

CHAPTER 15: SUBDIVISION CONTROL

SECTION 1500 – PURPOSE, DEFINITIONS & GENERAL PROVISIONS

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1500.01. PURPOSE.

- A. **Purpose.** The purpose of this Chapter is to provide a process for the orderly and predictable subdivision of land within the City. In order to integrate new subdivisions with the development objectives of the City and to contribute to an attractive, stable, and wholesome environment, adequate public services and an integrated safe road and highway system, the subdividing of the land in the City shall be required. If the City has in effect as of the effective date of this chapter, any ordinances regulating the subdivision of land within shore lands or floodplains, the provisions of those ordinances shall supersede the provisions of this chapter within the areas regulated. The provisions of this chapter shall not be in effect until a certified copy of this chapter is filed with the County Recorder as required by Minnesota Statutes, Section 462.36, as it may be amended from time to time.
- B. **Applicability.** These regulations governing plats and subdivision of lands apply within the corporate limits of the City and as provided in areas designated for orderly annexation or where otherwise provided in Minnesota Statutes.
- C. **Minimum Design Features.** The design features set forth in this chapter are minimum requirements. The City may impose additional or more stringent requirements concerning lot size, streets and overall design as deemed appropriate considering the property being subdivided.
- D. **Zoning Ordinance and Zoning Map Consistency.** Subdivisions and preliminary or final plats may only be approved if they are consistent with the City's Zoning Ordinance (Land Use Development Code) and official Zoning Maps.

1500.02. LEGAL AUTHORITY.

This chapter is enacted pursuant to M.S. 462.358, as may be amended from time to time.

1500.03. CONVEYANCES SUBJECT TO SUBDIVISION REGULATIONS.

- A. The following land or parcel subdivisions or conveyances are subject to the subdivision requirements:
 - 1. Any subdivision of unplatted property.
 - 2. Lands that are to be divided into more than two (2) lots or parcels, any one of which is less than forty acres in size.
 - 3. Any unplatted land transferred from one zoning district to another at the request of the property owner.

- B. The following land or parcel subdivisions or conveyances are subject to the administrative subdivision requirements.
 - 1. Relocation of a common boundary line.
 - 2. Subdivision of an existing platted lot(s).
 - 3. Lands that are to be divided into two (2) lots or parcels, either of which is less than forty acres in size.

- C. The provisions of this Code do not apply to conveyance and land division if the land described:
 - 1. Was or is a cemetery lot(s), as defined by Minnesota Statutes.
 - 2. Resulted from a court order.
 - 3. Is a common Interest Community (CIC) Plat that meets the requirements of Minnesota Statutes, Chapter 505.
 - 4. Within the Rural Residential District, all subdivisions that create two (2) or more lots or parcels that are 10 acres or less in size will be processed as a plat in accordance with Minnesota Statutes, Chapter 505 and this Code. No permit for construction of buildings or sewage treatment systems will be issued unless the lot was approved as a part of a formal subdivision.

1500.04. OVERVIEW OF SUBDIVISION CLASSIFICATIONS.

Before any land is subdivided, the owner of the property proposed to be subdivided, or the owner's authorized agent, must apply for and secure approval of the proposed subdivision based on the following subdivision classifications:

Subd. 1. Subdivisions.

Subdivision shall mean all subdivisions not classified as administrative subdivisions, including but not limited to the division of a lot, parcel, or tract of land into more than two (2) lots, or the consolidation of more than two (2) lots, or any size subdivision requiring any new street or extension of the local government facilities, or the creation of any public improvements. Relocation of a common boundary line or subdivision of an existing platted lot(s) is considered an administrative subdivision as defined in Subd, 3 below. A subdivision application requires submittal of the following:

1. Sketch Plan
2. Preliminary Plat
3. Final Plat

Subd, 3. Administrative Subdivision.

An “administrative subdivision” involves relocation of a common boundary or subdivision of existing platted lot(s) and may be approved or denied by the Planning Commission or City Council. An “administrative subdivision” shall not involve any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and shall not adversely affect the remainder of the parcel or adjoining parcels and not be in conflict with any provisions or portion of the Comprehensive Plan, Official Zoning Map, Zoning Ordinance or these regulations. An administrative subdivision application requires submittal of the following:

1. Administrative Plat

Subd. 4. NONRESIDENTIAL SUBDIVISION.

A “Nonresidential Subdivision” shall mean a subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the application provisions of these regulations and shall require submittal of the following:

1. Sketch Plan
2. Preliminary Plat
3. Final Plat

Subd. 5. RESUBDIVISION.

A “resubdivision” shall mean a change in map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Such subdivision shall comply with the application provisions of these regulations and shall require submittal of the following:

1. Sketch Plan
2. Preliminary Plat

3. Final Plat

1500.05. COMPLIANCE.

Any subdivision creating parcels, tracts, or lots that results in one or more parcels or tracts shall be platted. The provisions of Minnesota Statutes, Chapter 505 shall prevail over any inconsistent provisions in this chapter.

- A. No conveyance or other document creating a subdivision of any real property other than by a duly approved plat shall be recorded unless accompanied by a registered surveyor's drawing for recording and city approval of the subdivision. The surveyor's drawing shall accurately illustrate the subdivider's entire lot, parcel or tract that is subdivided by the conveyance or other document, and shall illustrate the location of any wetlands, lakes, rivers, streams, or other public waters on that property. No conveyance or other document shall be recorded unless accompanied by this surveyor's drawing. If the parcel can be described as a rectangular portion of a parcel of the government rectangular survey system, a surveyor's drawing will not be required.
- B. Any surveyor performing a survey in the City shall file a copy of that survey with the City Clerk and also the County Recorder if applicable.
- C. No deed or other document purporting to subdivide property shall be recorded or certified for recording by the County Auditor, County Treasurer, or County Recorder unless it meets the requirements set forth above.

1500.06. SAVINGS CLAUSE.

All plats approved under this chapter are approved for City purposes only and shall not release the subdivider from any liability or obligation imposed by Minnesota Statutes or Federal Law. In the event any provision shall be found contrary to law by a court of competent jurisdiction from whose final judgment no appeal has been taken, such provision shall be considered void. All other provisions of this chapter shall continue in full force and effect as though the voided provision never existed.

1500.07. EXEMPTIONS.

The following are considered exemptions from this Subdivision Ordinance and its requirements:

- A. The division of a surveyed lot, parcel or tract for the purpose of attachment to contiguous platted lots where no residual plat or lot or real property is left unattached is exempted from the provisions of this chapter.

1500.08. METES AND BOUNDS STANDARDS.

No subdivision of real property in which the divided tract is described by metes and bounds shall be permitted, unless all tracts meet the following standards:

- A. Each lot, located in a shore land area or containing a wetland area must be a minimum of five acres in size; and all other lots must be a minimum of two and one-half acres in size;
- B. Certification of public road access;
- C. All roads must be identified on the surveyor's drawing;
- D. Sufficient suitable area for the installation of two standard on-site sewage treatment systems unless city sanitary sewer is available;
- E. A registered surveyor's drawing accompanies the document creating the subdivision for recording, as required by 1500.05 above; and
- F. The surveyor's drawing contains the following form for signature by the property owner; *"I hereby certify that the subdivided property described in this survey meets the City requirements for public road frontage and access and sewage treatments systems."*

Subd. 1. Required Information.

Metes and Bounds descriptions prepared shall at a minimum contain the following items:

- A. A preamble containing the Quarter Section, Section, Township, Range, Principal, Meridian and County and/or City of the tract of land being described or a preamble containing the Lot and/or Block number, subdivision name and if available, the recording information of the plat and the City, if applicable, and County in which it is filed of record, and;
- B. A beginning point (if applicable) referenced to a point such as a section corner, quarter-section corner, sixteenth section corner, or a Lot/Block corner of a recorded subdivision, and;
- C. Distances listed to the nearest hundredth of a foot, if surveyed, and;
- D. Bearings or angles listed in degrees, minutes and seconds, if surveyed, and;
- E. A reference to all bearings shown must be clearly stated, i.e., whether to "True North"; "Grid North" as established by state plane datum"; "Assumed North based on the bearing of a well established line"; a "Deed call for a particular line"; or "the bearing of a particular line shown upon a plat", and;
- F. Curved lines with circular curves shall show:

1. Direction of the curve (right or left);
 2. The radius;
 3. Arc distance;
 4. Chord distance and chord bearing.
- G. The name and license number of the professional surveyor who prepared the description;
- H. The date of preparation of the legal description, and;
- I. Each metes and bounds description must return to the Point of Beginning and close mathematically within the allowable closure error stated in this section.

Subd. 2. Exceptions.

- A. Aliquot descriptions may be used in lieu of a metes and bounds description and shall at a minimum contain the following items:
1. Quarter Section, Section, Township, Range, Principal meridian, City, if applicable, and the County of the tract of land being described.
- B. Lot and Block description may be used in lieu of a metes and bounds description and shall at a minimum contain the following items:
1. Lot and/or Block number, subdivision name, City, if applicable, and County in which it is filed of record and, if available, the recording information of the plat.
- C. A written legal description of the surveyed tract of land must provide sufficient information to locate the property on the ground and distinctly set it apart from all adjoining properties.

1500.09 DEFINITIONS.

The definitions below are those specific for the application of this Subdivision Ordinance. Additional definitions that also apply in this ordinance can be found in the City of Rice Zoning Ordinance.

Applicant. “Applicant” shall mean the owner of land proposed to be subdivided or the owner’s representative. Consent shall be required from the legal owner of the premises.

Backlot. “Backlot” shall mean Residential lots without water frontage located in the shoreland area of the City.

Backslope. “Backslope” shall mean the portion of the roadway cross-section beginning at the outside edge of the ditch bottom, sloping upward to a point where the slope intersects the existing ground line.

Bond. "Bond" shall mean any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Governing Body. All bonds shall be approved by the City Council wherever a bond is required by these regulations.

Butt Lot. "Butt lot" shall mean a lot at the end of a block and located between two corner lots.

Collector Street or Road. "Collector Street or road" shall mean a road intended to move traffic from local roads to secondary roads.

Contour Map. "Contour map" shall mean a map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Covenants or Protective Covenants. "Covenants or Protective 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 reserving the physical, social, and economic integrity of any given area.

Cul-de-Sac. "Cul-de-sac" shall mean a minor street with only one outlet and having a turnaround.

Dedicated Street. "Dedicated Street" shall mean a roadway designated for public use.

Development Agreement. "Development Agreement" shall mean a financial agreement between the governing body and the developer.

Development Objectives. "Development Objectives" shall mean those goals defined as part of the city's comprehensive planning program that indicates how the city wishes to develop itself.

Developer. "Developer" shall mean the owner of land proposed to be subdivided or the owner's representative. Consent shall be required from the legal owner of the premises.

Development. "Development" shall mean the act of building structures and installing site improvements.

Drainage Course or Drainage Way. "Drainage Course" or "Drainage Way" shall mean a water course or way for the drainage of surface water.

Final Plat. "Final Plat" shall mean the map or plan or record of a subdivision and any accompanying material, as described in these regulations.

Local Road or Street. "Local road or street" shall mean a road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water and storm drainage pipes.

Inslope. "Inslope" shall mean the portion of the roadway cross-section beginning at the outside edge of the roadway shoulder, sloping downward to the inside edge of the ditch bottom.

Metes and Bounds. "Metes and bounds" shall mean a method of describing land by measure of length (metes) of the boundary lines (bounds). Most common method is to recite direction and length of each line as one would walk around the perimeter. In general the "metes" and "bounds" can be recited by reference to record, natural or artificial monuments at the corners; and record, natural or cultural boundary lines.

Minimum Subdivision Design Standards. "Minimum subdivision design standards" shall mean the guides, principles and specifications for the preparation of subdivision plans indicating among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

Natural Water Way. "Natural water way" shall mean 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 that have been constructed or placed for the purpose of conducting water from one place to another.

Outlot. "Outlot" shall mean a lot remnant or any parcel of land included in a plat that may be used as open space. Such outlot may be a large tract that could be subdivided in the future or may be too small to comply with the minimum size requirements of zoning and subdivision ordinances or otherwise unsuitable for development and therefore not usable as a building site.

Owner. "Owner" shall mean an individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Pedestrian Way. "Pedestrian way" shall mean a public right-of-way across or within a block, to be used by pedestrians.

Preliminary Plat. "Preliminary plat" shall mean the preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission or City Council for approval. Preliminary Plat shall contain data required as outlined in subsection 1510.02.

Private Street. "Private Street" shall mean a street serving as vehicular access to two (2) or more parcels of land that is not dedicated to the public but is owned by one or more private parties.

Public Road. "Public Road" shall mean a particularly described and identified right-of-way, at least 33 feet in width, dedicated to public use for road or highway purposes.

Resubdivision. "Resubdivision" shall mean a change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way. "Right-of-way" shall mean the land covered by a public road or land dedicated for public use or for certain private use such as land over which a power line passes.

Road, Dead-End. "Road, dead-end" shall mean a road or a portion of a street with only one (1) vehicular-traffic outlet.

Service Road. "Service Road" shall mean a public road having a traveled surface of at least 24 feet in width lying parallel and adjacent to an ARTERIAL ROAD or HIGHWAY that provides access to abutting properties and protection from through traffic.

Sketch Plan. "Sketch plan" shall mean a drawing showing the proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.

Street Width. "Street width" shall mean the shortest distance between the lines delineating the right-of-way of a street.

Subdivider. "Subdivider" shall mean the owner, agent, or person having control of such land as the term is used in this ordinance

Subdivision. "Subdivision" shall mean the division of a parcel of land after the effective date of this Ordinance into two (2) or more lots or parcels, for the purpose of transfer of ownership or building development. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Subdivision Agreement. "Subdivision Agreement" shall mean an agreement between the governing body and the subdivider pertaining to special subdivision requirements and/or conditions.

Survey, Land. "Survey, land" shall mean the process of determining boundaries and areas of tracts of land. Also called property survey; boundary survey.

Surveyor. "Surveyor" shall mean a land surveyor registered and licensed under Minnesota State Laws.

Vicinity Map. "Vicinity map" shall mean a map drawn to comparatively small scale that definitely shows the area proposed to be platted in relation to known geographical features, i.e., town centers, lakes, roads.

Zoning Administrator. "Zoning Administrator" shall mean the Clerk of the City or another person appointed by the City Council to administer this chapter.

1500.10 MINIMUM SUBDIVISION REQUIREMENTS

Subd. 1. Streets.

- A. Below is a chart for road and street standards required for all proposed subdivisions:

	Primary Arterial	Major Collector	Minor Collector	Local Road
Right-of-way (ft.)	100	100	100	66
Pavement width (ft.)	50	44	36	28
Type of Curb	B624	B618	B618	B618
Barrier Curb (B)	B-24	B-24	B-18	B-18
Drive over Curb (D)				D-18
Sidewalk width (ft.)	5	5	5	5
Sidewalk distance from curb face (ft.)	9	9	9	11
Minimum sight distance (ft.)	300	300	300	300
Maximum grade	8%	8%	8%	8%
Minimum Grade C&G	0.50%	0.50%	0.50%	0.50%
Minimum Grade no C&G	1.00%	1.00%	1.00%	1.00%
Intersection approach	200	200	200	200
Maximum Approach Grade	2%	2%	2%	2%
Maximum cul-de-sac length (ft.)	N/A	N/A	N/A	1000
Minimum cul-de-sac radius (ft. of R.O.W.)	N/A	N/A	N/A	45
Frontage road (ft. of R.O.W.)	66	66	66	N/A
Alley right-of-way width (ft.)				20
Alley pavement width (ft.)				16

B. Blocks.

1. Length: Block length shall not exceed 1,200 feet and shall not be less than four hundred feet.
2. Pedestrian Ways: In blocks longer than six hundred feet a pedestrian crossway easement or right of way with a minimum width of 20 feet will be required at the center of the block. The use of additional access ways to schools, parks and other destinations may be required.

C. Corners.

1. Curb lines at street intersection shall be rounded at a radius of not less than fifteen feet.

D. Private Streets.

1. Public improvements shall not be approved for any private street.

E. Design Speed.

1. Street alignment for local streets, both vertical and horizontal, shall meet MNDOT state aid standards for thirty mph designed speed.

F. Sidewalks

1. Sidewalks are required on one side of all arterial streets and are generally required on both sides along through streets within a development, along streets in commercial areas, and connecting neighborhoods to parks, trails, and playgrounds.
2. Sidewalks extended through driveways shall be constructed of concrete and be at least six inches thick.

G. Local Service Drives

1. Where a proposed plat is adjacent to a major thoroughfare, the council may require the developer to provide local service drives along the right of way, or they may require that lots shall back on thoroughfares, in which case, vehicle and pedestrian access between the lots and thoroughfares shall be prohibited.

H. Trail Easements.

1. Shall be at least twenty feet wide, unless abutting public right of way.
2. The required width of trail easements abutting public right of way shall be determined by the City Engineer.

I. Easement Protection.

1. All roads shall be constructed outside of all easements except for access drives crossing such easements.

Subd. 2. Street Lighting.

A. Installation.

1. In all new developments, street lights shall be installed at the same time electrical service to the development is installed.
2. Street lighting plans require approval of the city engineer.

B. Requirements. In subdivisions, developers shall:

1. Pay the full capital cost of every light to be installed.
2. Pay operation and maintenance and projects street lighting system until the city accepts the project or until the development is fifty percent built, whichever is longer.
3. Place street lights at intersections. Placed mid-block when intersections are more than five hundred feet apart and at the end of cul de sacs.

Subd. 3. District Lot Regulations.

For minimum area, setbacks, and height requirements, refer to the City of Rice Zoning Ordinances (Chapter 14) for specific Zoning District specifications. All proposed subdivisions shall meet the minimum lot requirements for the district in which they will be placed.

Subd. 4. Grading & Erosion Control Standards.

A. Grading Plan.

Grading plans shall show the following:

1. Platted lot and block numbers and street names if the grading plan is updated after plat approval.
2. A box to record the date of the latest revision approval from the City.
3. Finish grades and surface drainage of all parcels including overall final contours at two foot intervals, with existing contours shown as dashed and proposed contours shown as solid.
4. Extension of existing two feet contour lines a minimum of one hundred feet beyond the property boundary or more as needed to accurately depict the existing drainage patterns.
5. Limits of clearing and grading.
6. Adjacent plats, parcels and property lines, section lines, streets, existing storm drains and appurtenances, etc.
7. Detail of housing types proposed with basements, first floor, lowest opening and garage floor elevations.
8. Proposed corner lot elevations.

9. All drainage swales and critical drainage plan with elevations.
10. Existing benchmarks used for surveying grading plan.
11. Other right of way or easement locations, width and purpose.
12. The Normal Water Level (NWL), High Water Level (HWL) and overflow elevation for all storm water ponds.

B. Erosion Control Plan

The Erosion Control features may be illustrated on the submitted grading plan or on a separate plan sheet. Erosion control features such as silt fence, rock access driveways, inlet protection, concrete truck wash out areas, rock check dams, dirt stockpiles and temporary sedimentation basins shall be clearly identified on the erosion control plan.

C. Grading Standards.

The developer shall be responsible for maintenance of all ponds until the later of: Two years after the improvements are accepted by the City or until fifty percent of the lots are developed.

1. **NPDES Permit.** Prior to the start of construction, the Developer shall obtain all regulatory agency permits and approvals including those from the Minnesota Pollution Control Agency for “General Storm Water Permit for Construction Activity” and the signature of the company responsible for erosion and sediment control plan preparation, implementation and maintenance.
2. **Minimum Grades.** Minimum grade for drainage swales and lot grading shall be two percent or greater.
3. **Maximum Grades.** Maximum 4:1 slopes are allowed in “maintained” areas approved by the City Engineer. Maximum slopes in ponding basins are 5:1. Approved slopes greater than 4:1 shall have erosion control blanket installed immediately after finished grading.
4. **Drainage Swales.** Maximum length for drainage swales shall be 30 feet or a total of eight lots, or as approved by the City Engineer. All drainage plans shall contain a detail of a typical drainage “Swale” with a minimum depth of eighteen inches and a minimum width of 18 inches at the bottom; 5:1 side slopes, and minimum two percent grade. All swales must be contained within easements of sufficient size and width. All cross lot drainage must be contained in such swales, which shall be located in defined and protected easements.
5. **Emergency Overflow Swales.** The grading plan shall show emergency overflow routes from all low points and show elevation of high point along emergency overflow route. Submit design calculations verifying the adequacy of the overland drainage route

capacity. The following emergency overflow construction and design requirements shall apply:

- a. Emergency over flows that drain over vegetated areas shall be lined with Geotextile Erosion Control Matting such as: Enkamat, Tensar, LAN lock, or approved equal.
- b. After overflow area is fine graded, the area shall be sodded to match the specified overflow elevation and is to be protected with a temporary fence, which shall delineate the easement limits and protect the overflow swale from disturbance by adjacent home construction and lot grading.
- c. Abutting structure "lowest" openings shall be at least twenty four inches above the 100-year overflow profile (HWL) of the emergency swale.
- d. There shall be at least a fifteen foot separation from the overflow swale drainage easement to any livable structure.

6. **Ponding and Sedimentation Basins.** If suitable soil conditions are available for use, infiltration of runoff on-site shall be required for site development storm water management. Water quality treatment measures to promote sedimentation of suspended particles in storm water runoff are required for all developments. Dual purpose ponds that provide both water quality treatment and storm water detention without creating a permanent pool are encouraged. If a permanent pool is to be construed as part of the sedimentation basis (rather than a dual purpose pond) the following minimum design criteria shall govern:

- a. An average permanent pool depth of four to ten feet;
- b. A permanent pool length to width ratio shall be 3:1 or greater;
- c. Pool side slopes shall not exceed 5:1;
- d. A protective buffer strip of vegetation surrounding the permanent pool shall be constructed at a minimum width of 16.5 feet and a maximum slope of 10:1.
- e. An infiltration basin may be approved with certain conditions by the City Council upon recommendation from City Engineer.

D. Storm Water Design Review. The applicant shall provide detailed hydrologic/hydraulic design calculations that include:

1. Drawings showing the existing and proposed drainage boundaries.
2. 1-year, two year, and 100 year design drainage boundaries.

3. Existing and proposed hydrologic/hydraulic calculations for 1, 2 and 100 year storms.
4. Existing and proposed ponding calculations for the 100 year 10 day snow melt.

E. Retaining Walls. Retaining walls will not be allowed within the City's Right-of-ways or easements, unless approved with the overall subdivision grading plan. Approved subdivision retaining walls within the right of way or easement areas shall meet current MNDOT standards and specifications. Detailed plans and specifications for retaining walls shall be submitted for review.

F. Maintenance Access Routes. The plans shall show or define access routes for maintenance purposes to all inlets or outlets at ponding areas (must be a maximum of 8% grade, 2% cross slope and 10' wide) and side yard or back yard utility manholes and drainage structures. Ten foot wide bituminous trails may be required to be constructed to provide access for maintenance vehicles. Bituminous maintenance shall have a minimum cross section of 1.5 inches of wearing course, 1.5 inches of base course, and six inches of aggregate base.

G. Buffer Strip Requirement. A 10' buffer strip shall be maintained around the perimeter of the all wetlands.