

**ORDINANCE NO. 2019-100
CITY OF ROCKVILLE
SUBDIVISION
ORDINANCE**

JULY 10, 2019

AMENDED

**ORDINANCE # 2008-45: Certain sections of Subdivision Ordinance
Preliminary Plat, Final Plat, Minor Subdivisions
(February 6, 2008)**

**ORDINANCE # 2009-60: Regarding Park Dedication Cash In-Lieu Calculations
(June 17, 2009)**

**ORDINANCE # 2019-100 Certain Sections of Subdivision Ordinance (July 10,
2019)**

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SECTION 1
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This Ordinance shall be known as the "Subdivision Ordinance of the City of Rockville" and is referenced as "this Ordinance".

SECTION 2 PURPOSE, JURISDICTION AND CONVEYANCES

Subdivision 1: PURPOSE

Pursuant to the authority contained in Minnesota Statutes, Section 462.358, this Ordinance is adopted for the following purposes:

1. Assure that new additions will harmonize with the overall development objectives of the community.
2. Encourage well planned subdivisions by establishing optimum development standards.
3. Secure the rights of the general public with respect to public land and water.
4. Improve land records by establishing standards for surveys and plats.
5. Place the cost of improvements against those benefiting.
6. Assure that public improvements such as streets, utilities and drainage are constructed to satisfactory standards.
7. Provide common grounds of understanding between prospective sub-dividers and municipal officials.

Subdivision 2: JURISDICTION

The regulations herein governing plats and subdivision of lands shall apply within the corporate limits of the City, and as provided for in areas designated for orderly annexation or where otherwise provided for in State Statute.

Subdivision 3: RESTRICTION - RECORDING CONVEYANCES

No conveyance of land which is subject to this Ordinance shall be filed or recorded if provisions of this Ordinance are not met. Conveyances not in compliance with these regulations will be refused a building permit.

Subdivision 4: APPLICABILITY

1. All subdivisions of land within the corporate limits of the City of Rockville hereafter submitted for approval shall fully comply in all respects with the regulations set forth in this Ordinance. Plans of group developments for housing commercial, industrial or other uses or for any combination of uses designed for sale or rental purposes shall be presented in the same manner as subdivisions for the review of the Planning Commission and the approval of the City Council.

2. The following land or parcel subdivisions or conveyances are subject to this Ordinance:
 - A. Any subdivision of platted or un-platted property.
 - B. Lands which are to be divided into two (2) or more lots or parcels.
 - C. Planned Unit Developments.
 - D. Any un-platted land transferred from one zoning district to another at the request of the property owner.

SECTION 3 GENERAL REQUIREMENTS AND DEFINITIONS

Subdivision 1: GENERAL REQUIREMENTS

1. **Established Monuments.** All federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise location; and it shall be the responsibility of the sub-divider to insure that these markers are maintained in good condition during construction and development. All section, quarter section, and sixteenth section corners shall be duly described and tied.

2. **Preservation of Natural Features.** The Planning Commission may establish any existing natural features in order to preserve any trees, groves, water courses, beaches, wetlands, historic sites, vistas and similar irreplaceable assets which add value to all developments and to the community as a whole. No plat shall be approved that destroys natural features identified by the Planning Commission and City Council for preservation. The Planning Commission and City Council may require that such natural features be preserved by platting them into separate outlots.

3. **Land Subject to Flooding.** No plat shall be approved for any subdivision which covers an area subject to periodic flooding or which is otherwise poorly drained.

Subdivision 2: DEFINITIONS

For the purpose of this Ordinance, the following terms are defined:

“Alley” Any dedicated public way providing a secondary means of ingress and/or egress to land.

“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 river or lake.

“City” The City of Rockville, Minnesota.

“City Council” The Rockville City Council.

“City Engineer or Consulting Engineer” A professional engineer as designated by the City Council.

“Comprehensive Plan” A compilation of the City’s policy statements, goals, standards, and maps for guiding the physical, social and economic development,

both private and public, of the municipality and its environs, including air space and subsurface areas necessary for mined underground space development pursuant to Minnesota Statutes Sections 469.135 to 469.141, and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, including proposed densities for development, a community facilities plan, a transportation plan, and recommendations for plan execution. The comprehensive plan represents recommendations for the future development of the community.

“Flood Fringe Area” The portion of the flood plain outside of the floodway.

“Flood Plain” The areas adjoining a watercourse or water basin that have been or may be covered by a regional flood.

“Floodway” The channel of the watercourse, the bed of water basins, and those portions of the adjoining floodplains that are reasonably required to carry and discharge floodwater and provide water storage during a regional flood.

“Half Street” A street having only one-half of its intended right-of-way width developed to accommodate traffic.

“Improvements” Pavement, curbs, gutters, sidewalks, sewer and water facilities, grading, street signs, street lighting, plantings and other items for the welfare of property owners and/or the general public.

“Lot” A portion of a subdivision of land intended for building development or transfer of ownership.

“Official Controls” Ordinances and regulations which control the physical development of the City.

“Owner” Includes any individual, company, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes any executor, administrator, trustee, receiver or other representative appointed by law.

“Parcel” A tract, plot, lot, and/or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, possession, or for building development.

“Pedestrian Way” A public or private right-of-way across a block or within a block to provide access to be used by pedestrians and which may also be used for the installation of utility lines.

“Planned Unit Development” A tract of land developed as a unit rather than as individual development as provided for in the City’s Zoning Code.

“Planning Commission” The Planning Commission of the City of Rockville.

“Plat” The drawing or map of a subdivision prepared for filing of record pursuant to Minn. Statutes Chapter 505 and containing all elements and requirements set forth in regulations adopted pursuant to Minn. Statute Section 462.358 and Chapter 505.

“Plat, Final” A drawing or map of a subdivision meeting all the requirements of the City and in such form as required by the County for purposes of recording.

“Plat, Preliminary” The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

“Plan, Concept” A sketch preparatory to the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching consensus with the Planning Commission as to the form of the plat and the objectives of these regulations. The concept plan must be drawn to scale and should show all existing buildings and site improvements. It should be informative as to the general lot layout and approximate sizes, park location, and street location.

“Protective Covenants” Contracts made between private parties as to the manner in which land may be used, with the view to protect and preserve the physical, social and economic integrity of any given area

“Regional Flood” A flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year recurrence interval.

“Right-of-Way” Land dedicated and publicly owned, in fee or by easement, for use as a street, alley, trail, or walkway.

“Site Map” A map showing existing conditions including all platted parcels, streets, right-of-ways, easements and any predominant topography or natural features such as lakes and wooded areas.

“Street” A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway,

thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated.

- a. **“Arterial”** A street that provides traffic movement to and from the City and surrounding rural areas and cities, to and from regional highways and collector streets, and between major parts of the City.
- b. **“Collector”** Carries traffic from the arterial systems to local street destinations. Provides traffic circulation within neighborhoods and within commercial and industrial areas.
- c. **“Local”** This street serves to provide direct access to abutting properties. Through traffic is discouraged.
- d. **“Frontage Road”** A road intended primarily to provide access to abutting property and located adjacent and generally parallel to a thoroughfare to which access is restricted.
- e. **“Cul-de-sac”** A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

“Street, Grade” On street center line means the distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance.

“Subdivision” The separation of an area, parcel, or tract of land under single ownership into two (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 other use or any combination thereof.

“Subdivision, Minor” Any subdivision containing not more than two lots and which does not involve any new street or road, and that is not likely to precipitate the extension of municipal facilities or public improvements.

SECTION 4 REVIEW AND ACTION

Subdivision 1: APPROVAL OF SUBDIVISIONS REQUIRED

Before any land is subdivided, the Owner of the property proposed to be subdivided must apply for and secure approval of the proposed subdivision in accordance with the procedures set out in this Ordinance.

Subdivision 2: CONCEPT PLAN PROCEDURE

Prior to filing a preliminary plat, the applicant shall elect to prepare a Concept Plan so that the applicant may become informed of the procedural requirements and minimum standards of this Ordinance and the requirements or limitations imposed by other City ordinances or plans. Concept Plans shall be submitted to the Planning Commission. In order for the Planning Commission to review Concept Plans, the applicant must submit the Concept Plans at least thirty (30) days before the next scheduled Planning Commission meeting. Submission of a Concept plan, drawn to scale, shall not be considered an application for subdivision. Any comments, direction or action by staff, the Planning Commission or the City Council shall not be considered binding upon the City for purposes of review of a future subdivision application.

Subdivision 3: ACTION ON PRELIMINARY PLAT

1. **Application.** A person requesting approval of a preliminary plat or subdivision must fill out and submit to the Zoning Administrator a Subdivision Application form, accompanied by the required fee and including the information required under Section 5 of this Ordinance.
2. **Application Deadline.** The Zoning Administrator must receive completed applications at least thirty (30) days prior to the Planning Commissions next scheduled meeting.
3. **Fees.** A fee the City Council shall establish by ordinance must accompany the application. An additional fee may be charged for atypical projects, which in the opinion of the Zoning Administrator will require additional staff time and/or City Expenditures. In such case, the applicant will be required to reimburse the City for administrative time, professional services and costs incurred by the City.
4. **Public Hearing & Notice.** The Zoning Administrator will set a date for the official public hearing.
 - A. **Published Notice.** The City will publish notice of the public hearing time, place and purpose at least once in the City's official newspaper at least ten (10) days before the public hearing.

- B. **Mailed Notice to Property Owners.** The City will also mail notice of the public hearing time, place and purpose not less than ten (10) days and not more than thirty (30) days before the hearing date to all individual property owners within three hundred fifty (350) feet of the parcel included in the request and the 10 closest property owners. The Zoning Administrator must attest and make a part of the proceeding records a copy of the notice and list of the owners and addresses to which the notice was sent. A property owner's failure to receive notice or a defective notice shall not invalidate any proceedings.

- 5. **Referral to Planning Commission.** After the Zoning Administrator has reviewed the application and the date has been set for the public hearing, the Zoning Administrator shall refer the application to the Planning Commission.

- 6. **Planning Commission Review.** The Planning Commission shall consider the request at their next regularly scheduled meeting and shall make a recommendation and report to the City Council after holding the public hearing.
 - A. **Appearance by Applicant.** The applicant or the applicant(s) representative(s) must appear before the Planning Commission in order to answer questions concerning the Subdivision application or plat.

- 7. **Recommendation by the Planning Commission.** After reviewing the Subdivision application, the Planning Commission will make a written recommendation to the City Council within forty-five (45) days after the Zoning Administrator receives the application as to whether the City Council should approve or deny the application.

- 8. **City Council Review.** Upon receiving the Planning Commissions report and recommendation, the City Council will, by resolution, either approve or deny the application.
 - A. **Appearance by Applicant.** The applicant or the applicant(s) representative(s) must appear before the City Council in order to answer questions concerning the Subdivision application or plat.

- 9. **Vote Required.** Approval of a plat or subdivision request will require passage by a majority of the votes cast.

Subdivision 4: APPROVED PRELIMINARY SUBDIVISION

In the event the preliminary plat is not entirely platted in final form (final plat) within one (1) year of approval, the preliminary plat approval shall become null and void unless it is resubmitted and approved by action of the Planning Commission and City Council.

Subdivision 5: PREMATURE SUBDIVISIONS

Any proposed subdivision requiring Council approval and deemed premature for development shall not be approved by the City. The burden of proof for items A thru G listed below is the developer's responsibility. Subdivisions shall be deemed premature if any of the following conditions exist:

1. **Lack of adequate drainage.**

A condition of inadequate drainage shall be deemed to exist if:

- A. Surface or subsurface water retention/detention and/or runoff is such that it constitutes a danger to the structural security of the proposed development or flood of the subdivision or downstream property.
- B. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.
- C. The proposed site grading and development will cause siltation on downstream land.
- D. Factors to be considered in making these determinations shall include, but shall not be limited to: average rainfall for the area; the relation of the land to flood plains; the nature of soils and sub-soils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluents; and the presence of streams as related to effluent disposal.

2. **Lack of adequate water supply.**

A proposed subdivision shall be deemed to lack an adequate water supply if:

- A. There is inadequate capacity in the present system to support the subdivision if developed to its maximum permissible density indicated in the Rockville Comprehensive Plan, as may be amended.
- B. The extension of municipal drinking water is not feasible or is not proposed as part of subdivision improvements.

3. **Lack of adequate streets to serve the subdivision** (and lack assurance of construction as part of the subdivision).
Lack of Adequate Roads or Highways to Serve the Subdivision. A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:
 - A. Roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and/or surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or aggravate an already hazardous condition, and when, with due regard to the advice of the City Engineer, the Stearns County Highway Engineer and/or the Minnesota Department of Transportation, said roads are inadequate for the intended use; or
 - B. The traffic volume generated by the proposed subdivision would create unreasonable traffic congestion or unsafe conditions on highways existing at the time of the application or proposed for completion within the next two (2) years.
4. **Lack of adequate waste disposal systems.**
A proposed subdivision shall be deemed to lack adequate waste disposal systems if:
 - A. There is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density indicated in the Rockville Comprehensive Plan, as may be amended.
 - B. The extension of municipal sanitary sewer is not feasible or is not proposed as part of subdivision improvements.
5. **Inconsistency with the Comprehensive Plan.**
Provision of Public Improvements/Services. If public improvements, such as recreational facilities, streets and utilities and/or public administration and/or public protection services such as police and fire service reasonably necessitated by the subdivision and which must be provided at public expense, cannot be reasonably provided within the next two (2) fiscal years the proposed subdivision shall be deemed premature.
6. **Lack of adequate public improvements** (and lack of assurance of construction as part of the subdivision).
Threat to Environmentally Essential Areas. The proposed subdivision is

inconsistent with policies and standards of the City, the County, the State or Federal Government relating to environmentally sensitive areas and protections.

7. Municipal utility services (water and sanitary sewer) are not available at the boundary and have not been ordered for installation to the boundary of a proposed plat and the City has not as part of a planned unit development approved an alternative to municipal services.

Inconsistency with Comprehensive Plan. The proposed subdivision is inconsistent with the purposes, objectives and recommendations of the duly adopted Comprehensive Plan of Rockville, as may be amended.

Inconsistent with Capital Improvement Plan. A proposed subdivision shall be deemed inconsistent with capital improvement plans when improvements and/or services necessary to accommodate the proposed subdivision have not been programmed in the City, County or other regional capital improvement plans.

The City Council may waive this criterion when it can be demonstrated that a revision to capital improvement programs can be accommodated.

DISQUALIFICATION/DENIAL OF PLATS.

The City Council may deny the subdivision if it makes any one or more of the following findings:

1. That the proposed subdivision qualifies as a premature subdivision under Section _____ of this Title.
2. That the proposed subdivision is in direct conflict with adopted applicable local control (e.g. Zoning Ordinance; Subdivision Ordinance; policies and standards for defined shore lands and/or wetlands) and/or general or specific official plans of the City, County or Region.
3. That the physical characteristics of the site, including but not limited to, topography, percolation rate, soil conditions, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development, design or use contemplated.
4. That the site is not physically suitable for the proposed density of development.

5. That the design of the subdivision or the type of improvements are likely to cause serious public health concerns.
6. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.
7. That the proposed subdivision, its site, or its design adversely affects the flood-carrying capacity of the floodway, increases flood stages and velocities, or increases flood hazards within the floodway fringe or within other areas of the City.

SECTION 5 PRELIMINARY PLAT

Subdivision 1: SUBMISSION REQUIREMENTS.

At least thirty (30) days prior to the next regularly scheduled Planning Commission meeting, the applicant must submit the following to the Zoning Administrator:

1. An application fee as established by the City Council.
2. One (1) 24" x 36" full-size copy of the preliminary plat, plus additional copies as the City requests.
3. One (1) 11" x 17" copy and one (1) 11" x 17" pdf of the preliminary plat.
4. A written statement describing the proposed subdivision, including without limitation, the anticipated development schedule, lots and sizes, utilization of existing natural features and vegetation, etc.
5. Other supplementary material enumerated in this Ordinance, or as deemed necessary by the Planning Commission or the City Council.
6. Additional Submissions for plats adjoining County roads federal, state or state aid roads are required as follows:
 - A. If the proposed plat borders a county road one (1) copy of the preliminary plat must be submitted to the County Engineer.
 - B. If the plat borders a federal state or state aid highway one (1) copy of the preliminary plat must be submitted to the District Engineer of the Minnesota Department of Transportation.
7. Evidence that a copy of the preliminary plat has also been sent to Stearns County Environmental Services.
8. Aerial photos of the property and adjacent property.

Subdivision 2: PRELIMINARY PLAT REQUIREMENTS

The preliminary plat shall contain the following:

1. Names and addresses of the owner and sub-divider having control of the lands included in said preliminary plat, the designer of the plat and the surveyor.

2. A site map showing the area of the proposed preliminary plat, including land within five hundred (500) feet of its boundary.
3. Legal description of the property included in the preliminary plat.
4. Proposed name of subdivision, which name may not duplicate the name of any plat heretofore recorded in Stearns County and which may not be more than 30 characters in length, including spaces.
5. Graphic scale, not less than one (1) inch equals one hundred (100) feet.
6. North point, designated as true north.
7. Date of preparation.
8. Boundary line survey, including measured distances and angles, which shall close by latitude and departure with an error of closure not exceeding one (1) foot in five thousand (5,000) feet.
9. Total acreage in said preliminary plat computed to one hundredth of an acre.
10. If the proposed subdivision is a rearrangement or a re-plat of any former plat, the lot and block arrangement of the original plat along with its original name shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated.
11. Existing conditions, including without limitation, the location and size of existing paved streets, curbs, curb cuts, driveways, free-standing signs, railroads, public ways, parks and public open spaces, permanent buildings and structures, easements, sewers, water mains, storm drains, gas mains, electric & telephone lines & utility poles, including utilities stubbed into the property, quarries, gravel pits, culverts, or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract. Also, such data as grades, invert elevations and location of catch basins, personnel access structures, and hydrants.
12. Boundary lines of adjoining platted or un-platted land and owners of all tracts of land within one hundred (100) feet. Adjoining addresses as shown on the Stearns County 911 system shall be shown.
13. Complete topographic map with contour intervals not greater than two (2) feet, water courses, marshes, wetlands, rock outcrops and other significant features, all superimposed on at least one print of preliminary

plat. If possible the following shall be extended 100 feet from beyond the tract being proposed for preliminary plat.

14. A wetland delineation map shall be provided along with any wetland mitigation plan that is applicable.
15. United States Geodetic Survey datum shall be used for all topographic mapping. High water elevation and date thereof if parts of plat are wet or have been wet. The proposed lowest floor elevation and house type shall be clearly marked.
16. Proposed Features:
 - A. Layout of streets, showing right-of-way widths and names of streets as determined by the City.
 - B. Locations of parks and other public spaces.
 - C. Locations and widths of alleys, pedestrian ways, trails and potential trail locations.
 - D. Locations and width of utility and drainage easements as well as the location and size of storm water holding areas.
 - E. Proposed center line grades of streets and alleys, if any, and a complete set of profiles showing both existing and proposed grade lines.
 - F. Street and lot grading plan.
 - G. Layout, lot and block numbers, and typical lot dimensions scaled to the nearest foot. Square footage for each lot shall be denoted and the buildable area of each lot.
 - H. Areas other than those mentioned above intended to be dedicated for public use, including area and dimensions scaled to the nearest foot.
 - I. The proposed pad locations for structures.
 - J. Proposed driveway locations including finished grade of driveways.
17. Street names or numbers shall be used and shall not duplicate or be confused with names of existing streets. Street names or numbers shall

be determined by the Planning Commission subject to approval by the City Council and forwarded to the Stearns County 911 system by the City after its approval.

18. Limits of Flood Plains, Flood Ways and Flood Fringe Areas, if applicable.
19. Proposed utilities, if known.
20. Contours in 2 foot intervals along with existing land uses and conditions including soils, vegetation, etc.
21. Proposed street grades and drainage (grading plans).
22. Building setback lines.
23. The property's current zoning classification.
24. A separate copy of all Protective Covenants, if any.
25. Other data as may be requested by City staff, the Planning Commission, or the City Council.

Subdivision 3: PRELIMINARY PLAT STANDARDS

1. **General Requirements.** The Planning Commission, in its review of a preliminary plat, will take into consideration the requirements of the community and the best use of the land being subdivided. Particular attention will be given to the arrangement, location and widths of streets, the general drainage situation, lot sizes and arrangement, as well as master plan requirements such as parks, school sites, boulevards and highways, but not limited to these.
2. **All Contiguous Property Included in Preliminary Plat.** The preliminary plat shall include and cover all of the sub-divider's contiguous land, but the final plat may cover only a portion of the preliminary plat provided it is in conformance with an approved preliminary plat and other requirements herein. All of the property is platted as part of the final plat, but property not ripe for development is platted as out lots.
3. **Future Streets and Utilities Considered.** When a tract is subdivided into larger than building lots or parcels, as set forth in the Zoning Ordinance, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate re-subdivision, with provision for adequate utility connections for such re-subdivision. Streets,

trails, and utility easements shall be platted to provide access, connections, and services to adjacent property which may be developed in the future.

4. **Private Street Access.** Subdivisions showing private streets controlling access to public ways shall not receive approval unless part of a Planned Unit Development and the City obtains reasonable assurances regarding maintenance and other issues relating to private roadways. The City may require the formation of a homeowners or property owners association to provide for the maintenance of private streets and/or private open spaces. The City may require that all such associations meet the requirements of the Minnesota Common Interest Community Act.
5. **Deviations from Design Standards.** Deviations from the design standards may be approved by the Planning Commission and the City Council when it is deemed necessary to satisfy or achieve an outcome provided for in a City goal, policy, or ordinance (e.g. affordable housing initiatives, natural resource protection). Such deviations must be approved either as part of a Planned Unit Development or as part of the variance process.

SECTION 6 FINAL PLAT

Subdivision 1: SUBMISSION REQUIREMENTS

The applicant must submit at least thirty (30) working days before the next regularly scheduled Planning Commission meeting the following:

1. One (1) 24" x 36" copy of the final plat, one (1) 11" x 17" copy and one (1) 11" x 17" pdf, plus additional copies as requested.
2. Other supplementary material enumerated in this Ordinance.
3. Final plat review fee and subdivision agreement fee as established by the City Council.

Subdivision 2: ACTION ON FINAL PLAT

1. **Submission within One (1) Year.** Final Plats shall be submitted to the City within one (1) year of the approval of the Preliminary Plat unless the time has been extended by written agreement with the City.
2. **Review by Planning Commission.** Final Plats shall be reviewed by the Planning Commission which will make a recommendation to the City Council.
3. **Review and Approval by City Council.** After receiving the recommendation of the Planning Commission the City Council will review and make a decision as to the approval or disapproval of a Final Plat.
4. **Recording.** If the City Council approves the Final Plat and duly certifies, signs and acknowledges the Final Plat, ***the applicant shall record the Final Plat with the Stearns County recorder's office at the applicant's sole cost within one hundred eighty (180) days after the approval date or the City Council's approval of the Final Plat will be considered null and void.*** Upon recording the Final Plat, the applicant shall provide the Administrative Official with a print of the Final Plat showing evidence of recording.

Subdivision 3: DATA REQUIRED FOR FINAL PLAT

A final plat shall contain the following:

1. The graphic scale of the plat shall be one (1) inch equals one hundred (100) feet.

2. Square footage per lot, lot dimensions, delineation of wetlands, dedicated streets and public sites and open spaces, and total platted land area shall be calculated and submitted with the final plat.
3. The name of the subdivision shall be lettered in prominent print at the top of the plat. The City of Rockville and Stearns County, Minnesota, shall be clearly printed on the plat. The name of the subdivision shall be simple in nature, easy to pronounce, shall not duplicate an exact name of any plat of record in the City of Rockville or in Stearns County, and it shall not exceed thirty (30) characters in length, including spaces.
4. Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of public streets, sites and open spaces, and other public areas.
5. Certifications showing that all taxes and special assessments due on the property have been paid in full.
6. Form of approval by the City Council.
7. Form of approval of the Planning Commission.
8. Form of approval by county authorities as required by their standards.
9. Other information and requirements in accordance with Minnesota Statutes 505.00.

SECTION 7 DESIGN STANDARDS

Subdivision 1: GENERAL STREET DESIGN

Generally, design standards shall assure that the layout of the subdivision harmonizes with existing plans affecting the development of its surroundings and must be in conformity with the City's development objectives for the entire area. No subdivision development may change the pattern of water drainage as to cause water drainage problems in the area outside the subdivision under construction.

1. **General Considerations.** The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to run-off of storm water and to the proposed uses of the area to be served.
2. **Relation to Existing Streets.** Where new streets extend existing adjoining streets their projection shall be at the same or greater width, but in no case less than the minimum required width.
3. **Adjoining Properties.** Where adjoining areas are not subdivided, the arrangement of streets and trails in new subdivisions shall make provision for the proper projection of streets and trails. When a new subdivision adjoins un-subdivided land susceptible to being subdivided, then the new streets and trails shall be carried to the boundaries of such un-subdivided land. In addition, utility easements shall be established which will promote service to adjoining un-serviced or undeveloped property.
4. **Street Width and Grades.** The following standards of street design shall be observed by the sub-divider:

Category	Min. Width R.O.W.	Min.Width Pavement	Max. Grade	Min. Drainage Grade
Minor Arterial	100 ft.	44 ft.	5%	0.5%
Major Collector	80 ft.	44 ft.	5%	0.5%
Collector	70 ft.	36 ft.	7%	0.5%
Local	60 ft.	32 ft.	7%	0.5%
Cul—De—Sac Radius	66 ft.	50 ft.	7%	0.5%

*Width is measured face to face curb

5. **Cul-De-Sacs.** Cul-de-sacs shall generally not exceed five hundred (500) feet in length. However, a greater length may be approved where conditions warrant such length. Cul-de-sacs shall not be allowed unless otherwise impractical and which meet the purpose and goals of the subdivision ordinance.
6. **Local Streets.** Local streets shall be so aligned that their use by through traffic shall be discouraged.
7. **Street Jogs.** Street jogs with center line off-sets of less than one hundred twenty-five (125) feet shall be avoided.
8. **Street Intersections.** Insofar as practical, streets shall intersect at right angles and no intersection shall be at an angle of less than ninety (90) degrees. It must be evident that safe and efficient traffic flow is encouraged. No intersection shall contain more than four (4) corners.
9. **Half Streets.** Half streets shall be prohibited except where the Council finds it to be practicable to require the dedication of the other half when the adjoining property is subdivided. In such event, access to the half street shall be prohibited until such adjoining property is subdivided.
10. **Street Names.** Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. In no case shall the name of the proposed street duplicate names, including phonetic similarities, elsewhere in the City or the plat. The names of streets shall be determined by the City according to Section 8.
11. **Private Streets.** Public Improvements shall not be approved for any private street.
12. **Local Service Drives.** Where a proposed plat is adjacent to a major thoroughfare, the City Council, after recommendation by the Planning Commission, may require the developer to provide local service roads along the right-of-way of such facilities, or they may require that lots should back on thoroughfares so that lots do not have access to the thoroughfare.
13. **Corners.** Curb lines at street intersections shall be rounded at a radius of not less than twenty (20) feet.

14. **Hardship to Owner of Adjoining Property.** The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
15. **Reverse Curves.** Tangents of at least one hundred (100) feet in length shall be introduced between reverse curves on collector streets and fifty (50) feet on lesser streets.
16. **Dead End at Property Line.** Streets that dead end at the property line of the tract shall be allowed only as a temporary measure to facilitate the future continuation of the street when the adjoining property is subdivided or improved. Such streets must include sufficient right of way for a temporary cul-de-sac at its end.
17. **Curves.** Vertical and horizontal curves must meet the Minnesota Department of Transportation's standards.

The Planning Commission and City Council may require right-of-way widths in excess of that shown in the foregoing schedule if and when additional right-of-way is deemed necessary to satisfy the transportation needs of the proposed subdivision. Likewise the Planning Commission and City Council may require a right-of-way width that is less than shown if/when it is deemed necessary to satisfy or achieve an outcome provided for in a City goal, policy, or ordinance (e.g. affordable housing initiatives or natural resource protection).

Subdivision 2: SIDEWALKS AND TRAILS

1. **Sidewalks Required.** All plats which include residentially zoned property or property which is planned for residential development of any type and which include the provision for new streets shall also include sidewalks on at least one side of the street. In addition, the Planning Commission or the City Council may require that additional sidewalks or pedestrian trails be included in the subdivision. When considering the need for additional sidewalks or pedestrian trails, the Planning Commission and the City Council will consider proximity of the subdivision to public service areas such as parks, schools, shopping facilities and other facilities of a similar nature. Sidewalks may be required in non-residential areas depending upon the location of the subdivision and its proximity to residential areas. The design of the pedestrian trails shall be considered in their relation to existing and planned pedestrian walkways to reasonable circulation of traffic, to topographic conditions, to run-off of storm water and to the proposed uses of the area to be served. All sidewalks shall be constructed of concrete and shall have a minimum width of four (4) feet. A minimum

boulevard of six (6) feet shall be provided between sidewalks and street curb.

2. **Pedestrian Ways Required for Long Blocks.** In blocks longer than six hundred (600) feet, a pedestrian crossway with a minimum right-of-way of twenty (20) feet may be required near the center of the block.

Subdivision 3: GRADING PLAN

1. **Street Grades.** The proposed centerline elevation, calculated to the nearest 0.5 feet, shall be shown at street intersections, at the center point of cul-de-sacs, at relative high and low points, and at two hundred (200) foot intervals (maximum) along all street and alley segments. The direction of slope and percent grade shall be shown between street and alley elevation points.
2. **Lot Grading Plan.** The proposed grading/direction of slope of each lot shall be shown. The entire area of each lot must be sloped to drain to an adjoining public street, wetland (subject to wetland regulations), water body, water course, drainage easement or other public drainage way. The direction of slope and percent grade shall be shown for any proposed drainage swales or easements.
3. **House Pad Elevations.** The proposed general locations and elevations for house pads must be shown on each lot.
4. **Slope of Driveways.** The maximum permissible driveway slope (as measured 12 feet from the proposed garage floor to the proposed ground elevation at the street right-of-way line) shall be five (5) percent unless otherwise approved by the City Engineer. In order to create a parking pad, the twelve (12) feet adjacent to the proposed garage location shall have a slope no greater than five (5) percent.

Subdivision 4: EASEMENTS REQUIRED

1. **Utility and Drainage Easements.** Easements for utilities and drainage at least twelve (12) feet wide along the front lot line and six (6) feet wide along side and rear lot lines shall be provided. If necessary for the extension of water main or sewer lines or other utilities, easements of greater width may be required along lot lines or across lots. Easements shall have continuity of alignment from block to block and at deflection points; easements for pole line anchors shall be provided.
2. **Easements for Waterways.** Where a subdivision is traversed or occupied by a watercourse, water body, wetland, drainage way, channel, or stream,

a storm water easement or drainage right-of-way conforming substantially with the lines of such water courses shall be provided, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area.

3. **Holding Ponds.** Easements or out lots to be transferred in fee to the City must be provided to accommodate holding and water retention ponds for the development of the property.

Subdivision 5: BLOCK STANDARDS

The maximum length of blocks shall be one thousand three hundred twenty (1,320) feet. Blocks shall not be less than three hundred (300) feet in length unless deemed impractical by the Planning Commission due to existing property divisions or topography.

Subdivision 6: LOT STANDARDS

1. **Lot Size & Dimensions.** Lot size, dimensions, and design requirements shall conform to requirements in the Zoning Ordinance of the City of Rockville.
2. **Lot Shape.** When possible, side lot lines should be at right angles to straight street lines or radial curved street lines. Residential lots with frontage on two parallel streets is prohibited.
3. **Corner Lots.** Corner lots shall be platted at least ten (10) percent wider than the minimum lot width required unless this requirement results in corner lots widths in excess of one hundred (100) feet, in which case this minimum requirement will not apply.
4. **Natural Features.** Regard should be shown for all natural features which, if preserved, will add attractiveness and stability to the proposed development, which may alter normal lot platting.
5. **Lot Remnants Prohibited.** Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as unusable out lots or parcels unless (i) the owner demonstrates a reasonable future use of the remnant, (ii) the area is required as an out lot to preserve environmentally sensitive areas (i.e. wetlands); or (iii) the area is required as an out lot for dedication to the City.
6. **Consultant Review of Preliminary Plats.** The Planning Commission may require qualified technical and staff services such as engineering, financial and/or legal to review the Preliminary Plat and advise on its suitability

regarding general planning; conformity with plans of other private and public organizations and agencies; adequacy of proposed water supply, sewage disposal, drainage and flood control, special assessment procedures and other features. The sub-divider is required to pay the cost of such services.

Subdivision 7: Drainage Concerns and Flooding

No final plat shall be approved by the City Council on land subject to flooding or containing poor drainage facilities and on land which would make adequate drainage of the streets and lots impossible. However, if the sub-divider agrees to make improvements which will, in the opinion of the City Council after recommendation by the Planning Commission, make the area completely safe for residential occupancy and provide adequate street and lot drainage, the final plat of the subdivision may be approved.

SECTION 8 STREET NAMING AND ADDRESS NUMBERING

Subdivision 1: INTENT AND PURPOSE.

To accommodate the needs of the residents as development patterns, communication equipment, postal procedures and other conditions change in the future, while protecting public health, safety, and general welfare, the City finds that the following regulations are necessary to reduce the number of conflicts between land developers and property owners in providing a standard addressing system for residential, commercial and industrial planned developments. A clear and efficient system shall:

1. Prevent difficulties and delays for access by emergency vehicles such as police, fire trucks and ambulances; and
2. Maintain compatibility with the postal delivery system; and
3. Provide for orderly urban growth with flexibility to allow for changes while being easily understood by all users; and
4. Aid in locating addresses, maintaining business records and providing services by inspectors, utilities, parcel delivery companies, public workers, etc, and civic employees who frequently use address; and
5. Provide simplicity in planning new subdivisions for all parties involved; and
6. Assist in maintaining correct legal documents, voter records, property records or driver's licenses; and
7. Eliminate the confusion and potential traffic accidents resulting from searching for addresses;
8. As well as prevent duplication or out-of-sequence addressing within the City.

A uniform system of property identification is hereby established for the naming of streets and the address numbering of all lots, buildings and structures within the City of Rockville.

Subdivision 2: STREET NAMES and ADDRESS ASSIGNMENTS.

Street names and the address assignments of all lots, buildings and structures in the City shall be determined by the City Council after recommendation from the Planning Commission and the Public Works Department.

Subdivision 3: ADDRESS ASSIGNMENT.

For the purpose of numbering lots, buildings and structures, addresses shall be assigned on a grid system basis according to the following:

1. Address designation. Addresses within the block shall be assigned consecutively, except, depending on lot frontages, where further lot divisions are possible.
2. Odd numbers to be on the north and west sides. Odd numbers for lots, buildings, and structures shall be assigned on the north side of all east-west streets and the west side of north-south streets.
3. Corner lot addresses. Corner lot addresses will be assigned and displayed according to the location of the main entrance of the building. This is provided that such a street is improved.

Subdivision 4: STREET NAMING ASSIGNMENT.

The City Council shall determine street names after recommendation from the Planning Commission and the Public Works Department according to the following:

1. Names shall be appropriate, easy to read (so that children can use the name in an emergency situation), and should add to community pride by promoting local history.
2. Names with the same theme (i.e., flowers, states, trees, presidents, same # of syllables) shall be used as a means of general identification.
3. Historically used road names shall be retained where possible.
4. Names tending to be confused as homonyms, having the same or similar pronunciation but with different spelling shall be prohibited. (e.g. Smith, Smyth, or Smythe; Ellis or Alice; Allen or Alan.)
5. Names that may be offensive (slang, double meanings, etc.) shall be prohibited.

6. Use of frivolous or complicated words or unconventional spellings in road names is prohibited.
7. Sound-alike names (e.g. Bay View DR, Bayview DR or Brainard LN, Barnard LN) are prohibited.
8. Special characters in road names such as hyphens, apostrophes or dashes shall not be used.
9. Standard suffixes or directional suffixes or directional suffixes or prefixes shall not be used as street names (e.g. North Blvd., Court St, Avenue of Pines).
10. Family names or individuals names, especially living persons and politicians, shall not be used.
11. Only common or correct spelling of names will be accepted (e.g. Jane not Jayne, Green not Greene).
12. Names shall not promote or advertise a business or product.
13. Dual or alternative street names shall be prohibited (i.e. John Street will also be known as John and Mary Street).
14. Street names in a foreign language shall not be accepted unless their meaning is polite and reasonable.
15. Due to the physical restrictions of the size of standard street name signs and the capabilities of various emergency services computers, street names are restricted to a maximum of 20 letters and spaces (including street name and suffix).
16. Names that tend to be slurred or difficult to pronounce shall not be used.
17. Directional prefixes (e.g. East, West) shall not be used unless the street actually crosses existing North-South or East-West boundaries.
18. For cul-de-sacs that are not an extension of an existing street, the suffix shall be either court or circle.
19. A street name combination (primary name & suffix) may be used only once and may not be used in any other alignment.

- A. Once a name is assigned to any alignment it may not change anywhere along the extension of that alignment, regardless of jurisdiction unless the subject segment does not and cannot in the future connect to an existing street segment along the alignment.
- B. No new streets shall be accepted by the City, nor municipal improvements made therein, until such streets have been named. If they are extensions of existing streets, the existing names shall be continued, and if not extensions, names recorded shall comply with procedure set forth in this ordinance.

Subdivision 5: STREET SUFFIXES.

The designation of all street name suffixes shall be standardized according to the following:

- 1. **Road**: Arterials.
- 2. **Street**: A collector or minor arterial street with intersecting streets running primarily east and west.
- 3. **Avenue**: A collector or minor arterial street with intersecting streets running primarily north and south.
- 4. **Drive**: A local or sub collector street with six or less intersecting streets running primarily east and west.
- 5. **Lane**: A local or sub collector street with six or less intersecting streets running primarily north and south.
- 6. **Place**: A short local street having one or no intersecting streets but not a cul-de-sac.
- 7. **Boulevard**: A street with a landscaped median strip but not major arterial.
- 8. **Cul-de-Sac**: A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Subdivision 6: DEFINITIONS.

- 1. **Directional Prefix**: The portion of a street name that indicates the primary direction of the street.
- 2. **Primary Name**: The portion of a street name that is neither a directional prefix nor a suffix.

3. **Suffix:** The portion of a street name which indicates that it is a right-of-way, such as “Street”, “Avenue”, “Lane”, “Road”, “Circle”, “Way”, etc.

Example:	Directional Prefix	Primary Name	Suffix
	North	Broadway	Avenue

Subdivision 7: GUIDELINES and CONFIGURATIONS FOR STREET NAMING.

1. **Offset Alignments.**
 - A. When a major street (right-of-way over 60 feet in width) changes its alignment at an intersection by not more than 150 feet, it shall take on the name of the original alignment to provide traffic and addressing continuity.
 - B. When a major street changes its alignment at an intersection and then returns to its original sectional alignment, it shall retain the same name.
2. **Straight Streets.**
 - A. A newly developed street shall assume the name of the street on which it aligns, unless the street does not and cannot in the future connect to an existing street segment along the alignment.
 - B. A separate street name shall be assigned to any new street that is neither in alignment with, nor an extension of, any existing street.
 - C. Once a street name is assigned to a particular alignment, it may not be assigned to any other alignment.

Subdivision 8: STREET NAME DISPLAY REQUIREMENTS.

1. It shall be the developer’s responsibility to provide and install street signs in accordance with City requirements.
2. In addition to the street name, street name signs shall identify the appropriate hundred block. In the case of cul-de-sacs, address range shall be identified.
3. Signs must be installed prior to opening of the street for public use and prior to initiation of construction on the lots.

**SECTION 9
BASIC IMPROVEMENTS**

Subdivision 1: GENERAL

1. Development Agreement Required

- A. Before a final plat is approved by the City Council, the sub-divider must execute and submit to the City Council a development agreement drafted by the City Attorney. The agreement must provide that private construction will not be started on the property and building permits will not be issued until all improvements required under this Ordinance have been made or arranged for. The development agreement shall provide that all of the required improvements will be made in accordance with standards established by the City Engineer, and shall include adequate provisions (in the form of escrow deposits or other form of deposit acceptable to the City Council) to insure that all improvements accomplished by the sub-divider will comply with such standards. The development agreement shall also contain such other terms and conditions imposed by the City as a condition to approval of the final plat.
- B. If approved by the City Council, required improvements may be installed under contract by the City after petition for same by the owner. The cost shall be assessed in accordance with the City assessment policy or as otherwise determined by the City Council.
- C. Approval of the final plat and the development agreement by the City Council shall be contingent on the deposit of those sums to the City required by the development agreement. No signatures indicating the City's approval of the plat will be affixed to the plat until such sums have been deposited with the Zoning Administrator.
- D. The development agreement must be recorded concurrently with the final plat. All costs associated with recording the final plat and development agreement are the responsibility of the sub-divider. Developer shall be responsible for payment of the City's consultant and attorney time relating to review and drafting of the development agreement. In the event the improvements are installed by the City and the costs assessed against the property, such fees will be included in the costs which are assessed. In the event the developer installs the improvements privately, such fees must be paid prior to beginning the improvements and prior to the issuance

of a building permit for any part of the development. The City may require a deposit by the sub-divider to offset costs which the City may otherwise need to advance.

2. **Certification of Compliance Required.** No final plat shall be approved by the City Council without first receiving a report certifying that the improvements described herein, together with the agreements and documents required herein, meet the minimum requirements of all applicable ordinances. Any plat approved prior to such a certification shall be presumed to be approved contingent upon the minimum requirements being met.
3. **Inspection of Improvements by the City Required.** The required improvements to be installed under the provisions of this Ordinance shall be inspected during the course of their construction by an engineer retained by the City Council. All the inspection costs shall be paid by the sub-divider.
4. **Excavation Permit Required.** No person shall be allowed to dig up, break, excavate, tunnel, drill, bore, undermine or in any manner break up any existing street to make or cause to be made any excavation in or under the surface of any street or to place, deposit or leave upon any street any earth or excavated material obstructing or tending to interfere with the free use of the street unless such person shall first have obtained an excavation permit from the city. A fee the City Council shall establish by ordinance shall be paid for an excavation permit.

Subdivision 2: STREET IMPROVEMENTS

1. **Grading.** The full width of the right-of-way shall be graded, including the sub-grade of the areas to be paved, in accordance with standards and specifications for road construction as approved by the City Council.
2. **Street Paving Standards.** All platted streets must be improved with pavement in accordance with the standards and specifications for street construction as approved by the City Council after recommendation by the City Engineer. Corners shall provide for handicap accessibility.
3. **Width of Paving.** All streets to be paved shall be of an overall width in accordance with standards and specifications for street construction as approved by the City Council after recommendation by the City Engineer.
4. **Curb and Gutter Required.** Curb and gutter is required on all new City streets and shall be constructed in accordance with standards and

specifications as approved by the City Council. The City may make exceptions for rural development without utilities. Drive-over style curbing is required unless otherwise approved by the Planning Commission.

5. **Street Signs.** Street signs of the standard design and width requirements as recommended by the Public Works Director, and approved by the City Council shall be installed at each street intersection, and the developer shall pay all costs incurred. All stop and traffic control signs shall also be included and be of the high intensity reflective type. Any private street shall follow the same requirements.
6. **Sidewalks.** Sidewalks as required by Section 7 of this Ordinance.
7. **Street Lighting.** Only City approved lighting fixtures may be installed. The City shall establish approved fixtures for residential, commercial and industrial subdivisions. All lighting fixture costs will be paid by the subdivider. All streets within new subdivisions shall have lighting installed at intervals appropriate for the style of lighting required by the City. Regardless of lighting style at least one (1) street light shall be located at each street intersection and lights must be installed so that there will be a light at least every three hundred fifty (350) feet. The City may require additional lighting along sidewalks or pedestrian trails.

Subdivision 3: DRAINAGE IMPROVEMENTS

1. **Specifications Approved by City Council.** Storm sewers, culverts, storm water inlets and other drainage facilities will be required to insure adequate storm water drainage for the subdivision. Where required, such drainage facilities shall be constructed in accordance with the standards and specifications for street construction as approved by the City Council.
2. **Storm Sewers Required When Available.** Storm drains shall be constructed to serve all properties in the subdivision where a connection to the public storm sewer system is available at the boundary of the subdivision. Storm sewers will also be required of all new subdivisions of residentially zoned property.
3. **Storm Sewers Not Available.** Where public storm sewer system is not available at the boundary of the subdivision and where the introduction of said public system is deemed inappropriate by the City Council, provisions for storm water drainage shall be accomplished in accordance with the requirements of the City Engineer and the Drainage Plan. The use of dry wells for storm water disposal is prohibited. Plats may be denied if discharge into a public system cannot be accomplished.

Subdivision 4: TREES REQUIRED

All new subdivisions of land zoned for residential use which contain three (3) or more lots must provide for the planting of trees. Provisions shall be made by the sub-divider to have one (1) native tree planted in the front of the Lot of each residential lot platted of a minimum of two (2) inch diameter as measured eighteen (18) inches above ground. In the event the Developer wishes to plant trees after homes are constructed, Developer must deposit with the City \$100.00 per tree required. This deposit will be returned to developer without interest upon developer planting the tree. In the event a tree is not planted within six (6) months of the issuance of a certificate of occupancy for the lot, the City may use the funds deposited to plant a tree, of the City's choice.

Subdivision 5: SANITARY SEWER AND WATER IMPROVEMENTS

1. **Sanitary Sewer Services Required.** Sanitary sewers shall be installed as required by standards and specifications as approved by the City Council. Where City sanitary sewer is not available for extension into the proposed subdivision, the City Council may not approve the plat. All subdivisions of residentially zoned property must provide for municipal sanitary sewer services within the subdivision.

2. **Water Service Required.** Public water facilities, including pipe fittings, hydrants etc., shall be installed as required by standards and specifications as approved by the City Council. Where City water facilities are not available for extension into the proposed subdivision, the City Council may not approve the plat. Except in areas where the City determines water services are not and will not likely be available in the foreseeable future, all subdivisions of residentially zoned property must provide for municipal water services within the subdivision.

Subdivision 6: ELECTRIC, TELEPHONE & CABLE DISTRIBUTION LINES

1. **New Lines to be Underground.** All new electric distribution lines (excluding main line feeders and high voltage transmission lines), telephone service lines, cable lines and services constructed within the confines of and providing service to customers in a newly platted area, shall be buried underground; unless the City Council, after recommendation by the Planning Commission, specifically finds that:
 - A. The placing of utilities underground would not be compatible with the development planned;
 - B. The additional cost of burying such utilities would create an undue financial hardship; or

- C. Topographical, soil or any other conditions make the underground installation unreasonable or impractical.
2. All access points, transformers and utility service boxes shall be in the rear of the Lot.
3. Gas lines shall be installed on both sides of the street.
4. The sub-divider is responsible for complying with the requirements of this subdivision, and shall submit to the Planning Commission and City Council a written instrument from the utilities showing that the necessary arrangements with the utility involved for the installation of said facilities have been made.

Subdivision 7: EROSION AND SEDIMENT CONTROL

1. **Erosion Control Measures Required.** The subdivider shall be responsible for the implementation and maintenance of development-wide erosion and sediment control measures aimed at keeping sediment on construction sites and out of water bodies, water courses, wetlands, storm drains and streets.
2. **Erosion Control Plan Required.** An Erosion and Sediment Control Plan shall be developed for the subdivision. Such plan shall be consistent with the "Storm Water Permit Program - Construction Activity" regulations promulgated by the Minnesota Pollution Control Agency (MPCA). A copy of the Erosion and Sediment Control Plan shall be submitted to the City Engineer for approval.
3. **Coordination of Erosion Control Efforts.** Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to and maintained during development. Dirt/soil must be retained on construction site. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. When soil is exposed, the exposure shall be for the shortest feasible time.
4. **Additional Erosion Control Requirements.** Additional erosion control requirements may be set out in the developer's agreement with the City.

Subdivision 8: Mail Boxes

The sub-divider shall be responsible to install and pay for all mail boxes. The City may establish standards for mail boxes or may select approved styles of mail

boxes. In the even that cluster mail boxes are required by the United States Postal Service, the sub-divider will be responsible for providing sufficient space on the plat for the cluster mail boxes, install and pay for cluster mail boxes and provide a mechanism for maintenance and upkeep of the cluster mail boxes.

Subdivision 9: FINANCING IMPROVEMENTS

1. **Special Assessments.** Improvements required within a subdivision or designed exclusively to benefit a subdivision must be paid for by the developer or must be made through petition with special assessment on the benefited property. If improvements are to be made by petition, the petition must be filed with the City Council prior to the conveyance of title to individual lots or tracts. In no event will the City be required to approve a petition for the installation of improvements using special assessments as a financing mechanism. The City may require a bond to ensure that all or parts of the special assessments are paid.
2. **Private Installation of Improvements.**
 - A. As an alternate to city installed improvements, the sub-divider may elect to privately install improvements and furnish a bond (or other acceptable security) to the City of Rockville for an amount equivalent to 150% of the cost of the improvements as determined by the City Engineer or an Engineer retained by the City Council, which bond shall comply with the following:
 3. The term of said bond shall not exceed five (5) years at which time if the improvements are not constructed the bond shall be forfeited and the City shall install the improvements from the bond proceeds.
 4. The bond shall be non-cancelable for the project period which shall not exceed five (5) years.
 - A. The above bond requirements may be altered by the City Council as part of a signed development agreement with the sub-divider.

SECTION 10 PUBLIC LAND DEDICATION

Subdivision 1: DEDICATIONS OF PUBLIC SITES AND OPEN SPACES

All residential subdivisions shall dedicate land for public use such as parks, playgrounds, open spaces, natural sites, or other uses according to the following schedule.

Subdivision 2: SCHEDULE FOR PUBLIC USE DEDICATION

1. 1,800 square feet of land shall be dedicated for each single family residential lot.
2. 1,800 square feet of land shall be dedicated for each multi-family residential unit.

Subdivision 3: DEDICATIONS FOR PREVIOUS SUBDIVISIONS

The following criteria will adjust the above schedule:

1. For subdivisions that create a maximum of two lots, and that have one existing single family home on the property, no public use dedication will be required for the lot with the existing single family home, regardless if the single-family lot is credited with previously dedicating land for public use.
2. If the subdivision, or any portion thereof, was previously required to dedicate land for public use, the public use dedication required will be adjusted as follows:
 - A. By reducing the number of single-family lots which are subject to the schedule in Subdivision 2 by the number of previous single-family lots eliminated by the new subdivision. If more single-family lots are eliminated than are included in the new subdivision, the difference is subtracted from the number of multi-family units included in the new subdivision on a one-for-one basis, and
 - B. By reducing the number of multi-family units subject to the schedule in Subdivision 2 by the number of multi-family units eliminated by the new subdivision. If more multi-family units are eliminated than are included in the new subdivision, the difference is subtracted from the number of single-family lots included in the new subdivision based on a ratio of six units-to-five lots ratio.

3. If no portion of the subdivision was required to dedicate land, the entire subdivision will be subject to the requirements of this Section 10.
4. In no event will a new subdivision result in a return of previously dedicated land, or a refund of funds paid in-lieu of dedication.

Subdivision 4: SUBDIVISIONS INVOLVING MIXED USES

For subdivisions incorporating a mixture of uses and/or densities, the public use areas shall be determined by applying the appropriate dedication requirement proportionate for each use listed in this Section.

Subdivision 5: DEDICATION OF LAND INCLUDED ON MASTER PLAN

Where a proposed public site or open space is identified in the Master Park Plan or Comprehensive Plan of the City for public site or open space and is located in whole or in part in a subdivision, the Planning Commission may require the dedication of this land within the subdivision in complying with the dedication requirements of this Section 10. The subdivision must provide access by public street to the dedicated land, unless other access is acceptable to the Planning Commission.

Subdivision 6: DEDICATION OF LAND NOT SHOWN ON MASTER PLAN

Where the subdivision proposes to dedicate land for public use to comply with the requirements of this Section 10 that is not identified in the Master Plan or Comprehensive Plan of the City for public site or open space, the land must:

1. Have frontage on one (1) or more streets, unless otherwise approved by the City Council after recommendation of the Planning Commission, and
2. Be of a character and location suitable for the intended use as determined by the Planning Commission.

Subdivision 7: DEDICATION OF PHASED SUBDIVISIONS

The City shall require the dedication of all land identified in the preliminary plat within the first final plat (first phase) adopted for the subdivision. In addition, the subdivision must dedicate sufficient proposed right-of-way to access the dedicated land.

Subdivision 8: CASH IN LIEU OF LAND

1. The Planning Commission may require the subdivision to pay to the City the equivalent cash value of the land which would otherwise be dedicated. Such amount shall be made pursuant to the requirements of Minn. Stat. § 462.358 Subd 2(b), as amended, and shall be based on the value of the land at the time the subdivision, or any first phase, is approved.

2. In determining whether to require a cash in lieu of land payment includes, the Planning Commission must consider whether: (1) a subdivision is too small, (2) the subdivision does not include any land shown on the Master Park Plan or Comprehensive Plan, (3) the proposed land to be dedicated doesn't meet the requirements of Subdivision 6, and (4) the need for funds to develop existing park land or acquire higher-priority park land in the area.

Subdivision 9: PARK DEDICATION FEE

The City may, by resolution, adopt a park dedication fee, in accordance with the following:

1. The fee shall be based on the average value of land within the City. The City may use the values as determined by the County Assessor, or any licensed or approved appraiser.
2. Such resolution shall be reviewed at least annually.
3. The City may adopt various park dedication fees specific to an area or portion of the City which are based on the values of the land located within the area.
4. The park dedication fee will be the cash in lieu of land payment, unless:
 - A. The subdivision opts to have the City calculate the cash in lieu of land payment based on its actual value;
 - B. The subdivision pays for the costs to the City to determine the value of the cash in lieu of land payment pursuant to Subdivision 8; and
 - C. The City may require security of its choosing to ensure payment of the costs of Subdivision 9(D) (3).

The subdivision must pay the cash in lieu of land payment as determined by the City, if this process is followed.

Subdivision 10: SPECIAL PARK FUND

The City shall establish a separate fund into which all cash contributions received from owners and developers in lieu of conveyance of dedication of land for such public purposes shall be deposited. Said funds shall only be used only for the acquisition and development or improvement of parks, recreational facilities,

playgrounds, trails, wetlands, or open space. Cash contributions must not be used for ongoing operation or maintenance.

Subdivision 11: DEED TO PROPERTY

Such dedication of land for public use shall be without restrictions or reservations and shall be transferred to the City by Warranty Deed or unrestricted plat dedication.

Subdivision 12: PROPERTY TAXES ON DEDICATED PROPERTY

Property taxes due and payable on dedicated properties must be paid by subdivision prior to recording of the subdivision.

Subdivision 13: IMPROVEMENTS IN FRONT OF DEDICATED PROPERTY

The subdivision shall be responsible for the cost of all street, storm sewer, water and sewer and other municipal improvements which run in front of or through land dedicated as part of a subdivision. Such costs shall be paid by the subdivision directly if the improvements are privately installed. If the improvements are publicly installed such costs shall be equally assessed to the subdivision lots.

SECTION 11 MINOR SUBDIVISIONS

Subdivision 1: QUALIFIED MINOR SUBDIVISIONS

1. **Criteria.** Any subdivision containing not more than two (2) lots and which does not involve any new street or road, and that is not likely to precipitate the extension of municipal facilities or public improvements shall be considered a Minor Subdivision.
2. **Exemption from Platting Requirement.** Minor Subdivisions shall be exempt from the requirements of this Ordinance requiring platting.
3. **Planning Commission Approval Required.** Minor Subdivisions must be recommended for approval by the Planning Commission before being submitted to the City Council.
4. **Certificate of Survey.** An Applicant for Minor Subdivision approval must submit to the City at least thirty (30) days prior to the next Planning Commission meeting. One (1) 11" x 17" copy and one (1) 11" x 17" pdf of a Certificate of Survey. The survey shall include the following information: legal description of each parcel, parcel area, site improvements including buildings, free standing signs, utilities, paved areas, and distances from buildings to ownership and property lines. In addition to the above information, the City may require a wetland delineation prior to approving an administrative plat.

Subdivision 2: ADMINISTRATIVE MINOR SUBDIVISIONS

1. **Administrative Minor Subdivision.** It is intended that Administrative Minor Subdivisions generally be allowed for non-building purposes, for utilizing a Registered Land Survey, for purposes of correcting a boundary line, for the limited attachment of certain properties, for the establishment of a life estate, and for subdivisions as provided by Section 16, subd. 7(4) of the City Zoning Code. The following conveyances may be allowed as Administrative Subdivisions:
 - A. The conveyance is by metes and bounds description and:
 1. The conveyance is for a purpose other than to create a building site; and
 2. The conveyance does not require the creation or altering of any public road right-of-way.

- B. The conveyance is part of a Registered Land Survey or standard plat and the conveyance is for a purpose other than the creation of a building site.
- C. The conveyance qualifies pursuant to Section 16, subd. 7(4) of the City Zoning Code.
- D. The conveyance is, in the opinion of the Zoning Administrator, solely for the purpose of correcting a boundary line.

2. **Standards.**

- A. An Administrative Minor Subdivision for the purpose of attachment to a contiguous lot, tract, or parcel may be allowed, provided any residual tract does not become nonconforming with any applicable ordinance. The deed shall state that the subdivision is for the purpose of attachment, and the lot, parcel, or tract to be attached, together with the lot, parcel, or tract to which it being attached, shall, upon attachment, be considered as one lot, parcel, or tract. The deed shall be accompanied by a Declaration of Restriction that shall restrict the parcel receiving the attachment and shall also restrict the parcel that is being attached. The Declaration of Restriction shall state that the parcel receiving the attachment, together with the attached parcel, shall not be further subdivided unless platted pursuant to this Ordinance. The Declaration of Restriction shall be in a form acceptable to the City.
- B. An Administrative Minor Subdivision for the purpose of securing a mortgage or establishing a life estate may be allowed. The mortgage or life estate shall be accompanied by a Declaration of Restriction that shall restrict the tract that is subject to the mortgage or life estate and shall also restrict the residual tract that is not subject to the mortgage or life estate. The Declaration of Restriction shall state that the tract conveyed under the mortgage or life estate and the residual tract (the entire tract less that part being conveyed under the mortgage or life estate) shall not be conveyed separately unless platted pursuant to the provisions of this Ordinance. The Declaration of Restriction shall be in a form approved by the City.

3. **Procedure.** An Administrative Minor Subdivision shall be considered by the following procedure:

- A. The applicant shall submit, to the Zoning Administrator, a legal description of the existing parcel and proposed legal description of the parcel to be conveyed. When any proposed or existing tract is described by metes and bounds description, the application shall be accompanied by one (1) copy of a certificate of survey, prepared by a Licensed Land Surveyor. The survey shall include:
 - 1. Legal description of each parcel;
 - 2. Parcel area;
 - 3. Site improvements, including structures;
 - 4. Distances from structures and property lines.
- B. The applicant shall submit a Declaration of Restriction as provided herein. The Declaration shall be executed by all required parties to affect the purposes and intent of this Subdivision.
- C. The Zoning Administrator shall review the application for compliance with this Ordinance.
- D. The Zoning Administrator shall notify the applicant whether the subdivision is approved or denied. If denied, written reasons shall be provided.
- E. Any Declaration of Restriction or other documents as appropriate shall be recorded in the office of the County Recorder together with the transfer documents.

SECTION 12 PLANNED UNIT DEVELOPMENT

Subdivision 1: PLANNED UNIT DEVELOPMENT

The Planning Commission may recommend a variance from these regulations in case of a plan for a complete community or neighborhood which, in the judgment of the Commission, provides adequate public spaces and includes provisions for efficient circulation, light and air and other needs. In making its findings, as required herein below, the Commission shall take into account the nature of the proposed use of 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. The Commission shall find that:

1. The proposed project will constitute a desirable and stable community development.
2. The proposed project will be in harmony with adjacent areas.

Subdivision 2: APPLICATION

Applications for any such Planned Unit Development or variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for consideration by the Planning Commission, stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans or other additional data which may aid the Planning Commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.

Subdivision 3: PROCEDURE

All Planned Unit Developments under this Section shall follow all of the procedures and requirements set forth in the City's Zoning Ordinance in addition to the procedures and requirements of this Ordinance.

SECTION 13 VARIANCES

Subdivision 1: PLANNING COMMISSION RECOMMENDATION

The Planning Commission may recommend a variance from the provisions of this Ordinance when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Planning Commission may prescribe conditions that it deems necessary to or desirable for the public interest. In making its findings, as required below, the Planning Commission will take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed effect of the proposed subdivision upon traffic conditions in the vicinity.

Subdivision 2: STANDARDS

The recommendation for a variance shall not be granted unless the Planning Commission finds:

1. That there are special circumstances or conditions affecting the property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of her or his land.
2. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
3. That strict application of the subdivision regulations would create an undue hardship on a property owner as opposed to a mere inconvenience.
4. That the granting of the variance is not generally in conflict with the Comprehensive Plan.

Subdivision 3: COUNCIL ACTION

After review of the Planning Commission's recommendation on a variance, the Council shall make a final decision as to whether or not the variance will be granted.

Subdivision 4: PROCEDURE

All variances and variance appeals under this Section shall follow all of the procedures and requirements set forth in Section 24 of the City's Zoning Ordinance in addition to the requirements of this Section.

**SECTION 14
ADMINISTRATION AND ENFORCEMENT**

Subdivision 1: ADMINISTRATION

1. **Responsible Official.** It shall be the duty of the City Council to see that the provisions of this Ordinance are properly enforced.

2. **Building Permit.** No building permit shall be issued by any governing official for the construction of any buildings, structures or improvements on any land which is subdivided until all requirements of this Ordinance have been fully complied with.

SECTION 15 VIOLATIONS AND PENALTY

Subdivision 1: NON-COMPLIANCE

If a parcel is transferred or conveyed contrary to the provisions of this Ordinance, the City may deny the issuance of building permits to any parcel.

Subdivision 2: SALE OF LOTS FROM UNRECORDED PLATS

It is unlawful to sell, trade or offer to sell or otherwise convey any lot or parcel of lot as a part of or in conformity with any plan, plat or re-plat of any subdivision or area located within the jurisdiction of this Ordinance unless said plan, plat or re-plat shall have first been recorded in the Office of the Stearns County Recorder.

Subdivision 3: RECEIVING AND RECORDING UNAPPROVED PLATS

It shall be unlawful to receive or record in any public office any plans, plats or re-plats of land laid out in building lots and highways, streets, roads, 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 Ordinance, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.

Subdivision 4: MISREPRESENTATIONS AS TO CONSTRUCTION SUPERVISION OR INSPECTION OF IMPROVEMENTS

It shall be unlawful for any sub-divider, person, firm or corporation owning an addition or subdivision of land within the City to represent that any improvement upon any of the highways, streets or alleys of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the City Council or has been supervised or inspected by the City when such improvements have not been so constructed, supervised or inspected.

Subdivision 5: PENALTY

Anyone violating any of the provisions of this Ordinance shall be guilty of a misdemeanor. Each day a violation is allowed to continue shall constitute a separate offense.

Subdivision 6: VALIDITY

If any section, sub-section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 16
EFFECTIVE DATE**

This Ordinance shall be effective as of _____, 2019.

Mayor

ATTEST:

Clerk-Administrator