

SECTION 202: SUBDIVISION ORDINANCE**(1) Unapproved Subdivision**

No conveyance of land to which this Ordinance is applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved Registered Land Survey made after April 21, 1961 or to an unapproved final plat.

(2) Park Dedication

- (A)** As a prerequisite to approval of a subdivision containing three (3) or more lots the land owner shall convey to the City, for park, playground and/or stormwater purposes, at least 10% of the land area being subdivided.
- (B)** In lieu of dedicating land area, the land owner shall, at the option of the City Council, pay to the City, for the use in the acquisition of parks, playgrounds, public open space, or storm water holding areas or ponds, development of existing park and playgrounds, public open space and debt retirement in connection with land previously required for such public purposes, an equivalent amount in cash based upon the undeveloped land value of that portion of land that would have been required to be dedicated. The determination of value and the cash amount to be dedicated shall be made in accord with Minnesota Statute 462.358.
- (C)** The Council shall, based on the Comprehensive Plan, the relationship and connectivity to other public parks and trails and based on Minnesota Statutes determine what portion of the subdivision should reasonably be required to be dedicated.

(3) Private Open Space and Recreational Facilities

- (A)** In addition to dedication of land for Public Park, Playground or Stormwater purposes or cash in lieu of dedication of land, Subdivisions of three or more lots shall provide useable recreational land and facilities owned by the residents of the subdivision in size and quality that will adequately provide facilities for the owners and their guests.
- (B)** The land conveyed for private recreational land with facilities by an owner may be used as an increased allowance for purposes of calculating the residential density requirements of the subdivision by the reasonable

reduction of lot sizes in the subdivision.

(4) Streets

In the design of the subdivision, provision shall be made for the proper connections with existing streets in adjoining subdivisions or for the proper extension of proposed streets into the adjoining property where such adjoining property has not been subdivided. The location of all streets shall be so arranged as to fit the natural topography as closely as possible. The street's width and their angle of intersection shall be so planned to permit maintenance, and safe vehicle and pedestrian movement. All new streets shall have the following standards:

(A) Context sensitive, sustainable street design including:

1. Conforming to the Comprehensive Plan: Water Quality Management Plan/ Stormwater Pollution Prevention Program;
2. Using Low Impact Development (LID) methods as contained in the Water Quality Management Plan/Stormwater Pollution Prevention Program to improve community sustainability.
3. Reducing the amount of impervious surface on streets, where appropriate, in the community by using porous bituminous or concrete or reducing the pavement width.
4. Require tree plantings in the boulevards that do not jeopardize safety or effective roadway maintenance.
5. Using street boulevards as a resource to move, clean and store storm water rather than using stormwater pipes.

(B) Maintain Safe Driving Conditions, provide connectivity, and discourage through traffic:

1. Limit the number of driveway openings on public streets, require spacing between driveway openings and limit the driveway opening width.
2. Maintain a safety visibility triangle at all intersections.
3. While allowing parking on both sides of the public street to calm traffic, providing clear room on the public streets for safety vehicles and service vehicles.

4. Use traffic calming measures to reduce vehicle speeds and to reduce through traffic.

(C) All New Local Streets, Alleys, and Lanes shall be dedicated to the public and have the following standards:

1. Local Street Right-of-Way: 40 feet

2. Local Street width: 20 feet of paved surface designed to a 7 ton engineering standard,

3. Lane Right-of-Way: 30 feet

4. Lane Width: 10 feet paved surface designed to a 7 ton engineering standard

5. Alley Right-of-way: 20 feet

6. Alley: 12 feet of paved surface designed to a 7 ton engineering standard,

(5) **Alleys**

Alleys shall be provided with adequate turn-around facilities at the dead-end.

(6) **Easements**

Utility easements shall be not less than five (5) feet on each side of every lot line. In addition, adequate easements shall be provided for storm water drainage and major utilities as determined by the City Engineer.

(7) **Blocks**

Considerable latitude as to size of blocks is deemed desirable in order that the subdivision may be planned in blocks to suit the topography, the general character of the site and the type of development appropriate to the locality. However no block shall be more than 600 feet in length.

(8) **Lots**

(A) **Lots Width and Location.** All lots shall have at least 100 feet of frontage on a Public Street measured at the required building Front Setback or in the case of Lake Lots at the Rear Setback and at the Ordinary High Water Level.

(B) **Residential Lot Size.** Lots shall be a minimum of one acre in size. All residential lots in any proposed subdivision shall conform to dimensional, setback requirements, and all other provisions of this Ordinance. The Council may, however, approve a decrease in the size of lots if it finds that such decrease is required in the furtherance of the public welfare or the public health, or is desirable because of the topography of the proposed subdivision, or to compensate for private recreation space as provided in this ordinance or is desirable in order that such lots conform with the surrounding subdivisions.

(C) **Out lots are allowed**

1. Only in Planned Unit Developments where the ownership of the Out lot shall be retained by the Home Owners Association or

2. As non-buildable land for City purposes as approved by the City Council.

(9) **Utilities**

All utilities including utilities owned and installed by private firms must be underground.

(10) **Placement on Public Property**

The planting of trees or other vegetation on public property shall be subject to the regulations of the City. No planting, gateways, entrances and similar improvements shall be made on public property except with permission and approval of the City Council.

(11) **Grading and Paving of Streets and Installation of Utilities**

All streets shall be graded and paved and all utilities including storm water facilities shall be installed as a part of the subdivision. Such work shall be done under the supervision of the City Engineer, subject to specifications prepared by the City Engineer and placed on file with the City Clerk.

(12) **Lots of Record**

(A) Lots of record that existed prior to September 1, 2011 shall be buildable provided the following occurs:

1. The existing lot of record is at a minimum:

- a. Riparian lot of record: 49.5 feet in width and 9,900 square feet in area;
 - b. Non riparian lot of record: 49.5 feet in width and 6,600 square feet in area,
- 2.The lot can be serviced by municipal sanitary sewer and municipal water;
 - 3.Any improvements on the lot meet all the setback requirements of the underlying zoning district,
 - 4.The lot is located on a public or private improved street;
 - 5.The lot is consistent with the Comprehensive Plan,
 - 6.Development or sale of the lot of record, without regard to the side setback aggregate, will not render the remaining property under the same ownership nonconforming;
 - 7.Except the lake lot line, a 5-foot wide utility easement shall be dedicated to the City adjacent to each lot line
- (B)** Consolidation of individual lots of record contained in recorded plats:
- Upon compliance with the following conditions, two (2) or more platted lots of record may be combined to form a single lot without regard to the minimum lot size provided the following occurs:
1. Each existing lot of record is at a minimum:
 - a. Riparian lot of record: 49.5 feet in width and 9,900 square feet in area;
 - b. Non riparian lot of record: 49.5 feet in width and 6,600 square feet in area,
 - 2.The combined lots can be serviced by municipal sanitary sewer and municipal water,
 - 3.Any improvements on the lot meet all the setback requirements of the underlying zoning district,
 - 4.The lot is located on a public or private improved street,

5. The lot is consistent with the Comprehensive Plan, and
6. The combined lots are platted as one lot.

(13) **Subdivision Procedures**

(A) **Preliminary Plat**

1. Pre-application concept plan

Prior to the submission of a preliminary plat the applicant and property owner shall submit a concept plan showing the arrangement of lots, blocks, streets, lanes and alleys and public and private open space and shall meet with the City Staff to discuss the subdivision design and approval process.

2. Preliminary Plat Submission

Not less than thirty (30) days in advance of a regular meeting of the Planning Commission, the Subdivider shall file with the City:

- a. Ten (10) copies and one electronic copy of the preliminary plat of a proposed subdivision. Once the application is complete, the City Staff will submit it to the Planning Commission for public hearing, review and recommendation to the City Council;
- b. Application for the subdivision of land;
- c. Required City fees and public hearing mailing lists.
- d. The preliminary plat shall contain the following information:
 - i. The preliminary plat shall be drawn on a scale of not more than one (1) inch equals one hundred (100) feet;
 - ii. The proposed name, and legal description of the subdivision;
 - iii. Its location with reference to known existing roads and section corners;
 - iv. The boundary lines, size and dimensions of the tract to be subdivided;

- v. Owner's name, Sub-divider's name, name of the proposed subdivision and survey made by a Registered Land Surveyor;
- vi. Scale, north point and date of the preliminary plat;
- vii. Location width and centerline curve radius of all proposed and adjacent streets, alleys and lanes;
- viii. Preliminary street profiles showing proposed grade complete with percent of grade and showing satisfactory disposition of storm water;
- ix. Location of all lots, blocks, and dedicated lands including the dimension and size of all lots;
- x. Proposed buildable area of all lots with setback dimensions;
- xi. A preliminary grading plan of the land to be subdivided and land within 100 feet of the land to be subdivided showing existing and proposed contours of the land at two (2) foot contour intervals;
- xii. A preliminary utility plan showing the location, size and depth of sanitary sewer, water and storm water utilities.

3.Statement by Subdivider

The preliminary plat shall be accompanied by a written statement specifying the intentions of the Subdivider respecting the proposed character of the development, deed restrictions, drainage, playgrounds or parks, and the intended date of beginning development.

(B) Final Plat

1.Submission

The preliminary plat as outlined above is a prerequisite to the submission of the final plat. Approval of the preliminary plat by the City Council is tentative only. Approval of the final plat shall be obtained from the City Council. The Council's approval of the final plat shall not be withheld as long as it conforms to the City Council approved preliminary plat and additional requirements for platting contained in this ordinance and required by Hennepin County. The final plat shall conform to the approved preliminary plat.

The following information shall be shown on or submitted with the final plat:

- a. Boundary survey;
- b. Dimensions;
- c. Angles at all lot, boundary and block corners;
- d. Location and description of monuments;
- e. Other data: such other certificates, affidavits, endorsements, or dedications as may be required by the Council for the enforcement of these regulations;
- f. Streets, lanes and alleys (by angles and width);
- g. Street names;
- h. Block lines, angles and block numbers;
- i. Lot lines, angles and lot numbers;
- j. Easements and their widths;
- k. All necessary certificates required by law;
- l. Name of subdivision, scale, date, north point and all other pertinent information generally required on plats by Hennepin County.

Final construction plans for grading, streets, alleys, lanes and utilities shall be approved by the City Engineer before the action is taken by the City Council on the Final Plat.

2. Final Plat Approval

Approval shall be by City Council resolution.

(14) Surety and Developers Agreement for Completion of Streets and Utilities

The subdivider and all other parties having an interest in the subdivision shall grade and pave the streets and install utilities to City Standards, all at his or her own expense. When the final plat is presented, a surety equally to at least 125% of the estimated cost for all public improvements and Developers Agreement

both acceptable to the City Council shall be furnished before the final plat is accepted and before construction may begin. The Surety may not be released until the City Engineer has approved all final public improvements and they have been accepted as public improvements by the City Council. All streets, alleys, and lanes must be completed, approved by the City Engineer, and accepted by the City Council with only the final coat of pavement remaining and utilities must be completed before any building permits are issued within the subdivision.

(15) Minor Subdivision.

Existing lots may be subdivided by minor subdivision. A minor subdivision is a lot division or lot rearrangement that shall not require a preliminary plat, provided all the following conditions are met:

- (A) The subdivision shall be in compliance with the Comprehensive Plan and the purpose and intent of this Ordinance;
- (B) The subdivision shall not result in or affect more than two (2) lots;
- (C) The subdivision shall be part of a previously recorded plat or Registered Land Survey;
- (D) Unless prior or concurrent approval of a variance is granted, any such subdivision shall result in lots that meet the minimum dimensional requirements for the zoning district in which the property is located, or shall not further increase the non-conformity of any lot dimension;
- (E) Unless prior or concurrent approval of a variance is granted, any such subdivision shall not cause any structure on the property to be made nonconforming or to be in violation of the Zoning Ordinance or any other provisions of the City Code;
- (F) All lots resulting from the subdivision shall have frontage and access on an existing improved street;
- (G) The resulting parcels shall generally conform with the shape, character, and area of existing or anticipated land subdivisions in the surrounding areas;
- (H) Any such subdivision shall not require any public improvements or the dedication of right-of-way, parks, playgrounds or stormwater facilities;
- (I) Any such subdivision shall not result in legal descriptions that are unduly Complex;

- (J) The subdivider shall provide easements, as required by this Chapter.
- (K) The subdivider shall comply with all other provisions necessary of the approval of a final plat.