. 180, passed 11-1-2004)

DESIGN AND IMPROVEMENT STANDARDS

§ 151.080 GENERAL REQUIREMENTS.

Prior to the approval of a plat by the governing body, the applicants shall have agreed, in the manner set forth below, to install the following improvements on the site in conformity with approved construction plans and in conformity with all applicable standards and ordinances. The developer or the municipality shall award contracts for any construction work and material mentioned herein. The contract shall be based upon plans and specifications completed or approved by the City Engineer and approved by the City Council. The Engineer shall supervise or inspect all of the work and shall certify that the work has been finished, and that it has been finished in accordance with plans and specifications approved by the governing body. (Ord. 180, passed 11-1-2004) Penalty, see § 10.99
§ 151.081 LAND REQUIREMENTS.

(A) Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for the purposes proposed by reason of potential flooding, topography, wetlands, or adverse soil or rock formation.

(B) Land subject to hazards to life, health, or property shall not be subdivided until all the hazards have been eliminated, or unless adequate safeguards against the hazards are provided by the subdivision plan.

(C) Proposed subdivisions shall be coordinated with existing neighborhoods, so that the city as a whole may develop efficiently and harmoniously. Water mains and sanitary sewer collection pipes shall be provided to serve the subdivision by extension of the existing city water system and sanitary collection system. Service connections shall be stubbed to the property line and all necessary fire hydrants shall also be provided. Extensions of the public water supply system and sanitary sewer collection system shall be designed so as to provide a water supply and sanitary sewer collection in accordance with the standards of the city.

(Ord. 180, passed 11-1-2004) Penalty, see § 10.99

§ 151.082 SITE DESIGN STANDARDS.

(A) Site analysis. An analysis shall be made of characteristics of the development site, such as site context; geology and soil; topography; existing vegetation; structures and road networks; and past and present use of the site.

(B) Subdivision and site design.

(1) Design of the development shall take into consideration all existing local plans of the community and shall conform to Chapter 152 requirements.

(2) Development of the site shall be based on the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features.

(3) The following specific areas shall be preserved as undeveloped open space, to the extent consistent with the reasonable utilization of land, and in accordance with state and local regulations:

(a) Unique or fragile areas, including wetlands;

(b) Significant trees or stands of trees;

(c) Steep slopes in excess of 20%, as measured over a 10-foot interval unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken;
(d) Habitats of endangered wildlife; and

(e) Historically significant structures and sites.

(4) The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties.

(5) The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing zoning permits to build on all lots in compliance with Chapter 152 and to meet all health regulations that would be applicable and in providing driveway access to buildings on the lots from an approved street.

(6) The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.

(C) Residential development design.

(1) In conventional developments, the Zoning Board or City Council may vary lot areas and dimensions, yards, and setbacks for the purpose of encouraging and promoting flexibility, economy, and environmental soundness in layout and design, provided that the average lots areas and dimensions, yards, and setbacks within the subdivision conform to the minimum requirements of the city’s zoning regulations, and provided that the standards shall be appropriate to the type of development permitted.

(2) Residential lots shall be encouraged to front on local or collector streets, and discouraged from fronting arterial streets.

(3) Every lot shall have sufficient access to it for emergency vehicles as well as for those needing access to the property in its intended use.

(4) The placement of units in residential developments shall take into consideration topography, privacy, building height, orientation, drainage, and aesthetics.

(5) Buildings shall be spaced so that adequate privacy is provided for units.

(D) Commercial and industrial development design. Commercial and industrial developments shall be designed according to the same principles governing the design of residential developments; namely, buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable. Factors such as drainage, noise, odor, and surrounding land uses shall be considered in siting buildings; sufficient access shall be provided; and adverse impacts buffered.
(E) Circulation system design.

(1) The road system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.

(2) In residential subdivisions, the road system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic.

(3) The pedestrian system shall be located as required for safety. In conventional developments, walks shall be placed parallel to the street, with exceptions permitted to preserve natural features or to provide visual interest. In planned developments, walks may be placed away from the road system, but they may also be required to be parallel to the street for safety reasons.

(F) Block design.

(1) Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depths. Exceptions to this standard shall be permitted in blocks adjacent to arterial roads, railroad lines, or where 1 tier of lots is necessary because of topographical conditions.

(2) Double-frontage or lots on 2 parallel streets shall be permitted only in the following cases:

   (a) Where vehicular and pedestrian accesses are prohibited between lots and an arterial street is prohibited; and

   (b) Where topographical or other conditions render subdividing lots in different configurations unreasonable. The double-frontage lots shall have an additional depth of at least 20 feet in order to allow space for the planting of screening vegetation or placement of other screening options along the back lot line.

(3) The lengths, widths, and shapes of blocks shall conform to the following, based upon the type of development proposed:

   (a) In residential areas, block lengths shall not exceed 1,200 feet nor be less than 600 feet in length. Block length and width or acreage within bounding streets shall accommodate the size of residential lots required in the area by Chapter 152, and provide for convenient access, circulation control, and safety of street traffic; and

   (b) In commercial or industrial areas, block width shall be suitable for their respective use, including adequate space for off street parking, deliveries, and loading. The facilities shall be provided with safe and convenient access to the street system.

(4) In long blocks, the Zoning Board or City Council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
(5) Pedestrian ways or crosswalks may be required by the Zoning Board where it is deemed essential to provide circulation or access to schools, playgrounds, shopping areas, or other community facilities. Suitable surfacing shall be provided in pedestrian ways and shall be subject to city review.

(G) Landscape design.

(1) Reasonable landscaping should be provided at site entrances, in public areas, and adjacent to buildings. The type and amount of landscaping shall be allowed to vary with the type of development.

(2) Planting or other landscaping material that best serves the intended function shall be selected. Landscaping materials shall be appropriate for the Upper Midwest environment, the Morristown soil conditions, and the availability of the local water supply. The impact of the proposed landscaping plan at various time intervals shall also be considered.

(Ord. 180, passed 11-1-2004) Penalty, see § 10.99

§ 151.083 EASEMENTS.

(A) Provided for utilities. A minimum 10-foot easement for drainage and utilities shall be provided on all lot lines. In the case of side or rear lot lines, these may be centered on the lot line. These easements shall be furnished by the owner at no cost to the municipality.

(B) Provided for drainage. Easements shall be provided along each side of the center line of the water course or drainage channel, whether or not shown on the Comprehensive Plan, to a sufficient width to provide proper maintenance and protection to provide for storm water runoff and to provide for installation and maintenance of storm sewers. Drainage easements shall be furnished by the owner at no cost to the municipality.

(C) Continue utility easement locations. Utility easements shall connect with easements established on adjoining property. These easements, when approved, shall not thereafter be changed without the approval of the City Council after a public hearing.

(D) Dedication. All easements shall be dedicated for the required use and shall be shown on the final plat.

(Ord. 180, passed 11-1-2004) Penalty, see § 10.99

§ 151.084 OPEN SPACE AND RECREATION.

(A) Minimum requirements.

(1) Generally. In all plats, the governing body shall require a recreational land contribution to be used in connection with the development of a general park system in the city. All recreation areas dedicated to the city shall be subject to approval by the governing body. A cash contribution may be used in lieu of the land dedication or, in some instances, may be required by the city.
(2) **Amount of open space required.** Ten percent of the tract proposed for development shall be set aside for use as developed and/or undeveloped open space. This amount of land is the city’s best estimate of need for open space to accommodate the increased usage of the space by the population of the proposed development. If a cash contribution is to be used in lieu of land dedication, the cash payment shall equal the value of the land dedication requirement as determined by a certified appraiser who shall determine the current market value of the property with development potential. The cost of the appraisal shall be borne by the developer. The cash contribution amount specified above is the city’s best estimate for undertaking needed improvements to its open space facilities based upon the increased usage resulting from new development.

(3) **Size of open space parcels.** In general, land reserved for recreation purposes shall have an area of at least 4 acres. When the area reservation amount for a development would equal less than 4 acres, the Zoning Board may require the area designated for this use be located at a suitable place on the edge of the subdivision so that additional land may be added at the time as the adjacent land is subdivided. In no case shall an area of less than 2 acres be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area. In these instances, the developer may choose the cash contribution option or choose construction methods referred to in division (C) below, or a combination of these options.

(4) **Location of open space parcels.** Open space parcels shall be convenient to the dwelling units they are intended to serve. However, because of noise generation, they shall be sited with sensitivity to surrounding development.

(B) **Improvement of open space parcels.**

(1) **Developed open space.** All land to be reserved for dedication to the local government for park purposes shall have prior approval of the City Council and shall be shown marked on the plat “Reserved for Park and/or Recreation Purposes.” The Zoning Board or City Council may require the installation of recreational facilities, taking into consideration:

(a) The character of the open space land;
(b) The estimated age and recreation needs of persons likely to reside in the development;
(c) The proximity, nature, and excess capacity of existing municipal recreation facilities; and
(d) The cost of the recreational facilities.

(2) **Undeveloped open space.** As a general principle, undeveloped open space should be left in its natural state. A developer may make certain improvements such as the cutting of trails for walking or jogging, or the provision of picnic areas. In addition, the Zoning Board may require a developer to make other improvements, such as removing dead or diseased trees, thinning trees, or other vegetation to encourage more desirable growth, and grading and seeding.
Subdivision Regulations

(C) Other uses of land that may be counted towards filling the recreation reservation requirement.

(1) If a developer constructs a looped road turn around at the end of a cul-de-sac, the amount of land contained within the loop that is left in natural vegetation may count towards the recreational reservation requirement.

(2) If a developer constructs a walking and/or biking pathways in the development, that are separate and distinct from motorized routes, the amount of land used for this purpose or the cost for making the improvement for this use may count towards the recreational reservation requirement.

(D) Exceptions to the standards. The Zoning Board or City Council may permit minor deviations from open space standards when it can be determined that:

(1) The objectives underlying these standards can be met without strict adherence to them; and/or

(2) Because of peculiarities in the tract of land or the facilities proposed, it would be unreasonable to require strict adherence to these standards.

(E) Deed restrictions. Any lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions approved by the City Attorney ensuring that:

(1) The open space area will not be further subdivided in the future;

(2) The use of the open space will continue in perpetuity for the purpose specified;

(3) Appropriate provisions will be made for the maintenance of the open space; and

(4) Common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee.

(F) Open space ownership. The type of ownership of land dedicated for open space purposes shall be selected by the owner, developer, or subdivider, subject to the approval of the City Council. The type of ownership may include, but is not necessarily limited to, the following:

(1) The municipality, subject to acceptance by the City Council;

(2) Other public jurisdictions or agencies, subject to their acceptance;

(3) Quasi-public organizations, subject to their acceptance;

(4) Homeowner, condominium, or cooperative associations or organizations; or

(5) Shared, undivided interest by all property owners in the subdivision.
(G) **Homeowners association.** If the open space is owned and maintained by a homeowner or condominium association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for the preliminary approval. The provisions shall include, but are not necessarily limited to, the following:

1. The homeowners association must be established before the homes are sold;
2. Membership must be mandatory for each home buyer and any successive buyer;
3. The open space restrictions must be permanent, not just for a period of years;
4. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
5. Homeowners must pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the homeowners association; and
6. The association must be able to adjust the assessment to meet changed needs.

(H) **Maintenance of open space areas.** The person or entity identified as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance.

(I) **Preservation of natural features and amenities.** Existing features that would add value to residential development or to the local government as a whole, such as trees, watercourses, historic spots, or similar irreplaceable assets, shall be preserved in the design of the subdivision.

(J) **Appeal of open space and recreational lands.** The developer may appeal the open space and recreational land dedication or cash contribution requirements specified herein. However, the costs of conducting the study needed to prove the impacts from the development will not overburden the city’s need for open space, recreational space, or the need to make improvements to the city’s recreational space will be borne by the developer.

(Ord. 180, passed 11-1-2004) Penalty, see § 10.99

§ 151.085 ADEQUATE PUBLIC FACILITIES.

(A) **Generally.** No plat shall be approved unless the City Council determines that public facilities will be adequate to support and service the area of the proposed subdivision. The applicant shall, at the request of the Zoning Board and/or the City Council, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on public facilities by possible uses of the subdivision. Public facilities and services to be examined for adequacy will include roads and other transportation routes, sewerage, water service, storm water drainage facilities, and others as determined by city staff, Zoning Board, or City Council.
(B) **Extension policies.** All public improvements and required easements shall be extended through the subdivision on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines, and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure. The City Council may require the applicant of a subdivision to extend off-site improvements to reach the subdivision or oversize required public facilities to serve anticipated future development as a condition of plat approval.

(C) **Trunk facilities and alternative installation.** Where a larger size water main, sanitary sewer, storm drain, or similar facility is required to serve areas outside the subdivision, the larger facility required shall be constructed. Additional costs shall be allocated pursuant to established city policies. The City Council may elect to install any or all of the required public improvements pursuant to a cash escrow agreement or other financial arrangements with the applicant.

(Ord. 180, passed 11-1-2004) Penalty, see § 10.99

§ 151.086 STEETS.

(A) **General requirements.**

(1) The arrangement of streets shall conform to the circulation plan of the Comprehensive Plan or the official map of the city.

(2) For streets not shown on the Comprehensive Plan or official map, the arrangement shall provide for the appropriate extension of existing streets.

(3) Residential streets shall be arranged so as to discourage through traffic and provide for maximum privacy.

(4) No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street or road.

(5) Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the standards referenced in division (G)(3) and/or division (K).

(B) **Specific requirements.**

(1) **Dead-end streets.** Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts with possible temporary cul-de-sacs, as determined by the city. When a temporary cul-de-sac is constructed, a temporary turn-around facility may be required at the closed end in conformance with the cul-de-sac requirements.

(2) **Private streets and reserve strips.** Private streets and reserve strips shall be prohibited and no public improvement shall be approved for any private street. All streets shall be dedicated for public use. If any person applies to subdivide or replat any land or parcels adjoining an existing private street,
the private street shall be required to be dedicated for public use and scheduled for improvement to public street standards at the time of final plat.

(3) Restriction of access. Access of residential access or residential subcollector streets onto residential collector or arterial streets shall be discouraged at intervals of less than 500 feet.

(4) Marginal access streets. Where a subdivision abuts or contains an existing or planned major arterial street or a railroad right-of-way, a marginal access street approximately parallel to and on each side of the arterial street or railroad right-of-way may be required for adequate protection or residential properties and separation of through and local traffic. The service streets shall be located at a distance from the major arterial or railroad right-of-way suitable for appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial uses, as would be appropriate for the location. The distances also shall be determined with due regard to the requirements of approach grades and future grade separations.

(5) Street jogs. Street jogs with centerline off-sets of less than 150 feet shall not be allowed.

(6) Deflection. When connecting street lines deflect from each other at any 1 point by more than 10 degrees, they shall be connected by a curve with a radius of not less than 100 feet.

(7) Vertical curves. Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall be 20 times the algebraic difference in the percent of grade of the 2 adjacent slopes.

(8) Corner radii. Roadways of street intersections shall be rounded by a radius of not less than 15 feet. Corners at entrances to the turn around portion of cul-de-sacs shall be rounded by a radius of not less than 15 feet.

(C) Topography and arrangement.

(1) Streets shall be related appropriately to the topography. Residential access streets and residential subcollector streets shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many building sites as possible at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.

(2) All streets shall be properly integrated with the existing and proposed system of roads and dedicated rights-of-way.

(3) All streets shall be properly related to special traffic generators such as industries, business districts, school, churches; to population densities; and to the pattern of existing and proposed land uses.
(4) Residential access streets and residential subcollector streets shall be laid out to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

(5) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets or U-shaped streets shall be encouraged where the use will result in a more desirable layout.

(6) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Zoning Board or City Council, the extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracks.

(D) **Half width streets.** The dedication of half width streets following boundary lines of proposed subdivisions shall not be approved except as follows:

(1) Where a half street has been dedicated and recorded on the opposite side of the boundary line. In these cases, the dedication of matching of half streets shall be a requirement; and/or

(2) Where it is evident to the Zoning Board and/or the City Council that the proper layout of the proposed Plat cannot be satisfactorily completed in any other way.

(E) **Construction of half width right-of-way.** The construction of a street within a half width right-of-way is prohibited except as follows:

(1) When a half street is adjacent to side lot lines only; and

(2) Where a half width street right-of-way is adjacent to recorded or dedicated right-of-way on the opposite side of the property boundary line, the developer shall be required to grade the entire width of the driving surface, i.e., between gutters.

(F) **Street hierarchy.**

(1) Streets shall be classified in a street hierarchy system with the design tailored to its function.

(2) The street hierarchy system shall be defined by road function, as specified below:

   (a) Residential access street - lowest order of residential street. Provides frontage for access to lots and carries traffic having destination or origin on the street itself. Designed to carry the least amount of traffic at the lowest speed;

   (b) Residential subcollector street - middle order of residential street. Provides frontage for access to lots, and carries traffic of adjoining residential access streets. Designed to carry somewhat
higher traffic volumes with traffic limited to motorists having origin or destination within the immediate neighborhood;

(c) Residential collector street - highest order of residential street. Conducts and distributes traffic between lower order residential streets to higher order streets (county or state roads). Carries the largest volume of traffic at higher speeds. Its function is to promote free traffic flow; therefore; direct access to homes from this street should be restricted;

(d) Cul-de-sac street - a street with a single means of ingress and egress and having a turnaround. Design of turnaround may vary. Cul-de-sacs shall be classified and designed according to anticipated daily traffic levels; and

(e) Alleys - alleys shall not be permitted in residential areas unless it can be shown that their use is essential to a proper plan, where alleys are used in a proposed business or industrial area, they shall not be less than 24 feet in width.

(G) Roadway width.

(1) Roadway width for each street classification shall be determined by parking and curbing requirements based upon form and intensity of development.

(2) Roadway width shall also consider possible limitations imposed by sight distances, climate, terrain, and maintenance needs. Additional roadway width may be required to promote public safety and convenience. In order to minimize street costs, the minimum width assuring satisfaction of needs shall be selected.

(3) Roadway widths for each street classification are shown below:

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Travel or Moving Lane</th>
<th>Parking Lane (8 Feet)</th>
<th>Total Roadway Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Access Street on-street parking - 1 side</td>
<td>2 lanes at 10 feet</td>
<td>1 at 8 feet</td>
<td>34 feet</td>
</tr>
<tr>
<td>Residential Subcollector Street on-street parking - 1 side</td>
<td>2 lanes at 11 feet</td>
<td>1 at 8 feet</td>
<td>34 feet</td>
</tr>
<tr>
<td>Residential Subcollector Street on-street parking - 2 sided</td>
<td>2 lanes at 11 feet</td>
<td>2 at 8 feet</td>
<td>38 feet</td>
</tr>
<tr>
<td>Residential Collector Street on-street parking - 1 side</td>
<td>2 lanes at 12 feet</td>
<td>1 at 8 feet</td>
<td>34 feet</td>
</tr>
<tr>
<td>Residential Collector Street on-street parking - 2 sided</td>
<td>2 lanes at 12 feet</td>
<td>2 at 8 feet</td>
<td>40 feet</td>
</tr>
</tbody>
</table>
Roadway Width Requirements

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Travel or Moving Lane</th>
<th>Parking Lane (8 Feet)</th>
<th>Total Roadway Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cul-de-Sac Street</td>
<td>&quot;a&quot;</td>
<td>&quot;a&quot;</td>
<td>&quot;a&quot;</td>
</tr>
</tbody>
</table>

NOTES TO TABLE:

"a" - Denotes that the appropriate width of travel lanes, the inclusion of a parking lane or not, and then the required roadway width for a cul-de-sac is dependent upon the level of traffic the cul-de-sac is intended to carry, whether it is intended to be extended at some point in time as a through street, and if it is, what type of street it is likely to be.

(H) Cul-de-sac. A cul-de-sac shall not exceed 750 feet in length. The turn-around radius shall be no less than 45 feet.

(I) Curbs and gutters.

1. Curb requirements shall vary according to street hierarchy and in accordance with the requirements shown in division (K). Curbing may also be required:
   a. For storm water management;
   b. To stabilize pavement edge;
   c. To delineate parking areas;
   d. Ten feet on each side of drainage inlets;
   e. At intersections;
   f. At corners; and
   g. At tight radii.

2. Where curbing is not required, some sort of edge definition and stabilization shall be furnished for safety reasons and to prevent pavement unraveling.

3. Where curbing is required, this requirement may be waived and shoulders and/or drainage swales used when it can be shown that:
   a. Shoulders are required by state regulations;
   b. Soil or topography make the use of shoulders and/or drainage swales preferable; or
   c. It is in the best interests of the community to preserve its rural character by using shoulders and/or drainage swales instead of curbs.
(4) The curbing requirement may be waived where front setbacks exceed 40 feet and it can be demonstrated that sufficient on-site parking exists.

(5) Flexibility regarding curb type shall be permitted as long as the curb type accommodates the system of drainage proposed.

(6) Curbing shall be designed to provide a ramp for bicycles and/or wheelchairs as required by law.

(7) Curbing shall be constructed according to the specifications established by the City Engineer.

(J) Shoulders.

(1) Shoulders and/or drainage swales shall be required instead of curbs when:

(a) Shoulders are required by state law;

(b) Soil or topography make the use of shoulders and/or drainage swales preferable; or

(c) It is in the best interests of the community to preserve its rural character by using shoulders and/or drainage swales instead of curbs.

(2) Shoulder requirements shall vary according to street hierarchy and in accordance with the requirements shown in division (K) below.

(3) Shoulders shall measure 4 feet in width on each side for all streets and shall be located within the right-of-way as shown in division (K) below. The width of swales shall be determined by site specific conditions.

(4) Shoulders shall consist of stabilized turf or other material acceptable to the Zoning Board or City Council.

(K) Right-of-way.

(1) The right-of-way shall be measured from lot line to lot line and shall be sufficiently wide to contain the roadway, curbs, shoulders, sidewalks, graded areas, utilities, and shade trees (if placed within the right-of-way). Additional right-of-way widths may be required to promote public safety and convenience. Right-of-way requirements are shown in below.

(2) The right-of-way width of a new street that is a continuation of an existing street shall in no case be continued at a width less than that of the existing street.
## Subdivision Regulations

### Right-of-Way Width Requirements

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Roadway Width</th>
<th>Curb Required</th>
<th>Sidewalk or Graded Area</th>
<th>Total Right-of-Way</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Access Street on-street parking - 1 side</td>
<td>34 feet</td>
<td>curb</td>
<td>sidewalk 1 side graded area 1 side</td>
<td>50 feet</td>
</tr>
<tr>
<td>Residential Subcollector Street on-street parking - 1 side</td>
<td>34 feet</td>
<td>curb</td>
<td>sidewalk both sides</td>
<td>50 feet</td>
</tr>
<tr>
<td>Residential Subcollector Street on-street parking - 2 sided</td>
<td>38 feet</td>
<td>curb</td>
<td>sidewalk both sides</td>
<td>60 feet</td>
</tr>
<tr>
<td>Residential Collector Street on-street parking - 1 side</td>
<td>34 feet</td>
<td>curb</td>
<td>sidewalk both sides</td>
<td>60 feet</td>
</tr>
<tr>
<td>Residential Collector Street on-street parking - 2 sided</td>
<td>40 feet</td>
<td>curb</td>
<td>sidewalk both sides</td>
<td>72 feet</td>
</tr>
<tr>
<td>Cul-de-Sac Street</td>
<td>“a”</td>
<td>“a”</td>
<td>“a”</td>
<td>“a”</td>
</tr>
</tbody>
</table>

**NOTES TO TABLE:**

“a” - Denotes that the appropriate width of the roadway, the inclusion of a curb or shoulder, the requirement of a sidewalk or graded area, and then the required right-of-way width for a cul-de-sac is dependent upon the level of traffic the cul-de-sac is intended to carry, whether it is intended to be extended at some point in time as a through street, and if it is, what type of street it is likely to be.

(L) **Street grade and intersections.**

1. **Generally.** The full width of the right-of-way of each street dedicated to the plat shall be graded, as specified in the Grading Plan and approved by the City Engineer.

2. **Angle of intersection.** The angle formed by intersecting streets shall not be less than 75 degrees, with 90-degree intersections preferred.

3. **Size of Intersection.** Intersections of more than 4 corners shall be prohibited.

(M) **Pavement section.**

1. All streets and alleys shall be improved with concrete or bituminous surfaces, as specified in the construction plans and as approved by the City Engineer.
(2) Street pavement thickness shall vary by street hierarchy, subgrade properties, and pavement type.

(3) The wearcoat shall be applied to streets or roads within 1 year of their being paved and following at least 1 frost freeze.

(N) Sidewalks.

(1) Sidewalks shall be required depending on road classification and in accordance with the requirements shown in division (K).

(2) Where sidewalks are optional, they may be required if the development is close to pedestrian generators or include pedestrian generators, or to continue an existing walkway along an existing street, or, depending upon probable future development, as indicated in the Comprehensive Plan.

(3) In conventional developments, sidewalks shall be placed in the right-of-way, parallel to the street, unless an exception has been permitted to preserve topographical or natural features or to provide visual interest, or unless the applicant shows that an alternative pedestrian system provides safe and convenient circulation. In commercial and in high density residential areas, sidewalks may abut the curb.

(4) The width of sidewalks shall generally conform to the following standards, however, please refer to division (K) for a more specific sidewalk standard as it is linked to road type:

   (a) For single-family residential developments - 5 feet;

   (b) For multiple-family residential/public buildings - 6 feet;

   (c) For commercial areas - 6 feet; and

   (d) For industrial areas - 6 feet.

(O) Bikeways.

(1) Bicycle lanes, where required, shall be placed in the outside lane of a roadway, adjacent to the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be between the parking lane and the outer lane of moving vehicles. Lanes shall be delineated with markings, preferably striping.

(2) Bikeways shall be constructed according to the specifications approved by the City Engineer.
(P) **Utility and shade tree areas.**

(1) Utilities and shade trees shall generally be located within the right-of-way on both sides of and parallel to the street.

(2) Utility areas shall be planted with grass or ground cover, or treated with other suitable cover material.

(Q) **Lighting.** Installation of street lights shall be required. At a minimum, the outdoor lighting requirements must conform to the following minimum standards.

(1) Lighting for safety shall be provided at intersections, along walkways, at entryways, between buildings, and in parking areas.

(2) Spacing of standards shall be equal to approximately four times the height of the standard.

(3) The maximum height of the standards shall not exceed the maximum building height permitted, or 25 feet, whichever is less.

(4) The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or nuisance to residents, and the design of lighting standards shall be of a type appropriate to the development and the municipality.

(R) **Underground wiring.**

(1) All electric, telephone, television, and other communication lines, both main and service connections, servicing new developments shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing the services.

(2) Lots that abut existing easements or public rights-of-way where overhead electric or telephone distribution supply lines and service connections have previously been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities’ overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening, or an extension of service, or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of the utilities, the replacement or relocation shall be underground.

(3) Where overhead lines are permitted, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines. Alignments and pole locations shall be carefully routed to avoid locations along horizons. Clearing swaths through treed areas shall be avoided by selective cutting and a staggered alignment; trees shall be planted in open areas and at key locations to minimize the view of the poles and the alignments; and alignments shall follow rear lot lines and other alignments.
(4) Year-round screening of any utility apparatus appearing above the surface of the ground, other than utility poles, shall be required.

(S) Signs.

(1) Design and placement of traffic signs shall follow applicable state or local regulations.

(2) At least 2 street name signs shall be placed at each 4-way street intersection, and 1 at each “T” intersection. Signs shall be installed under light standards and free of visual obstruction. The design of street name signs shall be consistent, of a style appropriate to the community, and of a uniform size and color.

(3) Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or is in alignment with the existing or platted street. In that event, it shall bear the name of the existing or platted street. Street names shall conform to the city street naming and property numbering system as applicable.

(4) Site information signs in planned developments shall follow a design theme that is related and complementary to other elements of the overall site design.

(Ord. 180, passed 11-1-2004) Penalty, see § 10.99

§ 151.087 WATER SUPPLY.

(A) Generally. All installations shall be properly connected with an approved and functioning public community water system.

(B) Capacity.

(1) The water supply system shall be adequate to handle the necessary flow based on complete development.

(2) The demand rates for all uses shall be considered in computing the total system demand. The system shall be capable of providing the required fire demand in addition to the required domestic demand.

(3) Fire protection shall be furnished for all developments. Minimum fire flows shall be approved by the Fire Chief or City Engineer.

(4) The water system shall be designed to carry peak hour flows and be capable of delivering the peak hourly demands, as determined by the City Engineer.

(C) System design and placement. System design and placement shall comply with the construction specifications as approved by the City Engineer.
(D) **Fire hydrants.**

(1) Hydrants shall be spaced to provide necessary fire flows. The average area per hydrant shall not exceed 120,000 square feet. In addition, hydrants shall be spaced so that each residence shall be within 400 feet of a hydrant and shall be located no more than 1,000 feet apart.

(2) A hydrant shall be located at all low points and at all high points with adequate means of drainage provided.

(3) Hydrants shall be located at the ends of lines, and valves of full line size shall be provided after hydrant tees at the ends of all dead lines that may be extended in the future.

(4) Size, type, and installation of hydrants shall conform to specifications as approved by the City Engineer.

(Ord. 180, passed 11-1-2004) Penalty, see § 10.99

§ **151.088 SANITARY SEWERS.**

(A) **Generally.** All installations shall be properly connected to an approved and functioning public sanitary sewer system.

(B) **System design and placement.**

(1) The sanitary sewer system shall be adequate to handle the necessary flow based upon complete development.

(2) Average daily residential sewer flow shall be specified in plan submittals by the design engineer and as approved by the City Engineer.

(3) System design and placement shall be approved by the City Engineer.

(Ord. 180, passed 11-1-2004) Penalty, see § 10.99

§ **151.089 STORM WATER MANAGEMENT.**

(A) **Generally.**

(1) No plan will be approved for a plat that is subject to periodic flooding or contains poor drainage facilities until adequate drainage of the streets and lots is made possible.

(2) Design of the storm water management system shall be consistent with the applicable city, county, regional, or state storm drainage control regulations.
(3) The best available technology shall be used to minimize storm water runoff, increase on-site infiltration, encourage natural filtration functions, simulate natural drainage systems, and minimize off-site discharge of pollutants to ground and surface water. The technologies may include measures such as retention basins, recharge trenches, porous paving and piping, contour terraces, and swales.

(4) Drainage easements or land dedication may be required when the easements or land is needed in the public interest for purposes of proper drainage, prevention of erosion, or other public purpose. The owner shall furnish all necessary slope easements and drainage easements at no cost to the municipality.

(B) System strategy and design. Storm water management system design shall be approved by the City Engineer.
(Ord. 180, passed 11-1-2004) Penalty, see § 10.99

§ 151.090 EROSION AND SEDIMENT CONTROL.

(A) The development shall conform to the natural limitations presented by topography and soil, so as to create the least potential for soil erosion.

(B) Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control erosion.

(C) Land shall be developed in increments of workable size, such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any 1 period of time.

(D) When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the development agreement.

(E) Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. Topsoil shall be restored or provided to a depth of 4 inches and shall be of a quality at least equal to the soil quality prior to development.

(F) Natural vegetation shall be protected wherever possible.

(G) Runoff water shall be diverted to a sedimentation basin before being allowed to enter the natural drainage system. Storm water runoff from the developed site shall not, at any time, exceed the existing runoff level.
(Ord. 180, passed 11-1-2004) Penalty, see § 10.99
§ 151.091 SURVEY MONUMENTS.

All subdivision boundary corners, block and lot corners, road intersection corners, and points of tangency and curvature shall be marked with survey monuments meeting the minimum requirements of state law. All U.S., state, county, and other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position, unless a relocation is approved by the controlling agency. All lot corner pipes or iron rods shall be a minimum of 1/2 inch in diameter, 18 inches in length, and shall be inscribed with the registration number of the land surveyor making the survey, as prescribed in M.S. Ch. 505, as it may be amended from time to time.  
(Ord. 180, passed 11-1-2004) Penalty, see § 10.99

OFF-TRACT IMPROVEMENTS

§ 151.105 PURPOSE.

This subchapter is intended to ensure a pro rata share allocation of the costs for off-tract improvements necessitated by new development.  
(Ord. 180, passed 11-1-2004)

§ 151.106 DEFINITION AND PRINCIPLES.

As a condition of final subdivision approval, the City Council may require an applicant to pay a pro rata share of the cost of providing reasonable and necessary circulation improvements and water, sewerage, drainage facilities, and other improvements, including land and easements, located off-tract of the property limits of the subdivision or development but necessitated or required by the development. “Necessary” improvements are those clearly and substantially related to the development in question. The City Council shall provide in its resolution of approval the basis of the required improvements. The proportionate or pro rata amount of the cost of the facilities within a related or common area shall be based on the following criteria. 
(Ord. 180, passed 11-1-2004)

§ 151.107 COST ALLOCATION.

(A) Full allocation. In cases where off-tract improvements are necessitated by the proposed development, and where no other property owner(s) receive(s) a special benefit, the applicant may be required at his or her sole expense and as a condition of approval, to provide and install the improvements.
(B) Proportionate allocation. Where it is determined those properties outside the development will also be benefitted by the off-tract improvement; the following criteria shall be utilized in determining the proportionate share of the cost of the improvements to the developer.

(1) For sanitary sewers. The applicant’s proportionate share of distribution facilities, including the installation, relocation, or replacement of collector, trunk, and interceptor sewers, and associated appurtenances, shall be computed as follows:

(a) The capacity and the design of the sanitary sewer system shall be based on standards specified or approved by the City Engineer;

(b) The City Engineer shall provide the applicant with the existing and reasonably anticipated peak hour flows as well as capacity limits of the affected sewer system; and

(c) If the existing system does not have adequate capacity to accommodate the applicant’s flow given existing and reasonably anticipated peak-hour flows, the pro rata share shall be computed as follows:

\[
\frac{\text{Developer's cost}}{\text{Total cost of enlargement or improvement}} = \frac{\text{Development generated gallons per day to be accommodated by the enlargement or improvement}}{\text{Capacity of enlargement or improvement (gals. per day)}}
\]

(2) For water supplies. The applicant’s proportionate share of water distribution facilities including the installation, relocation, or replacement of water mains, hydrants, valves, and associated appurtenances shall be computed as follows:

(a) The capacity and the design of the water supply system shall be based on the standards specified or approved by the City Engineer;

(b) The City Engineer shall provide the applicant with the existing and reasonably anticipated capacity limits of the affected water supply system in terms of average demand, peak demand, and fire demand; and

(c) If the existing system does not have adequate capacity as defined above to accommodate the applicant’s needs, the pro rata share shall be computed as follows:

\[
\frac{\text{Developer's cost}}{\text{Total cost of enlargement or improvement}} = \frac{\text{Development generated gallons per day to be accommodated by the enlargement or improvement}}{\text{Capacity of enlargement or improvement (gals. per day)}}
\]

(3) For streets or roads. The applicant’s proportionate share of street improvements, alignment, channelization, barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements not covered elsewhere, the construction or reconstruction of new or existing streets, and other associated street or traffic improvements shall be as follows:
(a) The City Engineer shall provide the applicant with the existing and reasonably anticipated future peak-flows for the off-tract improvement; and

(b) If the existing system does not have adequate capacity as defined above, the pro rata share shall be computed as follows:

\[
\frac{\text{Developer's cost}}{\text{Total cost of enlargement or improvement}} = \frac{\text{Development peak hour traffic to be accommodated by the enlargement or improvement}}{\text{Capacity of enlargement or improvement (peak hour traffic)}}
\]

(4) For drainage improvements. The applicant’s proportionate share of storm water and drainage improvements including the installation, relocation, or replacement of storm drains, culverts, catch basins, manholes, riprap, improved drainage ditches and appurtenances, and relocation or replacement or other storm drainage facilities or appurtenances, shall be determined as follows:

(a) The capacity and the design of the drainage system to accommodate storm water runoff shall be computed by the developer’s engineer and approved by the City Engineer; and

(b) The capacity of the enlarged, extended, or improved system required for the subdivision and areas outside of the developer’s tributary to the drainage system shall be determined by the developer’s engineer subject to approval of the City Engineer. The developer’s engineer shall prepare the plans for the system improvements and the estimated cost of the enlarged system calculated by the City Engineer. The pro rata share for the proposed improvements shall be computed as follows:

\[
\frac{\text{Developer's cost}}{\text{Total cost of enlargement or improvement}} = \frac{\text{Development generated peak rate of runoff expressed in cubic feet per second to be accommodated by the enlargement or improvement}}{\text{Capacity of enlargement (total capacity expressed in cubic feet per second)}}
\]

(5) For other improvements. The applicant’s proportionate share of other capital improvements shall be computed as follows:

\[
\frac{\text{Developer's cost}}{\text{Total cost of enlargement or improvement}} = \frac{\text{Development share of enlargement or improvement}}{\text{Capacity of enlargement or improvement}}
\]

(Ord. 180, passed 11-1-2004)

§ 151.108 ESCROW ACCOUNTS.

Where the proposed off-tract improvement is to be undertaken at some future date, the monies required for the improvement shall be deposited in a separate interest-bearing account to the credit of the city until the time as the improvement is constructed. If the off-tract improvement is not begun within 2 years of deposit, all monies and interest shall be returned to the applicant.

(Ord. 180, passed 11-1-2004)
§ 151.120 PURPOSE.

The documents to be submitted are intended to provide the municipality with sufficient information and data to assure compliance with all municipal codes and specifications and ensure that the proposed development meets the design and improvement standards contained in this chapter. The specification of documents to be submitted is based on the type of development and particular stage of development application.
(Ord. 180, passed 11-1-2004)

§ 151.121 REQUIREMENTS.

The documents and information to be submitted are shown below. In specific cases and for documented reasons, the municipality may waive the submission of a particular document. The reasons for waiver shall be indicated in the minutes of the approving authority.

<table>
<thead>
<tr>
<th>Required Submission Documents</th>
<th>Sketch Plan</th>
<th>Preliminary Plat</th>
<th>Final Plat</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I. Plat Information</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Name, address of owner and/or applicant</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>2. Name, signature, license number, seal and address of land surveyor, engineer, architect, or other person involved in preparing the plat.</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>3. Name of subdivision - which shall not duplicate the name of any plat previously recorded in Rice County</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>4. Title block, denoting type of application, county name, and name of city.</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>5. A key map at specified scale showing location of tract with reference to surrounding properties, streets, municipal boundaries, school district boundaries, or other key geographic references within 500 feet of the development property and the date of the survey.</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>6. Location of boundary lines in relation to a known section, quarter section, or quarter-quarter section lines comprising a legal description of the property.</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>7. North arrow and scale (not more than 100 feet per inch)</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
### Required Submission Documents

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<tr>
<td>8. Proof of property title</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>9. Title opinion and abstract</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>10. Proof that taxes are current</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>11. Signature blocks for Mayor, City Clerk/Treasurer, and City Engineer</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>12. Certification blocks:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. for registered land surveyor indicating that all the monuments shown on the plat actually exist, and location, size, and material are correctly shown.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Notarized certification by owner, and by any mortgage holder by record, of the adoption of the plat and dedication of streets, easements, other rights-of-way, and any lands for public use.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. for the Rice County Treasurer indicating that all taxes and special assessments against the property have been paid in full prior to recording of the plat.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Approval and review blocks to be signed by the Zoning Board Chairperson, the City Mayor, and the City Clerk/Treasurer.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Space for a certificate of review and approval to be signed by the Zoning Board, such as: “This plat of _______ was approved and accepted by the Zoning Board of Morristown at a meeting held this ______ day of __<strong><strong>, 20</strong></strong>.”</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Space for a certificate of review and approval to be signed by the City Council, such as: “This plat of _______ was approved and accepted by the City Council of the City of Morristown at a regular meeting held this ______ day of __<strong><strong>, 20</strong></strong>.”</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Boundary lines of adjoining unsubdivided or subdivided land within 100 feet, identified by name and ownership, including all contiguous land owned or controlled by subdivider.</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>14. Boundary line survey, including measured distance and angles, which shall close by latitude and departure with an error of closure not exceeding 1 foot in 5,000 feet.</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>15. Acreage of tract to the nearest tenth of an acre.</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>16. Existing zoning classification for land in and abutting the subdivision, and other information as requested.</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>17. Monumentation</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>18. Plat shall be on 22 inches x 34 inches sheets or larger.</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
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<tbody>
<tr>
<td>19. Date of original and all revisions</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>20. Location and dimensions of any existing or proposed streets.</td>
<td></td>
<td>X (general)</td>
<td>X</td>
</tr>
<tr>
<td>21. Dimensions, bearings, curve data, length of tangents, radii, arcs, and central angles for all centerlines and rights-of-way, and centerline curves on streets.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>22. Existing rail lines and/or rail rights-of-way.</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>23. Existing electric power lines and street lights.</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>24. Existing gas and oil pipelines.</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>25. Existing parks, public lands, and land to be set aside for public use.</td>
<td></td>
<td>X (general)</td>
<td></td>
</tr>
<tr>
<td>26. Existing buildings and structures, size, location, and setbacks.</td>
<td></td>
<td>X (general)</td>
<td></td>
</tr>
<tr>
<td>27. Easements, existing and proposed.</td>
<td></td>
<td>X (general)</td>
<td>X</td>
</tr>
<tr>
<td>28. All proposed lot lines and area of lots (sq. ft.)</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>29. Proposed restrictive covenants if they are to be used for preliminary plat. Restrictive covenants, if any, of all adjoining subdivisions.</td>
<td></td>
<td>X (existing)</td>
<td>X</td>
</tr>
<tr>
<td>30. Development stages or staging plans.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>31. List of required regulatory approvals or permits.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>32. List of variances required or requested.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>33. Payment of application fees.</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

### II. Environmental Information

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>34. All existing wetlands or other environmentally sensitive areas on and within 100 feet of the site.</td>
<td></td>
<td>X (general)</td>
<td>X</td>
</tr>
<tr>
<td>35. Two copies of a complete topographic map with contour intervals not greater than 2 feet, superimposed on at least 1 print of the preliminary plat that extends at least 100 feet beyond the subject property. United States Geologic Survey datum shall be used for all topographic mapping.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>36. Boundary, limits, nature and extent of wooded areas, specimen trees, and other significant physical features.</td>
<td></td>
<td>X (general)</td>
<td>X</td>
</tr>
<tr>
<td>37. Complete drainage concept including proposed grading and drainage of site.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
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<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>III. Improvements and Construction Information</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38. Proposed utility infrastructure plans, including sanitary sewers, water supply, storm water management, fire hydrants, telephone, electric, and cable TV.</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>39. Soil erosion and sediment control plan.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40. Proposed street names.</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>41. Road and paving cross-sections and profiles.</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>42. New block and lot numbers.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>43. Lighting plan and details.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>44. Landscape plan and details.</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>45. Site identification signs, traffic-control signs, and directional signs.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>46. Vehicular and pedestrian circulation patterns.</td>
<td>X (general)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>47. Parking plan showing spaces, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

(Ord. 180, passed 11-1-2004)

### ENFORCEMENT

**§ 151.135 VIOLATIONS.**

(A) **Sales of lots from unrecorded plats.** It shall be a misdemeanor 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 this chapter unless the plan, plat, or replat shall have first been recorded in the office of the Recorder of Rice County.

(B) **Receiving or recording unapproved plats.** It shall be unlawful for a private individual to receive or record in any public office any plans plats of lands laid out in building lots and streets, 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 jurisdiction of this chapter, unless the same shall thereon, by endorsement or otherwise, be approved by the City Council.

(C) **Misrepresentation.** It shall be a misdemeanor for any person owning an addition or subdivision of land within a city to represent that any improvement upon any of the streets, alleys, or avenues of the
addition or subdivision has been constructed according to the plan’s specifications approved by the City Council, or has been supervised or inspected by the city when the improvements have not been so constructed, supervised, or inspected.

(D) Misdemeanor. Anyone violating any of the provisions of this chapter shall be guilty of a misdemeanor. Each day during which compliance is delayed shall constitute a separate offense. In addition, nothing shall prevent the city from exercising its civil remedies in response to a violation of this chapter, including, but not limited to, an action for an injunction.

(Ord. 180, passed 11-1-2004) Penalty, see § 10.99

§ 151.136 FEES, CHARGES, AND EXPENSES.

(A) Fees and charges, as well as expenses incurred by the city for engineering, planning, attorney, and other services related to the processing of application, shall be established by resolution of the Council and collected by the City Clerk/Treasurer for deposit in the city’s accounts. Fees shall be established for the processing of request for platting, major and minor subdivisions, review of plans, and any other subdivision-related procedures as the Council may from time to time establish. The Council may also establish charges for public hearings, special meetings, or other such Council or Zoning Board actions as are necessary to process application.

(B) The fees, charges, and estimated expenses, shall be collected prior to city action on any application. All the applications must be accompanied by a written agreement between the city and the applicant/land owner (when the land owner and applicant are not the same person or entity, both the land owner and applicant must sign the agreement). Whereby the applicant/land owner agrees to pay all applicable fees, charges, and expenses as set forth by Council resolution, and which allows the city to assess that the above fees, charges, and expenses against the land owner if the monies are not paid within 30 days after a bill is sent to the applicant/land owner.

(C) The fees referred to above are only an estimate of the expense the city may incur. The applicant is responsible for any and all fees incurred by the city that result from his or her request. All charges are due and payable before the city signs a plat.

(D) These fees shall be in addition to sewer access charges, water access charges, zoning permit fees, inspection fees, subdivision fees, charges and expenses, and other such fees, charges, and expenses currently required by ordinance, or which may be established by ordinance in the future.

(Ord. 180, passed 11-1-2004)