

## SECTION 11.02: SUBDIVISION REGULATIONS

### ***SUBDIVISION REGULATIONS***

*The Subdivision Regulations specify the types of land division that can occur in the City of Mahtomedi. It also specifies layout, improvements, and construction standards that are typically associated with land divisions.*

#### **11.02. Subdivision Regulations.**

**1.0 Intent.** The process of dividing raw land into home sites, or separate lots for other uses, is one of the most important factors in the growth of the City of Mahtomedi. Few activities have a more lasting effect upon its appearance and environment. Once the land has been subdivided into urban lots and the streets, names, and other structures have been constructed, the basic character of this addition to the City has become firmly established. It is then virtually impossible to alter its basic character without substantial expense. In most subdivisions, roads and streets must be maintained and various public services must be provided. The welfare of the entire City is thereby affected in many important respects. It is, therefore, to the interest of the general public, the developer, and the future owners that subdivisions be conceived, designed, and developed in accordance with sound rules and proper standards.

All subdivisions of land hereafter submitted for approval shall fully comply, in all respects, with the regulations set forth herein. It is the intent of these regulations to:

- A.** Encourage well planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.
- B.** Provide for the health and safety of residents by requiring properly designed streets and adequate sewage and water service.
- C.** Place the cost of improvements against those benefiting from their construction.
- D.** Secure the rights of the public with respect to public lands and waters.
- E.** Set the minimum requirements necessary to protect the public health, safety, morals, comfort, convenience, and general welfare.

**2.0 Scope.** The rules and regulations governing plats and subdivisions of land contained herein shall apply within the City of Mahtomedi and other land as permitted by State Statutes. In the event of overlapping jurisdiction within the prescribed area, the extent of jurisdiction shall be determined and agreed upon between the City and the other municipalities concerned. Except in the case of resubdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder prior to the effective date of this Ordinance, and it is not intended by this Ordinance to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this Ordinance, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Ordinance shall control.

#### **3.0 Definitions.**

- A. Rules.** Words used in the present tense include the past and future tense; the singular number includes the plural, and the plural includes the singular; the word 'shall' is mandatory, and the work 'may' is

permissive. In the event of conflicting provisions in the text of this regulation, the more restrictive shall apply.

**B. Definitions.** The following words and phrases used in this Ordinance shall have the meaning respectively ascribed to them in the Section.

**A**

**Abutting.** Making direct contact with or immediately bordering.

**Additional Escrow Funds.** The cash escrow deposit required by the City after depletion of the Initial Escrow Funds for the City’s estimated Out – of – Pocket Costs related to zoning and / or subdivision petitions, including, but not limited to processing plats, subdivisions, or site plans.

**Administrative Review.** Administrative Review is a review of an application by the head of each City Department and / or other division of the City as determined by the Zoning Administrator and does not require review and / or approval by the Planning Commission or City Council.

**Affected Property Owner.** Any individual or legal entity owning property affected within the jurisdiction of the regulations in this Ordinance.

**Alley.** A public or private thoroughfare which affords only a secondary means of access to abutting property.

**Alteration.** Any change, addition, or modification in construction or type of occupancy or in the structural members of a building such as foundation, walls, partitions, columns, beams or girders, the completed nature of which may be referred to as ‘altered’ or ‘reconstructed’.

**Applicant.** The owners, their agent, or representative having interest in land where an application for city review of any permit, use, or development is required by this Ordinance.

**Appraised Valuation.** The market value of a structure or lot as determined by the current records of the Washington County Assessor.

**Approved.** To give formal or official sanction to by the Building Inspector, Zoning Administrator, Planning Commission, City Council, or other responsible entity.

**Area, Gross Land.** The total area of land including the area of perimeter street right-of-ways to the parcel line, wetlands, and other publicly dedicated improvements such as parks, open space, and storm water management facilities.

**Area, Net Land.** The area of land excluding street right – of – ways, wetlands, and other publicly dedicated improvements such as parks, open space, and storm water management facilities.

**Attorney.** The City Attorney.

**Authorized Agent.** One who is authorized to act for or in the place of another as a representative, emissary, or official of a government.

**B**

**Best Management Practice (BMP).** Structural or nonstructural measures, practices, techniques, or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

**Block.** A tract of land bounded by streets or a combination of streets, parks, railroad right – of – way, shorelines or corporate boundary lines of the City.

**Board of Adjustments and Appeals.** See ‘Zoning Board of Adjustments and Appeals’.

**Boulevard.** The portion of the street right – of – way between the curb line and the property line.

**Buildable Area.** The space remaining on a lot after the minimum setback and open space requirements of this Ordinance have been met.

**Building.** Any temporary or permanent structure intended for the shelter, support, or enclosure of persons, animals or property of any kind. When separated by division walls without openings, each portion of such building shall be deemed a separate building.

**Building Code.** The Minnesota State Building Code.

**Building Line.** A line on a plat between which line and a street no building or structure may be erected.

**Building Official or Building Inspector.** The Building Official or Building Inspector shall be the Building Code Enforcement as specified in *Chapter 2* of the City Code of the City of Mahtomedi.

**Butt lot.** A lot at the end of a block and located between two corner lots.

## C

**Cease and Desist.** A court issued order to halt the activity that is being conducted without a permit or in violation of this Ordinance.

**Certificate of Survey.** A legal document depicting property information that is signed by a registered land surveyor under Minnesota state laws.

**Chair.** The Chair of the Planning Commission or other body as the context requires.

**City.** The incorporated City of Mahtomedi, State of Minnesota.

**City Council.** The governing body of the City of Mahtomedi. (See *Chapter 2*)

**Commission.** The City Planning Commission.

**Common Open Space.** Land held in common ownership used for natural habitat, pedestrian corridors, and / or recreational purposes that are protected from future development.

**Comprehensive Plan.** The Mahtomedi Comprehensive Plan including the policy statements, goals, standards, functional classes of land use, places and structures, and the general physical development of the City of Mahtomedi.

**Contiguous.** Parcels of land that share a common lot line or boundary.

**Contour Map.** A map on which irregularities of land surface are shown by lines connecting point of equal elevations. Contour interval is the vertical height between contour lines.

**Conveyance.** As defined in *Minnesota State Statutes 272.12*.

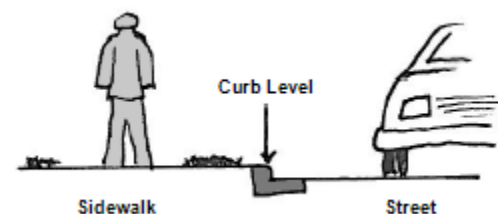
**Corner Lot.** See 'Lot, Corner'.

**Council.** See 'City Council'.

**County.** Washington County, Minnesota.

**Cul – de – sac.** A permanent street terminating at one end without connecting with another road and designed so that it cannot be further extended without taking property not dedicated as a street.

**Curb Level.** The level of the established curb, as measured at the top of curb, in front of a building or structure measured at the center of such front. Where no curb elevation has been established, the City Engineer or other Authorized Agent shall establish such curb elevation.



**D**

**Design Standards.** The specifications to land owners or subdividers for the preparation of plats, indicating, among other things, the optimum, minimum and maximum dimensions of such items as rights – of – way, blocks, easements, and lots.

**Designations.** The terms, Council, Commission, City, Administrator, Inspector, Engineer, Planner and Attorney, unless otherwise identified, shall mean the City Council, the City Planning Commission, the City of Mahtomedi, the City Administrator, the City Building Inspector, the City Engineer, the City Planner and the City Attorney, respectively.

**Development.** Any human made changes to improve or unimproved real estate, including, but not limited to the construction of buildings, structures, or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of manufactured homes or mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation, or drilling operations, and the deposition or extraction of earthen materials.

**Double Frontage Lot.** See ‘Lot, Double Frontage (Through Lot).

**Dredging.** The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.

**Driveway.** A private road or path for vehicle access or a public road, which is wholly located on the parcel which is afforded access.

**Drainage Course.** A water course or indenture for the drainage of surface water.

**Drainage System.** One or more artificial ditches, tile drains, similar devices that collect surface runoff of groundwater and convey it to a point of discharge.

**E**

**Easement.** A grant by an owner of land for a specified use by persons other than the owner.

**Enforcement Officer.** The City Administrator and his / her authorized representative charged with the responsibility of enforcing this Ordinance.

**Engineer.** The City Engineer.

**Environmental Impact Worksheet, Assessment or Statement.** A document that may be required under Minnesota Statutes or this Ordinance to determine the environmental effects resulting from a ground disturbing, development, or construction activity.

**Equipment.** The implements uses in an operation or activity.

**Erosion.** The process by which the land’s surface is worn by action of wind, water, ice or gravity.

**Erosions and Sediment Control Plan.** A comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

**Essential Services.** Underground gas, and underground or overhead electrical, steam, water or other transmission or distribution systems; collection, communication, supply or disposal systems, including towers (except towers subject to Section 11.01, Subdivision 11.37, which are regulated under that subdivision), poles, wires, mains, drains, sewers, pipes, conduits, cables, fire and police alarm systems, traffic signals, hydrants and similar equipment, but not including essential services facilities.

**Essential Services Facilities.** Buildings and other structures necessary for the provision of essential services, including but not limited to, telephone exchange stations, booster or pressure regulating stations, wells and pumping stations, elevated tanks, lift stations, and electrical power substations, provided that no building or

structure having a base area (base area equals length times width) greater than thirty square feet shall be located within thirty feet from the lot line of an abutting lot or right-of-way line.

**Essential Services Facilities – City Facilities.** Essential service facilities owned and operated by the City of Mahtomedi and located upon City owned property, within City easement areas, within City street right-of-way, and/or within other property pursuant to a lease agreement, a license agreement, a joint powers agreement, and/or other agreement with the property owner(s).

**Excavation, Land.** See ‘Land Filling and Excavation’.

**Exterior Property Area.** The open space on the premises and on adjoining property under the control of owners or operators of such premise.

## F

**Federal Emergency Management Agency (FEMA).** The federal agency that administers the National Insurance Program.

**Fill.** Any act, by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, or transported and shall include the conditions resulting thereupon.

**Final Plat.** A drawing or map of an approved subdivision that meets all the requirements of the subdivision regulations, and in such forms as required by the city for purposes of recording.

**Final Stabilization.** All land disturbing construction activities at the construction site have been completed and a uniform perennial vegetative cover has been established, with a density of at least seventy percent (70%) of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

**Financial Guarantee.** A performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the City of Mahtomedi by the responsible party to assure that the requirements of this Ordinance and the applicable permits are carried out in compliance with the approvals and requirements.

**Flag Lot.** See ‘Lot, Neck’.

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land area caused by one of the following conditions:

- The overflow or rise of inland waters;
- The rapid accumulation of runoff of surface waters from any source;
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of White Bear Lake;
- The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a sever storm, or by an unanticipated force of nature.

**Floodplain.** The area adjoining a watercourse or water basin that have been or may be covered by a regional flood.

**Flood Frequency.** The probability of a flood occurrence that is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.

**Flood Insurance Rate Map (FIRM).** A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can be amended by the Federal Emergency Management Agency.

**Floodfringe.** That portion of the flood plain outside the floodway that is covered by flood waters during the regional flood and is generally associated with standing water rather than flowing water.

**Frontage.** All the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or City boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.

**Frontage, Abutting.** The part of a lot, parcel, or property that abuts or fronts an improvement.

**Frontage, Long.** The long dimension of a corner lot regardless of the principal building orientation.

**Frontage, Short.** The short dimension of a corner lot regardless of the principal building orientation.

**G**

**Governing Body.** The City Council.

**Grade, Finished.**

- A. For buildings more than five (5) feet from any street line, the average level of the finished surface adjacent to the exterior walls of the building.
- B. For buildings having one or more exterior walls within five (5) feet of a street line or lines, the average of the elevations of the sidewalk or sidewalks, or their equivalent established ground surface, adjacent to such street line or lines.

**Grade, Street.** The elevation of the established street in front of the building measured at the center of such front. Where no street grade has been established, the City Engineer shall establish such street grade or its equivalent for the purpose of this Ordinance.

**Grass Lawn.** A lawn consisting primarily of Kentucky bluegrass, perennial rye grass, fescues, and / or other grasses generally associated with mowed and maintained grass lawns.

**Growth.** Any object of natural growth, including trees, shrubs, or foliage, except farm crops that are cut at least once a year.

**I**

**Implements.** A device used in the performance of a task.

**Infill Development.** An undeveloped area of land located within an existing development.

**Infiltration.** The entry of precipitation or runoff into or through the soil.

**Infiltration System.** A device or practice such as a basin, trench, rain garden, or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of roof downspouts onto lawns, or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

**Initial Escrow Funds.** The cash escrow deposit required for the City's estimated Out-Of-Pocket Costs related to zoning and / or subdivision petitions, including, but not limited to, processing plats, subdivisions, site plans, rezonings, comprehensive plan amendments, conditional use permits or variances.

**K**

**Key Map.** A map drawn to comparatively small scale which definitely shows the area proposed to be platted area the areas surrounding it to a given distance.

**L**

**Land.** The earth, water, and air above, below, or on the surface, and includes any improvements or structures regarded as land.

**Land Alteration.** The reclaiming of land by depositing, removing or moving material so as to alter the grade or topography.

**Land Clearing.** The removal of a contiguous group of trees and other woody plants in an area of 20,000 square feet or more within any twelve (12) month period. Refer to *Section 11.01, Subdivision 10.5: Slopes / Woodland Protection, Preservation, and Replacement* for more information.

**Land Disturbing Construction Activity.** Any human made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative cover, that may result in runoff and lead in an increase in soil erosion and movement of sediment into the waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling, and grading activities.

**Land Filling and / or Excavation.** The action or process of filling, cutting, digging, scooping, or otherwise altering the existing land.

**Lot.** A parcel of land designated by metes and bounds, registered land survey, plat or other means, and which description is either recorded in the office of the Washington County Recorder or Registrar of Titles or used by the County Treasurer or county Assessor to separate such parcel from other lands for tax purposes.

**Lot, Area.** The area of a horizontal plane within the lot lines.

**Lot, Buildable.** A lot which meets or exceeds all requirements of this Ordinance without the necessity of variances.

**Lot, Building Coverage.** The area of a lot occupied by the principal and accessory buildings.

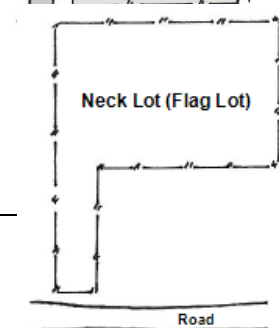
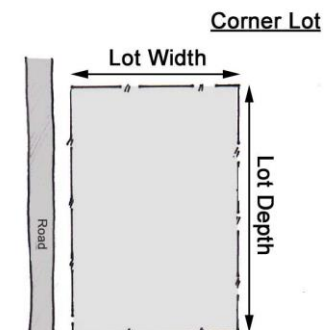
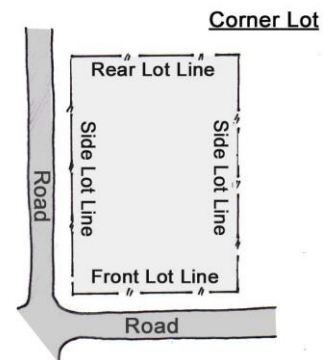
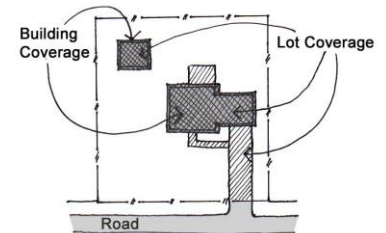
**Lot, Coverage (within Shoreland Overlay District also known as impervious coverage).** The area of a lot occupied by the principal and accessory buildings including driveways and sidewalks.

**Lot, Corner.** A lot abutting upon two (2) or more streets at their intersection or junction, or a lot bounded on two (2) sides by a curving street where it is possible to draw two (2) intersection chords, one each commencing at each other the two (2) points of intersection of the lot lines and street line, which intersection with each other to for an interior angle of less than one hundred – twenty (120) degrees.

**Lot, Depth.** The mean horizontal distance between the front and rear lot lines. In order to allow flexibility in determining lot depth for parcels of unusual configuration, lot depth can be measured by averaging side property lines or by measuring a straight line extending from the front lot line to the rear lot line and passing through the building, subject to determination by the Zoning Administrator. On a corner lot, the side with the largest frontage is its depth, and the side with the lesser frontage is its width.

**Lot, Double Frontage (Through Lot).** Any lot other than a corner lot which abuts more than one (1) street or street right-of-way. On a through lot, the Zoning Administrator or other Authorized Agent shall determine the front.

**Lot Interior.** A lot other than a corner lot including double frontage (through



lots).

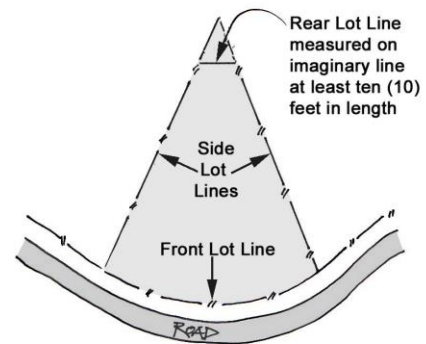
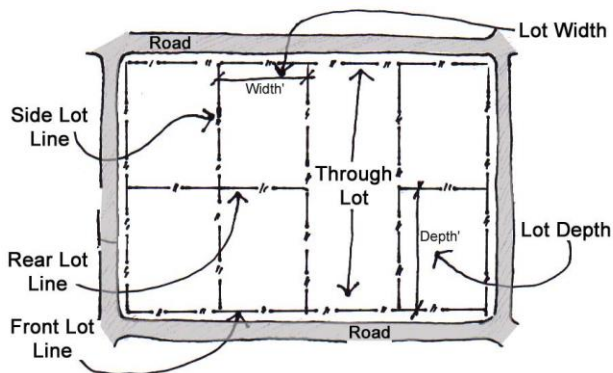
**Lot, Irregular (or Irregular Lot).** A parcel or lot within a subdivision abutting a cul-de-sac or curbed street approximately equal in area to the other lots within the subdivision; however, having unusually short abutting frontage in comparison to the other lots.

**Lot, Neck.** A lot with reduced frontage on a public right-of-way where access to the public right-of-way is by a narrow private strip of land owned in fee.

**Lot Lines.** A lot line is the property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line.

#### Lot, Lines Related.

- a. **Front Lot Line.** That boundary of a lot which abuts an existing or dedicated public street or a private road. In the case of a corner lot, it shall be the shortest dimension of a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the City. In the case of a corner lot in a non-residential area, the lot shall be deemed to have frontage on both streets.
- b. **Rear Lot Line.** That boundary of a lot which is opposite to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and the maximum distance from the front lot line.
- c. **Side Lot Line.** Any boundary of a lot which is not a front lot line or a rear lot line.



**Lot, Width.** The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line. In the case of a lot fronting on a curvilinear street or cul-de-sac, the lot width shall be defined as the horizontal distance between the side lot lines on a line parallel to the front lot line at the required building setback from the front parcel line. On a corner lot that is vacant, the side with the shortest frontage is the width.

**Lot of Record.** A lot which is a part of a subdivision, the map of which has been recorded in the office of the Registrar of Deeds or the County Recorder's office, or a lot described by metes and bounds, the deed to which has been recorded in the office of the Registrar of Deeds or the County Recorder's office at the time of this Ordinance is passed.

**Lot Line Adjustment.** A lot line adjustment is defined as an adjustment between two or more existing adjacent parcels where the land taken from one parcel is added to an adjacent parcel and where a greater or lesser number of parcels than originally existed are not thereby created.



**M**

**Marginal Access Street (Service Road).** A minor street parallel to and adjacent to high volume arterial streets and highways, which provides access to abutting properties and protection of through traffic.

**Metes and Bounds Description.** A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

**Minimum Subdivision Design Standards.** 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.

**Minor Street.** A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

**Minor Subdivision.** The division of a parcel of land into three (3) or less lots in accordance with *Section 11.02, Subdivision 10.0 (E): Minor Subdivision*.

**N**

**Natural Water Way.** A natural passageway in the surface of the earth so situated and having such topographical nature that surface water flows through it from other areas before reaching a final ponding areas. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.

**Neck Lot.** See 'Lot, Neck'.

**Non-Conforming Lot of Record.** An unimproved lot which was legally recorded on or before the effective date of this Ordinance which does not comply with the lot size requirements for any permitted use in the district in which it is located. Such lot is considered buildable only as stipulated in *Section 11.01, Subdivision 10.2, G: Nonconforming Lots*.

**Non – Riparian Lot.** A lot of record that does not abut a public water.

**O**

**Official Zoning Map.** A map adopted in accordance with the provisions of *Minnesota State Statute 394.361*.

**Ordinary High Water Mark.** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

**Out-Of-Pocket Expenses.** The out-of-pocket expenses incurred by the City in employing the services of any planner, engineer, inspector, legal counsel, or other Professional Consultants with regard to zoning and /or subdivision petition processing.

**Outlot.** A portion of a platted subdivision or other parcel of land not intended by its owner for immediate building development or dedication or land for purposes other than development.

**Owner.** 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.

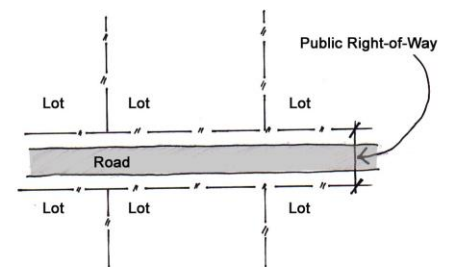
**P**

**Parcel.** See 'Lot'.

- Pedestrian Way.** A public right – of – way across or within a block, to be used by pedestrians.
- Person.** An individual, firm, partnership, association, corporation or joint venture or organization of any kind.
- Planning Commission.** The duly appointed Planning Commission of the City of Mahtomedi.
- Plan.** A map or drawing indicating the proposed layout of the subdivision to be submitted to the Planning Commission and the City Council for their consideration, in compliance with eh Comprehensive Development Plan and these regulations along with required supporting data.
- Plat.** A map or drawing which graphically delineates the boundary of land parcels for the purposes of identification and record of title. The plat is a recorded legal document and must conform to all Minnesota State Laws.
- Platted Land.** Lands with legal descriptions described as lot, block, and plat name.
- Private Street.** A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public but is owned by one or more private parties.
- Professional Consultants.** The City’s planning, engineering, inspection, legal and any other paid consultants retained by the City.
- Protective Area.** An area of land that commences at the top of channel of lakes, streams, and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally form the top of the channel or delineated wetland boundary to the closest impervious surface. This term does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.
- Protective Covenants.** Contracts entered into between private parties constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- Public Land.** Land owned and / or operated by a governmental unit, including school districts.
- Public Park.** Land owned or leased by a government entity for the purpose of providing public recreation and /or open space.
- Public Waters.** All lakes, ponds, swamps, streams, drainageways, flood plains, floodways, natural water course, underground water resources, and similar features involving directly or indirectly, the use of water within the community as defined by the Department of Natural Resources.
- Public Way.** All or any part of a road, street, slip, pier, land, or paved alley.

**R**

- Regulation.** An authorized rule dealing with details or procedure.
- Reserve Strips.** A narrow strip of land usually placed between lot lines and streets to control access.
- Responsible Person or Party.** The owner, operator, manager, occupant, or tenant of any structure or premises.
- Right-of-Way, Public.** An area owned and maintained by government jurisdiction, for public use.
- Riparian Lot.** A lot of record that buts a public water that is subject to the City of Mahtomedi’s Shoreland Management regulations of *Section 11.01, Subdivision 11.36: Shoreland Management Overlay District.*



**Roadway.** A paved area within a street right – of – way available or to be available for vehicular traffic, including all curb and gutter facilities.

**Runoff.** Storm water or precipitation, including rain, snow or ice melt, or similar water that moves on the land surface via sheet or channelized flow.

## S

**Sediment.** Settable solid materials that are transported by runoff, suspended within runoff or deposited by runoff away from its original location.

**Shorelands.** Lands within the following distances from the ordinary high water mark of navigable waters: one thousand (1,000) feet from a lake, pond, or flowage.

**Significant Tree.** A healthy coniferous tree measuring six (6) feet or more in height, or a healthy deciduous tree measuring eight (8) inches or more in diameter. (See *Section 11.01, Subdivision 10.5: Slopes / Woodland Protection, Preservation and Replacement*).

**Site.** The entire area including the legal description of the land on which the activity is proposed or being conducted.

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

**Slope.** An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. (Example: 3:1 slop is 3 feet horizontal and 1 foot vertical.)

**Standard.** Something set up and established by authority as a rule for the measure of quantity, weight, extent, value or quality.

**Standard, Performance.** A criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by the inherent in or incidental to land use.

**Standard.** Something set up and established by authority as a rule for the measure of quantity, weight, extent, value or quality.

**State.** The State of Minnesota.

**Stop Work Order.** An order issued by the Building Inspector or other Authorized Agent that requires all construction activity on the site to be stopped.

**Storm Water Management Plan.** A comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has undergone final stabilization following completion of the construction activity.

**Storm Water Management System Plan.** A comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

**Street.** A public right-of-way, approved and accepted by public authority, that provides a primary means of public access to abutting property. The term ‘street’ shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any similar term. Street classifications are as defined by the City’s Comprehensive Land Use Plan.

**Street, Surfaced.** A street or highway with existing bituminous or concrete pavement surfacing.

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

**Subdivider.** Any person, corporation, partnership, association, individual, firm, trust, or agent dividing or proposing to divide land.

**Subdivision.** The division of a parcel of land after the effective date of this Ordinance into two (2) or more lots or parcels, unless otherwise specified in this Ordinance, 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.

**Supplied.** Installed, furnished, or provided by the owner or operator.

**Surveyor.** A land surveyor registered under Minnesota State Laws.

**T**

**Technical Standard.** A document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method.

**Through Lot.** See ‘Lot, Double Frontage (Through Lot)’.

**Thoroughfare.** A street primarily designated to carry large volumes of traffic and provide for vehicular movement between and among large areas.

**Tracing.** A plat or map drawn on transparent paper or cloth which can be reproduced by using regular reproduction procedure.

**Tree Protection.** Snow fencing or erosion control fencing placed at the drip line of significant trees to be preserved.

**Turf-Grass.** See ‘Grass Lawn’.

**V**

**Vegetation, Natural.** Plant life which is native to the location and which would normally grow if the ground were left undisturbed.

**Very Steep Slope.** Land having average slopes over twenty – five percent (25%), as measured over horizontal distances of thirty (30) feet or more.

**W**

**Wetland.** Includes the following types of wetlands: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes, and seasonally flooded basins. Wetlands also includes degraded wetlands that are dominated by invasive species, such as reed canary grass.

**Z**

**Zoning Administrator.** The official designated by the City of Mahtomedi to administer and enforce this Ordinance.

**Zoning Board of Adjustments and Appeals.** The City Council acting as the Zoning Board of Adjustments and Appeals of the City of Mahtomedi. (See *Chapter 2*).

**Zoning Code.** The Mahtomedi Zoning Ordinance.

**Zoning District.** An area or areas for which the regulations and requirements governing land use are uniform.

**Zoning Map.** The map or maps incorporated into this Ordinance as a part thereof designating the City’s Zoning Districts.

**4.0 Types of Land Divisions.** The provisions of this Ordinance shall apply to the following types of land division in the City of Mahtomedi:

- A. Subdivision plat. Any division of land may be surveyed and a plat thereof approved and recorded pursuant to the provisions of this Ordinance and Minnesota Statutes. However, a platted subdivision shall be required for any land division that creates four (4) more parcels or building sites.
- B. Certified survey map. In lieu of a subdivision plat, any division of land that creates three (3) or less parcels or building sites shall be surveyed and a certified survey map of such division shall be approved and recorded pursuant to the provisions of this Ordinance and Minnesota Statutes.

**5.0 Compliance.** No person, firm, or corporation shall divide any land within the City of Mahtomedi that results in a subdivision plat or certified survey map, and no such action shall be entitled to record without compliance with the following:

- A. The City's Comprehensive Plan;
- B. All applicable provisions of this Ordinance;
- C. The provisions of *Section 11.01: Zoning Ordinance*;
- D. The provisions of *Minnesota Statutes* relating to subdivisions;
- E. The rules of the Minnesota Department of commerce regulating lot size and lot elevation necessary for property sanitary conditions if any lot or unit is not served by public sewer and provisions for such service have not been made;
- F. The rules of the Minnesota Department of Transportation relating to the provision for the safety of entrance upon and departure from state trunk highways or connecting highways and for the preservation of public interest and investment in such highways;
- G. The rules of the Minnesota Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating developments within floodplain, wetland, and shoreland areas; and
- H. All other applicable ordinances.

### **6.0 Lot Line Adjustment.**

**A. Administrative Approval Permitted.** Lot line adjustments meeting the specified criteria may be reviewed and approved administratively by the Zoning Administrator.

**B. Application Submittal.** A complete application shall be submitted to the Zoning Administrator and shall include payment of the required fees. The application shall include the following information as applicable or as directed by the Zoning Administrator or other Authorized Agent:

1. A narrative statement describing the lot line adjustment
2. Proof of ownership
3. A certificate of survey showing the following:
  - a. The dimensions of the lots
  - b. The area of the lots, all corner elevations
  - c. All existing structures, including dimensions to existing and proposed property lines
  - d. All visible encroachments

- e. All easements of record
- f. The proposed altered lot lines
- g. Existing and proposed legal descriptions

**C. Approval Criteria.** Lot line adjustments shall only be approved if they meet the following criteria:

1. No new parcels are created through the adjustment of the lot line(s)
2. Will not cause any structure to be in violation of any zoning code requirements.
3. If a lot line adjustment involves an existing non-conforming lot, the lot line adjustment shall serve to decrease the non-conformity.
4. Lot line adjustment shall not cause any new nonconformity.
5. The parcels to be adjusted may not have been previously altered in any way in the previous two (2) calendar years.
6. No public improvements shall be necessary.
7. Any easement agreements necessary shall be approved by the City Council.

**D. Approval or Denial.** The Zoning Administrator or their designee shall approve or deny the request in writing. Upon written approval of the request, the applicant shall be responsible for filing the subdivision or combination survey with the County Recorder's office as applicable. If the request is denied, the Zoning Administrator or their designee shall provide to the applicant a written statement of denial stating the reasons for the denial. The Zoning Administrator may require utilization of the minor subdivision process or platting to alter property lines, if appropriate.

## 7.0 Platting Procedure.

### A. Preliminary Plat.

1. **Applicability.** For a subdivision of less than four (4) lots, this is an optional requirement. For subdivisions of four (4) or more lots, Subdividers are required to prepare for review by the City a proposed Preliminary Plat which shall contain the information listed in this *Subdivision*.
2. **Review Process.**
  - a. **Optional pre – application meeting.** The property owner (or owner's agent) of a project requiring the approval of a preliminary plat is encouraged to request a pre – application meeting with the Zoning Administrator, Public Works Director, or other Authorized Agent (and the Planning Commission or City Council, if beneficial) pursuant to the procedures described in *Section 11.01, Subdivision 8.1, D (1): Pre – application Meeting* of the Zoning Ordinance. The pre – application meeting allows the owner to receive general feedback as to how the proposed preliminary plat is (or is not) in compliance with this Ordinance. The meeting also allows the owner to receive general information about the types and details of improvements that are required to be installed by and at the owner's expense. Refer to *Section 11.01, Subdivision 8.1, D (1): Pre – application Meeting* for Land Divisions, for submittal requirements.
  - b. **Initiation.** Initiation of a preliminary plat may be made upon application of the property owner or the owner's designated agent.
  - c. **Application submittal.** A complete application shall be submitted to the Zoning Administrator or other Authorized Agent pursuant to *Section 11.01, Subdivision 8.1, D (2): Application Forms and Fees* and *Section 11.01, Subdivision 8.1, D (3): Application Deadline* of the

Zoning Ordinance. The application shall include the following information as applicable or as directed by the Zoning Administrator or other Authorized Agent:

- (1) The subdivider shall furnish the City Administrator or other Authorized Agent with six (6) full sized copies and one (1) reduced 8 ½ x 11 copy of the preliminary plat. Required information to be shown on the preliminary plat. A preliminary plat shall be prepared based on a survey by a Minnesota registered land surveyor. The preliminary plat shall be prepared at a scale of not more than one (1) inch equals one hundred (100) feet and shall include the following information, except as may be waived by the Zoning Administrator, Public Works Director, or other Authorized Agent:
  - (a) General information.
    1. Proposed name of the subdivision and location by section, township, and legal description. The proposed name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in Washington County.
    2. Names and addresses of the record owner, and any agent having control of the land, subdivider, land surveyor, engineer, and designer of the plan.
    3. Location map.
    4. Date of preparation, graphic scale, north arrow, and key map of the area within half (1/2) mile radius.
  - (b) Existing conditions.
    1. The location and names of existing adjacent subdivisions, parks, and cemeteries, and the owners of record of abutting property that has not been platted.
    2. Existing zoning on the adjacent property to the proposed subdivision.
    3. Location, size, and invert elevation of any existing sanitary or storm sewers, culverts and rain pipes, the location of utility holes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the proposed plat and / or immediately adjacent to the proposed plat. The nearest such sewer or water mains that might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the proposed plat and their size and invert elevations.
    4. Type, width, and elevation of existing street pavement within the proposed plat and / or immediately adjacent thereto, together with any legally established centerline elevation.
    5. Location, right – of – way width, and names of all existing streets, alleys, or other public ways, easements, railroad and utility right – of – ways, and all U.S. Public Land Survey section and quarter section lines within the boundaries of the proposed plat and / or immediately adjacent thereto.
    6. Location, delineated extent, and elevations of all lakes, ponds, streams, flowages, wetlands, and floodplains.
    7. Existing topographic contours.
    8. Existing natural and physical features including structures, driveways, rock outcrops, land cover, vegetation, and similar features that may affect the subdivision.

- (c) Proposed conditions.
  - 1. All required setbacks including building setbacks, wetlands buffers, and similar required setbacks.
  - 2. Exact length and bearing of the boundaries of the proposed subdivision.
  - 3. Location, width, and names of all proposed streets and public right – of – ways, such as alleys and easements.
  - 4. Street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested by the Zoning Administrator, Public Works Director, or other Authorized Agent.
  - 5. Dimensions and size of each lot together with proposed lot and block numbers.
  - 6. Location, dimensions, and size of all sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public uses.
- (2) Additional required information.
  - (a) Narrative. A narrative shall be submitted with the preliminary plat that describes the existing zoning and any zoning changes that are contemplated. However, the indication of such information shall not constitute an application for rezoning. The narrative shall also describe the proposed use of the lots, the type of buildings, the number of dwelling units per lot, the proposed density, and any other information that would assist the Planning Commission and City Council in making a decision on the preliminary plat request.
  - (b) Testing. Testing as required by the Public Works Director or other Authorized Agent to ascertain subsurface soil, rock, water, and other pertinent conditions affecting the subdivision.
  - (c) Other related plans. Other related plans as required by this Ordinance, the Planning Commission or City Council, including, but not limited to an erosion control plan, storm water management plan, a market analysis plan, or any other plan as may be required to adequately review the proposed subdivision.
  - (d) Declaration of covenants and easements. The City Attorney shall review all draft declaration of deed restrictions and protective covenants, conservation easements, and homeowner’s associations, and shall approve said instruments as to form.
  - (e) Staged development plan. Whenever a portion of a tract of land is proposed for subdividing and the balance of the tract is of a size that would allow future subdivision, the Planning Commission and / or the City Council may require a tentative plan for such future subdivision.
- d. Staff review. The Zoning Administrator or other Authorized Agent shall complete the following tasks:
  - (1) Determine if the application is complete pursuant to *Section 11.01, Subdivision 8.1, D (4) Application Completeness* of the Zoning Ordinance;
  - (2) Pursuant to *Minnesota Statutes*, submit the application to the required state agencies, the Fire Chief, the Public Works Director, the City Engineer, and the School District for their review and comment;



- (3) Notice a public hearing pursuant to *Section 11.01, Subdivision 8.1, G: Public Hearing and Noticing Requirements*; and
  - (4) Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action.
- e. Planning Commission recommendation. The Planning Commission shall complete the following tasks:
- (1) The Planning Commission shall hold a public hearing pursuant to *Section 11.01, Subdivision 8.1, G: Public Hearing and Noticing Requirements* of the Zoning Ordinance; and
  - (2) The Planning Commission (considering the approval criteria) shall make a recommendation of approval, approval with conditions, or denial to the City Council. In the event the Planning Commission recommends denial or any application for a preliminary plat, the reasons for such denial shall be provided identifying the ways in which the proposed request fails to meet the standards and intent of this Ordinance and is otherwise injurious to the public health, safety, and welfare.
- f. City Council final action.
- (1) Within sixty (60) days of the City's receipt of a complete application, the City Council shall review the request, the Planning Commission's recommendation, and the approval criteria and take action to approve, approve with conditions, or deny the request, unless extended pursuant to *Minnesota State Statutes 15.99: Time Deadline for Agency Action*.
  - (2) The City Council may hold additional public hearings or informational meetings on the Preliminary Plat. The City Council may also require modifications, changes, and revisions of the Preliminary Plat, as it deems necessary to protect the health, safety, morals, comfort, convenience and general welfare of the City.
  - (3) Approval or approval with conditions of a preliminary plat shall require an affirmative vote of the majority of the City Council.
  - (4) The City may extend the time limit of this Subdivision before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.
  - (5) An applicant may by written notice to the City request an extension of the time limit under this Subdivision.
  - (6) Denial. If an application for a preliminary plat is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways in which the proposed plat fails to meet the standards and intent of this Ordinance and is otherwise injurious to the public health, safety, and welfare.
  - (7) Limit of Reapplication. Limits on reapplication shall be as specified in *Section 11.01, Subdivision 8.1, D (6): Limit of Reapplication*.
  - (8) Approval of the preliminary plat is acceptance of the general layout and indicates to the applicant that he or she may proceed with fulfilling the necessary steps for approval of the final plat in accordance with the terms of approval. Such approval does not constitute approval of the final plat.
  - (9) Should the subdivider desire to amend the Preliminary Plat as approved, they may submit an amended plan which shall follow the same procedure as a new Preliminary Plat,

except for the public hearing and fee unless the amendment is in the opinion of the City Council of such scope as to constitute a new Preliminary plat, then it shall be re-filed.

- 3. Approval Criteria.** A preliminary plat shall be approved if it meets all of the following criteria:
- a. The application is complete and the information contained within the application is correct and sufficient to allow adequate review and final action;
  - b. The preliminary plat is consistent with all applicable provisions of this Ordinance and state law;
  - c. The preliminary plat is consistent with the City's Comprehensive Plan and any other adopted plans and standards as they relate to the following:
    1. The City's current and future streets, sidewalks, bike lanes, alleys, parks, and public utility facilities; and
    2. The extension, improvement, or widening of City roads, taking into account access and extension of sewer and water mains and the instrumentality of public utilities;
  - d. The preliminary plat promotes public health, safety, and general welfare; furthers the orderly layout and use of land; prevents the overcrowding of land by providing appropriate densities; lessens congestion on streets and highways and provides sufficient street layout and traffic flow; provides for adequate light and air; facilitates adequate provisions for water, sewerage, storm water management, and other public requirements; provides for proper ingress and egress; and promotes proper monumenting of land subdivided and conveyancing by accurate legal descriptions;
  - e. The tract of land subject to the application is adequately served by public improvements and infrastructure (as required by this Ordinance), or will be adequately served upon completion by the applicant of required improvements; and
  - f. Where applicable, each preliminary plat shall include a schedule for phasing of improvements.

**B. Final Plat.**

- 1. Applicability.** The subdivider shall submit six (6) copies of the final plat to the Zoning Administrator or other Authorized Agent within twelve (12) months after the date of approval of the Preliminary Plat. Failure to submit the final plat within twelve (12) months from the approval of the Preliminary Plat, the Preliminary Plat will be considered void unless an extension is requested in writing by the subdivider and granted by the City Council. The final plat is essentially a complete version of the previously approved preliminary plat incorporating all the required changes and the final engineering diagrams and descriptions.
- 2. Review Process.**
  - (a) Optional pre – application meeting. The property owner or their designated agent may meet with the Zoning Administrator or other Authorized Agent to review the final plat requirements prior to submitting an application.
  - (b) Initiation. Initiation of a final plat may be made upon application of the property owner or the owner's designated agent.
  - (c) Application submittal. A complete application shall be submitted to the Zoning Administrator or other Authorized Agent pursuant to *Section 11.01, Subdivision 8.1, D (2) Application Forms and Fees* and *Section 11.01, Subdivision 8.1, D (3) Application Deadline* of the Zoning Ordinance. The application shall include all the required information specified below:

- (1) Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in Washington County.
- (2) Legal description of property.
- (3) Names and addresses of the record owner, and any agent having control of the land, subdivider, land surveyor, engineer, and designer of the plan.
- (4) Graphic scale not less than one (1) inch equals one hundred (100) feet, unless otherwise determined by the City Engineer or other Authorized Agent.
- (5) North point and key map of the area within half (1/2) mile radius.
- (6) Date of preparation.
- (7) Existing Conditions.
  - a. Boundary lines shall be shown clearly and to such a degree of accuracy that conforms to the plat in that no major changes are necessary in preparing said plat.
  - b. Existing zoning classifications for land in and abutting the subdivision.
  - c. Approximate total acreage.
  - d. Location, right – of –way width, and names of existing or platted streets or other public ways, parks and other public lands, permanent buildings and structures, easements and section and corporate lines within the plan and to a distance one hundred (100) feet beyond shall also be indicated.
  - e. Location and size of existing sewers, water mains, culverts or other underground facilities within the preliminary plan area and to a distance of one hundred (100) feet beyond. Such data as grades and locations of catch basins, manholes, hydrants, and street pavement width and type, shall also be shown.
  - f. Boundary lines of adjoining unsubdivided or subdivided land, within one hundred (100) feet.
  - g. Topographic data, including contours at vertical interval shall be shown. Water courses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. U.S.G.S. datum shall be used for all topographic mapping where feasible.
  - h. A copy of all proposed private restrictions shall be submitted.
  - i. Percolation test and soil borings are required on soil area rated moderate or severe limitations for on – site sewage disposal systems as stated in the Soils Handbook on file in the Washington County Planning Department and Washington County Soil and Water Conservation District Office if the area being subdivided does not have municipal sanitary sewer available to it.
  - j. If severe soil limitations for the intended use are noted in the Soil Handbook on file in the Washington County Planning Department and Washington County Soil and Water Conservation District Office, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitations shall be made part of the permit application.
  - k. Inventory of slopes and wooded areas as required in *Section 11.01, Subdivision 10.5: Slopes / Woodland Protection, Preservation and Replacement*.
  - l. Delineation of Wetlands as required in *Section 11.07: Wetland Buffer Ordinance*.

- (8) Subdivision Design Features.
  - a. Layout of proposed streets, showing right – of – way widths and proposed names of streets. The name of any street shall conform to the Mahtomedi Uniform System of Naming Streets and Numbering Properties and Buildings.
  - b. Locations and widths of proposed alleys, pedestrian ways, and utility easements.
  - c. Layout numbers and preliminary dimensions of lots and blocks.
  - d. Minimum front and side street building setback lines.
  - e. Location and size of proposed sanitary sewer lines and water mains or proposed City sewer and water system if required.
  - f. Gradients of proposed streets, sewer lines and water mains, if requested by the City Engineer or other Authorized Agent.
  - g. Areas, other than streets, alleys, pedestrian ways, and utilities easements, indented to be dedicated or reserved for public including the size of such area or areas in acres.
- (9) Additional Information.
  - a. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units, type of business or industry so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.
  - b. Provisions for sewage disposal, surface water, drainage, and flood control.
  - c. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.
  - d. Such other information as may be requested by the City Administrator or other Authorized Agent.
  - e. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the subdivider shall submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.
  - f. Information regarding slope / woodland protection as required in Section 11.01, *Subdivision 10.5: Slopes / Woodland Protection, Preservation and Replacement*.
  - g. Information regarding wetland protection as required in *Section 11.07: Wetland Buffer Ordinance*.
- (10) Abstract of Title or Registered Abstract certified to a date not more than thirty (30) days prior to the submission of the final plat, along with any unrecorded documents affecting title to the property which is the subject of the plat, and an Opinion of Title by the subdivider's attorney. As an alternative to an Abstract of Title or Registered Property Abstract and an Opinion of Title, the Zoning Administrator or other Authorized Agent may accept a Commitment of Title Insurance, with an effective date not more than thirty (30) days prior to the submission of the final plat to the Zoning Administrator or other Authorized Agent, from a title insurance company reasonable acceptable to the City, unless otherwise determined by the City Attorney.
- d. Staff review. The Zoning Administrator or other Authorized Agent shall complete the following tasks:

- (1) Determine if the application is complete pursuant to *Section 11.01, Subdivision 8.1, D (4): Application Completeness* of the Zoning Ordinance;
  - (2) Pursuant to *Minnesota Statutes*, submit the application to the required state agencies and the Fire Chief, the Public Works Director, the City Engineer, and the School District for their review and comment. In addition one copy with the Abstract of Title or Registered Property Abstract, Opinion of Title or Commitment for Title Insurance shall be submitted to the City Attorney;
  - (3) Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action.
- e. City Council final action.
- (1) The City Council may refer the final plat to the Planning Commission for recommendation if they feel the final plat is substantially different from the approved Preliminary Plat.
  - (2) Prior to approval of the final plat, the subdivider shall have installed all required improvements or executed an agreement with the City Council for their installation. Required improvements shall conform to approved engineering standards and be in compliance with these regulations.
  - (3) Within sixty (60) days of the City's receipt of a complete application, the City Council shall review the request, the Planning Commission's recommendation, and the approval criteria and take action to approve, approve with conditions, or deny the request. If the final plat is not approved, the reasons for such action shall be recorded in the official proceedings and transmitted to the subdivider.
  - (4) Approval or approval with conditions of a final plat shall require an affirmative vote of the majority of the City Council.
  - (5) Upon receiving the plat signed by the County Surveyor, the City Council shall also sign the final plat, and the subdivider shall then record the final plat with the County Recorder within one hundred twenty (120) days, or the approved plat shall be considered void.
  - (6) The subdivider shall immediately upon recording furnish the Zoning Administrator with a reproducible copy, either mylar or linen reproducible tracings, of the recorded plat and two prints. Failure to furnish such copies shall be grounds for refusal to issue building permits for the lot(s) within the plat.
  - (7) Upon receiving approval of the final plat for a portion of the approved preliminary plat, the subdivider shall not be required to request a continuation of the recognition of the preliminary plat so as to maintain its approval.
- 3. Approval Criteria.** A final plat shall be approved if it meets all of the following criteria:
- a. The application is complete and the information contained within the application is correct and sufficient to allow adequate review and final action; and
  - b. The final plat must be consistent with the approved preliminary plat and all of the approval criteria of the preliminary plat.
- 4. Data Required for the Final Plat.** The final plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of Minnesota State Statutes and of this regulation.

The form for approval by signature of County officials concerned with the recording of the plat shall be as follows:

- a. Washington County Surveyor Checked and approved this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

By \_\_\_\_\_

Washington County Surveyor

- b. Washington County Auditor

No delinquent taxes and transfer entered this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

By \_\_\_\_\_

Washington County Auditor

- c. Washington County Recorder (Abstract Property)

I hereby certify this instrument was filed in the office of the County Recorder for record on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_ o'clock \_\_.m., and was duly recorded in Book \_\_\_\_\_ of \_\_\_\_\_ on page \_\_\_\_\_ as Document No. \_\_\_\_\_.

By \_\_\_\_\_

County Recorder, Washington County

- d. Washington County Registrar of Titles (Torrens / Registered Property)

I hereby certify this instrument was filed in the office of the Registrar of Titles for record on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_ o'clock \_\_.m., and was duly recorded in Book \_\_\_\_ of \_\_\_\_ on page \_\_\_\_ as Document No. \_\_\_\_\_.

By \_\_\_\_\_

Registrar of Titles, Washington County

### C. Certified Survey Map

1. **Applicability.** A certified survey map may be prepared in lieu of a platted subdivision for land divisions.
2. **Review and approval authorities.** The proposed certified survey map shall be reviewed and approved following similar procedures relating to plat review and approval.
3. **Required Information.** In addition to the information required by *Minnesota State Statutes*, the certified survey map shall include the following information:
  - a. Vicinity map of the subject area in relation to the city and nearby streets and highways.
  - b. Date, graphic scale, and north arrow.
  - c. Name and address of the owner, subdivider, and land surveyor preparing the certified survey map.
  - d. All existing structures, together with an identification of the type of structure, the distances of such structures from existing and proposed property lines, wells, watercourses, and drainage ditches, and existing property boundary lines in the area adjacent to the exterior boundaries of the proposed certified survey map and within one hundred (100) feet thereof. The proposed use of the existing structures to be retained shall be noted. All wells within the exterior boundaries of the proposed certified survey map, and within fifty (50) feet of the exterior boundaries of the map, shall be shown.

- e. Location, approximate dimensions, and area of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, open space or other public use.
  - f. Building or setback lines as required by the applicable zoning district.
  - g. Location and names of adjoining streets, highways, subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record abutting unplatted lands shall also be shown.
  - h. Active and abandoned railroad right – of – ways within and abutting exterior boundaries of the proposed certified survey map, and the right – of – way of existing and proposed trails, sidewalks, and bicycle paths.
  - i. Easements for any public sanitary sewers, water supply mains, storm water management facilities, drainage ways, or access ways.
  - j. Topographic features including existing and proposed contours.
  - k. Location and size of existing significant trees pursuant to *Section 11.01, Subdivision 10.5: Slopes / Woodland Protection, Preservation and Replacement* of the Zoning Ordinance.
- 4. Additional information that may be required.** The Zoning Administrator or other Authorized Agent may require that the following additional information be provided when necessary for the proper review and consideration for the proposed land division.
- a. Soil types as shown on existing soil survey maps.
  - b. The square footage and elevation of the first floor of all buildings proposed to remain on the site.
  - c. The results of any required soil borings.
  - d. Other information as required by the Zoning Administrator, Public Works Director, or other Authorized Agent.

## **7.1 Design Standards Relating to the Division of Land.**

### **A. Land Requirements.**

1. Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for purposes of the kind proposed by reason of potential flooding, topography, or diverse earth or rock formation.
2. Land subject to hazards to life, health or property shall not be subdivided for residential purposes until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.
3. Erosion and sedimentation control plans shall be required for the proposed subdivision including plans for temporary control measures to be taken during establishment of improvements. Such control plans shall be in accordance with the technical standards of soil conservation service as provided by the Washington County Soil and Water Conservation District Office and with applicable ordinances of the City. All drainage ditches, settlement basins and storm drainage ponds shall be sodded immediately upon completion of final grading.
4. Proposed subdivisions shall be coordinated with existing nearby municipalities or neighborhoods so that the City as a whole may develop harmoniously.

### **B. Street Plan.**

1. Proposed streets shall conform to the state and county highway plans as they have been prepared, adopted and / or filed as prescribed by law.

2. Streets shall logically relate to the topography so as to produce usable lots and reasonable grades.
3. Access shall be given to all lots and parcels of the tract in the subdivision, and to adjacent unsubdivided parcels unless the topography clearly indicates that such connection is not feasible. Reserved strips, and landlocked areas shall not be created.
4. The arrangement of streets in new subdivision shall make provisions for the appropriate continuation of the existing streets in adjoining areas.
5. Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.
6. Minor streets shall be laid out to discourage their use by through traffic. Thoroughfares shall be for through traffic by using marginal access streets, lots served by an interior street or other means.
7. Half or partial streets shall not be permitted, except where essential to reasonable subdivision of a tract in conformance with other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
8. Wherever a tract to be subdivided adjoins an existing half, or partial street, the part of the street within such a tract shall be platted.
9. Dead – end streets and reserve strips shall be prohibited and no public improvements shall be approved for any private street. All streets shall be dedicated for public use, unless otherwise allowed by the City Engineer or other Authorized Agent.
10. Private streets and reserve strips shall be prohibited and no public improvements shall be approved for any private street. All streets shall be dedicated for public use, unless otherwise allowed by the City Engineer or other Authorized Agent.
11. Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right – of – way, a street approximately parallel to and on each side of such thoroughfare and right – of – way may be required for adequate protection of residential properties and separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right – of – way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial and industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
12. 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.

**C. Cul – de – sac Streets.**

1. Cul – de – sac streets, permanently designed as such, shall not exceed six hundred (600) feet in length, except as variances are permitted pursuant to *Section 11.01, Subdivision 8.20: Variances* of the Zoning Ordinance. Such a variance may be granted if it can be clearly shown that by reason of unfavorable land form or the irregular shape of the land from which the subdivision is being made, a normal street pattern cannot be established, or that land would be wasted by not granting such a variance.
2. Unless future extension is clearly impractical or undesirable, the turnaround right – of – way shall be placed adjacent to a property line and a right – of – way of the same width as the street shall be carried to said property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the acreage covered by the turnaround



outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turnaround.

#### D. Street Design.

1. Minimum right – of – way widths and pavement widths (face to face of curb) for each type of public street or road shall be as follows:

Type of Street	Right – of – Way Width	Roadway Width
		Shall follow: MN DOT Geometric Design Standards for design speed of 30 to 35 mph.
<b>Thoroughfare</b>	120'	As determined by traffic needs.
<b>Collector Street</b>	80'	As determined by traffic needs
<b>Minor Street</b>	60'	<u>Urban with Curb and Urban</u> No parking 26' Parking on side 32' Parking both sides 38' <u>Rural with Ditches</u> Road surface width 24' Shoulders 4' (Shoulders shall be measured from the curb or the edge of the traffic lane). <u>Clear Zone</u> 15' (Clear Zone shall be measured from the curb or the edge of the traffic lane and include the shoulders). In Slope 4:1 Back Slope 3:1 Note: For non- MSA roadway construction, other dimensions may be considered.
<b>Marginal Access</b>	50'	As determined by traffic needs.
<b>Cul – de – sac</b>	55' turnaround radius	45' turnaround radius

2. Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the above standards.
3. Additional right – of – way and roadway widths may be required to promote safety and convenience when special conditions require it or to provide parking space in areas of intensive use. Existing streets with lesser width than prescribed above will be considered in existing neighborhoods.
4. Extensions of existing streets with lesser right – of – way than prescribed above may be permitted by variance in special cases.
5. Restriction of Access. Access of minor streets to state and county state aid highways, shall be discouraged at the intervals of less than three hundred (300) feet.
6. **Street Jog.** Street jogs with centerline offsets of less than one hundred fifty (150) feet may not be allowed.
7. **Deflection.** When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius of not less than one hundred (100) feet.

**8. Grades.** Centerline gradients shall be at least 0.4 percent and shall not exceed the following:

Classification	Gradient
Thoroughfares and Collector Streets	5%
Minor Streets and Marginal Access Streets	8%

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

**10. Angle of Intersection.** The angle formed by the intersecting of streets shall not be less than sixty (60) degrees with ninety (90) degree intersections preferred.

**11. Size of Intersection.** Intersections of more than four corners shall be prohibited.

**12. Corner Radii.** Roadways of street intersections shall be rounded by a radius of not less than fifteen (15) feet. Roadways of alley – street intersections shall be rounded by a radius of not less than six (6) feet. Corners at the entrances to the turn – around portions of cul – de – sacs shall be rounded by a radius of not less than twenty – five (25) feet.

**13. Curb and Gutter.** Curb and gutter shall be included as part of the required street surface improvement for urban road design standards and shall, thus, be designed for installation along both sides of urban roadways.

**E. Alley Design.**

1. Except in the case of a planned unit development, either a public or private alley shall be provided in a block where commercially zoned property abuts a major thoroughfare or a major street. Alleys in residential areas other than those zoned for multiple-family use shall not be permitted.

2. All alley rights – of – way and pavement widths shall conform to the following minimum standards:

Classification	Right – of – Way Width	Pavement
Industrial or Commercial	24 feet	20 feet
Residential (two – way)	20 feet	16 feet
Residential (one – way)	16 feet	12 feet

3. All centerline gradients shall be at least 0.5 percent and shall not exceed eight percent (8%).

**F. Public Utilities.**

1. **Water Supply.** Extensions of the public water supply system shall be designed so as to provide public water service to each lot.

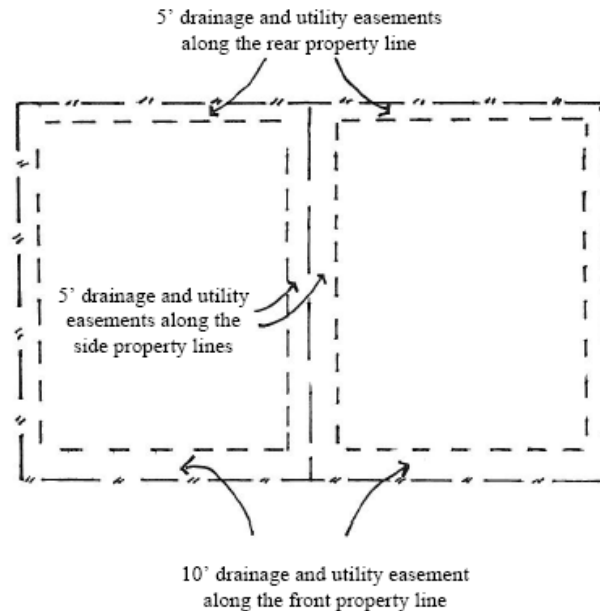
2. **Sewage Disposal.** Extensions of the public sanitary sewer system shall be designed so as to provide public sewer service to each lot.

**G. Drainage.** A complete and adequate drainage system shall be required for the subdivision and may include a storm sewer system or a system of open ditches, culverts, pipes and catch basins, or both

systems. Drainage designs must conform to the local watershed district requirements minimum, drainage design shall conform to the local water management plan.

#### H. Easements.

1. **Provided for Utilities.** Ten (10) foot easements shall be provided for utilities along the front property line for all new lots within the City of Mahtomedi. Where underground utilities are being installed a side yard easement may be required. These easements shall be covered by document.
2. **Provided for Drainage.** Easements shall be provided along each side of the centerline of any water course or drainage channel, whether or not shown on the Comprehensive Plan, to a sufficient width as determined by the City Engineer or other Authorized Agent, to provided proper maintenance and protection and to provide for storm water run – off and installation and maintenance of storm sewers. Five (5) foot drainage and utility easements shall be provided and adjacent to side and rear property lines, unless otherwise determined by the City Engineer or other Authorized Agent.
3. **Dedication.** Utility and drainage easements shall be dedicated for the required use.



- I. **Street Trees.** The type or species of trees planted shall be approved by the City Council as part of the Site Plan review. Trees with root structures that are less likely to interfere with utility lines, break up sidewalks and cause other nuisance damage are desirable. Trees shall have a trunk diameter (measured twelve (12) inches above the ground level) of not less than 1 ¾ inches and shall be planted in not less than one (1) cubic yard of good growing soil with a suitable amount of fertilizer. Approved multiple varieties shall be used alternately. Any trees planted shall be seven (7) feet or greater from the curb or edge of the traffic lane.
- J. **Street Names.** Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street. In that event it shall bear the same name of the existing or platted street so in alignment. Street names shall conform to the City of Mahtomedi, Uniform System of Naming Streets and Numbering Properties and Buildings as applicable.

**K. Block Design.**

1. Block length and width or acreage within bounding streets shall be such as to accommodate the size of residential lots required in the area by the Zoning Code and to provide for convenient access, circulation control, and safety of street traffic.
2. In residential areas, other than water frontage, blocks shall not be less than six hundred (600) feet or not more than eighteen hundred (1800) feet in length measured along the greatest dimension of the enclosed block area, unless minor variances are necessitated by topography or conformance with an adjoining plat.
3. In blocks over nine hundred (900) feet long, ten (10) foot wide pedestrian crosswalks may be required through the blocks in locations deemed necessary to public health, convenience and necessity. Suitable paving and fencing shall be provided.
4. Blocks for commercial and industrial / business areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In such cases, off – street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off – street loading shall also be provided with similar access. Extension of roads, railroad access right – of – way, and utilities shall be provided as necessary.
5. Blocks shall be wide enough to allow two (2) tiers of lots with a minimum depth as required by the Zoning Code except adjoining lake, stream, railroad, or thoroughfare or where one tier of lots is necessary because of topographic conditions.

**L. Lot Requirements.**

1. **Side Lot Lines.** Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines or radial to lake or stream shores unless topographic conditions necessitate a different arrangement.
2. **Public Streets.** Each lot shall front upon a public street, unless otherwise allowed by the City Engineer or other Authorized Agent.
3. **Lot Area and Lot Width.** No lot shall have less area or width than is required by zoning regulations applying to the area in which it is located except as herein provided.
4. **Commercial or Industrial / Business Lots.** Lots designed for commercial or industrial / business purposes shall provide adequate off – the – street service, loading and parking facilities.
5. **Building Sites.** Each lot shall provide an adequate building site at least one (1) foot above the centerline street grade unless it can be shown that adequate drainage and utility sewers can be provided.
6. **Minimum Lot Lines.** Lot widths and lengths shall conform to *Section 11.01, Subdivisions 11.2 through 11.36 or as shown in Table 11.0-A: Land Use Table.*
7. **Butt Lots.** Butt lots in any subdivision are to be discouraged. Where such lots must be used to fit a particular type of design, they shall be platted at least five (5) feet wider than the average width of interior lots in the block.
8. **Through or Double Frontage Lots.** Such lots shall not be permitted except where such lots abut a thoroughfare or major highway. Such lots shall have an additional depth of ten (10) feet for screen planting along the rear lot line.
9. **Lots Abutting Upon a Water Course, Drainage Way, Channel or Stream.** Lots abutting upon a water course, drainage way, channel or stream shall have an additional depth or width, as required to assure building sites and are not subject to flooding.

- 10. Lots with Lakeshore Frontage.** Lots with lakeshore frontage shall be designed so that the lot lines extended shall maintain the closest approximation to riparian right.
- 11. Natural Features.** In the subdividing of the land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots, or similar conditions, which if preserved will add attractiveness and stability to the proposed development.
- 12. Lot Remnants.** All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- 13. Access to Thoroughfares.** In the case where a proposed plat is adjacent to limited access highway, other major highway, or thoroughfare, there shall be no direct vehicular access from individual lots to such streets and roads. In the platting of small tracts of land fronting on limited access highways or thoroughfares where there is no other alternative, a temporary entrance may be granted as neighboring land becomes subdivided and more preferable access arrangements becomes possible, such temporary access permits shall become void.
- 14. Political Subdivision Lines.** No lot shall extend over a political subdivision boundary or school district line.
- 15. Neck Lots.** Neck lots are prohibited.

### 8.0 Engineering Standards.

- A. Monuments.** All lot and block corner pipes or steel rods shall be a minimum of one – half ( ½ ) inch in diameter and be inscribed with the registration number of the land surveyor making the survey as prescribed in *Minnesota Statutes Chapter 505*. All quarter corners and section corners will be set by the Washington County Surveyor.
- B. Streets.**
- 1. Street Grading.** Streets shall be graded in accordance with a plan approved by the Engineer. The plan shall include the entire width of the right – of – way and include provisions to preserve existing trees and natural environment wherever possible.
  - 2. Street Pavement.** The design of street pavement for all streets covered by this regulation shall be in accordance with the *State of Minnesota Highway Department Road Design Manual No. 5-291* for flexible pavements. The designed thickness of the surfacing elements shall be in accordance with the flexible pavement design standard for road classifications as follows:

Classification	Pavement Design; Axle Load
Thoroughfare, Collector Streets and Commercial	As determined by traffic needs.
Industrial Service Streets Minor Streets and Marginal Access Streets	7 ton minimum

- 3. Soil Tests.** To determine subgrade soil classifications, soil samples shall be collected and analyzed by a reputable testing laboratory. Reports of the soil analysis shall be submitted to the Engineer with the pavement plans. Soil samples shall be taken along the centerline of the proposed road at intervals determined by the Soils Engineer.
- 4. Curb and Gutter.** Concrete curb and gutter shall be constructed on both sides of streets. The construction shall be in accordance with Standard Specification for highway Construction,

*M.H.D. Spec. No. 2531. Concrete curb and gutter cross – sections shall be either M.H.D. Design No. B618 or M.H.D. Design No. S518.*

- 5. Boulevards.** All boulevards shall have four (4) inches of top soil (black dirt) placed on them and then be sodded behind the curb at two (2) roll widths wide.

**C. Public Utilities.**

- 1. Water Main.** A minimum water main of six (6) inch ductile iron pipe or other approved pipe shall be required. Mains over six (6) inches in size may be required with the additional cost possible borne by the City, as outlined in the City Assessment Manual. Service ways shall be a minimum of  $\frac{3}{4}$  inch copper.
- 2. Sanitary Sewer.** Unless otherwise required, a sanitary sewer of eight (8) inch PVC pipe shall be installed as the minimum size placed at grades approved by the City Engineer or other Authorized Agent. Mains over eight (8) inches in size may be required with additional cost possibly borne by the City as outlined in the City Assessment Manual. Service ways shall be a minimum of four (4) inches of PVC pipe.

**D. Sanitation.**

1. Where lots cannot be connected with a public sewerage system, provisions must be made for sanitary sewerage facilities, consisting of a central treatment plant or individual disposal devices for each lot. This does not mean that the installation of individual disposal devices shall be at the expense of the subdivider.
2. All proposed sewage disposal systems shall comply with the regulations and recommended standards of Washington County, the Minnesota Department of Health, the Minnesota Pollution Control Agency, and *Chapter 15* of the Mahtomedi Code.

- E. Water Supply.** An individual well shall produce at least ten (10) gallons per minute, have a well casing at least four (4) inches in diameter and be grouted to provide a safe, potable water supply.

- F. House Plumbing.** When an individual sewage system is used and the septic tank is placed on a side other than that from which the public sewer line would connect, it shall be required that a capped sewage disposal line shall be extended from the point of ground entrance of basement or house to a point five (5) feet beyond and to the side from which the future sewer connection will be made. Inside the basement the elbow easily reversed for connection to the capped line.

- G. Drainage.** All surface and underground drainage systems shall be installed to adequately remove all natural drainage that accumulates on the developed property. All such systems shall be in conformity to the City drainage plans and all piping shall provide complete removal and a permanent solution for the removal of drainage water.

- H. Street Signs.** All street signs shall be provided and installed by the City at the expense of the subdivider.

- I. Street Trees.** The type of species of trees planted shall be approved by the City Council or other Authorized Agent. Trees with root structures that are less likely to interfere with utility lines, break up sidewalks and cause other nuisance damage are desirable. Trees shall have a trunk diameter (measured 12" above the ground level) of not less than 1  $\frac{3}{4}$ " and shall be planted in not less than one (1) cubic yard of good growing soil with a suitable amount of fertilizer. Approved multiple varieties shall be used alternately. Any trees planted shall be seven (7) feet or greater from the curb of edge of the traffic lane.

- J. Utilities Location.** When practicable and feasible, all utilities shall be placed underground. All underground work shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

**K. Inspection.** All required improvements shall be inspected by the City Engineer or other Authorized Agent during construction at the expense of the subdivider.

## **9.0 Required Improvements and Financial Arrangements.**

### **A. Improvements Required.**

1. Prior to the approval of a plat by the City Council, the subdivider shall have agreed, in the manner set forth below, to install or have installed in conformity with approved construction plans and in conformity with all applicable standards and ordinances, the following improvements on the site:
  - a. All subdivision boundary corners, block and lot corners, road intersection corners and points of tangency and curvature shall be marked with survey monuments meeting the minimum requirements of state law. All U.S., state, county, and other official bench marks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position unless a relocation is approved by the controlling agency.
  - b. Grading. The full width of the right – of – way of each street and alley dedicated in the plat shall be graded.
  - c. Pavement. All streets and alley shall be improved with concrete or bituminous surfaces.
  - d. Gutter. There shall be concrete curb and gutter installed along both sides of all streets and alleys that are an urban design.
  - e. In the case where mains from a public water system are available, the subdivider shall be required to install water mains in the plat and connect the same to such public water system.
  - f. Sewer. In all cases where trunk line sanitary sewer facilities are available, the subdivider shall be required to install sanitary sewers in the plat and connect the same to such trunk line sewers.
  - g. Such facilities and easements shall be installed as will adequately provide for the drainage of surface waters; a storm sewer system may be required. Drainage way easements or land dedication may be required when such easements or land is needed in the public interest for purposes of flood plain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purpose. All surface water drainage plans must be approved by the Rice Creek Watershed prior to final plat approval.
  - h. Tree planting, street name signs, traffic control signs, oversized utility trunk lines, pedestrian ways, and other improvements may be required.

**B. Payment for Installation of Improvements.** The required improvements as listed herein are to be furnished and installed at the sole expense of the subdivider. The City Council may at its discretion elect to install the necessary improvements as a local improvement project as provided under Minnesota Statutes 429. If the City Council elects to undertake the project the developer must enter into the required developer's agreement prior to final plat approval. If the City Council elects not to undertake the project as a local improvement project, the subdivider must comply with *Subdivisions 9 C: Agreement Providing for the Installation of Improvements through 9, H: Alternate Installation and Incomplete Improvements* herein prior to final plat approval.

### **C. Agreement Providing for the Installation of Improvements.**

1. Prior to the installation of any required improvements and prior to approval of the plat, the subdivider shall enter into a contract in writing with the City requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions. This shall include provision for supervision of details of construction by the engineer and shall grant to the engineer authority to correlate the work to be done under said contract by any subcontractor authorized to proceed there under and with any other work being done or contracted by the City in the vicinity. The agreement shall require the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance bond, the



amount of the deposit or penal amount of the bond to be equal to one hundred twenty – five percent (125%) of the engineer’s estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection. On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat. In such event the amount of the deposit or bond may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat. The time for completion of the work and the several parts thereof shall be determined by the City Council upon recommendation of the engineer after consultation with the subdivider. It shall be reasonable with relation to the work to be done, the seasons of the year, and proper correlation with construction activities in the plan and subdivision.

2. No subdivider shall be permitted to start work on any other subdivision without the approval of the City Council if he has previously defaulted on work or commitments.

#### **D. Financial Guarantee.**

1. The contract provided for in *Subdivision 8, C: Agreement Providing for the Installation of Improvements* herein shall require the subdivider to make an escrow deposit, in lieu thereof, furnish a performance bond. The escrow deposit or performance bond shall conform to the requirements of this regulation.
2. **Escrow Deposit.** An escrow deposit shall be made with the City Administrator in a sum equal to one hundred twenty – five percent (125%) of the total cost as estimated by the engineer of all the improvements to be furnished and installed by the subdivider pursuant to the contract, which have not been completed prior to approval of the final plat. The total costs shall include costs of inspection by the City. The City shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the City for the work in case of default of the subdivider under said contract, and for any damages sustained on account of any breach thereof. Upon completion of the work the termination of any liability, the balance remaining in said deposit shall be refunded to the subdivider.
3. **Performance Bond.** In lieu of making the escrow deposit the City Council may accept from the subdivider a performance bond with corporate surety, in a penal sum equal to one hundred twenty – five percent (125%) of the total cost as estimated by the engineer of all the improvements to be furnished and installed by subdivider pursuant to the contract, which have not been completed prior to the approval of the final plat. The total costs shall include costs of inspection by the City. The bond shall be approved as to form and execution by the City Attorney and filed with the City Administrator.

#### **E. Construction Plans and Inspection.**

1. Construction plans for the required improvements conforming in all respects with the standards and ordinances of the City shall be prepared at the Subdividers expense by a professional engineer who is registered in the State of Minnesota, and said plans shall contain his certificate. Such plans together with the quantities of construction items shall be submitted to the engineer for his approval and for his estimate of the total costs of thee required improvement. Upon approval, such plans shall become a part of the required contract. The tracings of the plans approved by the engineer plus two (2) prints shall be furnished to the City Administrator to be filed as a public record.
2. All required improvements on the site that are to be installed under the provisions of this regulation shall be inspected during the course of construction by the engineer at the Subdividers expense, and acceptance by the City Council shall be subject to the engineer’s certificate of compliance with the contract.

- F. Improvements Completed Prior to Approval of the Final Plat.** Improvements within a subdivision which have been completed prior to application for approval of the final plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements only if the engineer shall certify that he is satisfied that the existing improvements conform to applicable standards.
- G. Trunk Facilities.** Where a larger size water main, sanitary sewer, storm drain or similar facility is required to serve areas outside the subdivision, the larger facility required must be constructed. Additional cost is to be born by the benefiting properties and the assessments are to be determined accordingly by the City Council.
- H. Alternate Installation and Incomplete Improvements.**
1. The City Council may elect to install any or all of the required improvements pursuant to a cash escrow agreement or other financial arrangements with the subdivider.
  2. It is hereby the announced policy of the City that full and complete utility systems be installed in all needed areas as soon as is practicable and feasible. Accordingly, the City shall proceed as soon as it is practicable after final approval of a subdivision with installation within the subdivision of such improvements as may be determined to be necessary. In the event of small subdivisions or in subdivisions in which development may proceed slowly, or in other events in which the construction of surfaced streets, utility lines, or other improvements is clearly not feasible immediately following the approval of the final plat, the City Council may elect to commence assessment proceedings, utilize funds of a cash escrow agreement, or otherwise move to finance and install improvements when the subdivision is developed to the point of warranting the improvements. Such improvements are required in order to provide greater assurance of public health, assure reliability of water supply, provide for economy of installation, provide more effective fire fighting through hydrants, and otherwise protect the public health, safety, convenience, and general welfare.

## 10.0 General Provisions.

- A. Protection of Natural Features.** The City Council reserves the right to decline approval of a subdivision if due regard is not shown for the preservation of all natural features such as large trees, water courses, scenic points, historical spots and similar City assets which, if preserved, will add attractiveness and stability to the proposed development of the property.
- B. Public Sites and Open Spaces (Park Land Dedication).**
- 1. Consideration of the Public Property.** As a condition of subdivision approval, the subdivider shall dedicate to the public a portion of any proposed plat or subdivision for conservation purposes or for public use as parks, recreational facilities, playgrounds, trails, wetlands or open space. The City planner and City engineer shall recommend to the City Council what portion is reasonable, the location, the need and the use.
  - 2. Public Sites to be Reserved.** Where a proposed drainage way, park, playground, school site or other public site, as shown on the Comprehensive Land Use Plan, is embraced in part or in whole by the boundary of the proposed subdivision and such public sites are not dedicated, such sites shall be reserved and no action taken towards approval of a plan or plat for a period not to exceed ninety (90) days to allow the property governmental agency the opportunity to consider and take actions toward acquisition of such public ground or park by purchase or other methods.
  - 3. Previous Subdivision.** When the property proposed to be subdivided has been previously subdivided and a land and / or cash in-lieu-of-dedication was made at the time of the original subdivision, no additional dedication shall be required if the new subdivision does not result in an increase in the number of residential dwelling units or amount of commercial / industrial building area. If the number of residential dwelling units or amount of commercial / industrial building area increases, or if it is unknown if land and / or cash in-lieu of dedication was made at the time of original subdivision, then the dedication shall be based on the amount of dwelling unit / commercial / industrial building area increase from the original subdivision.
  - 4. Land Dedication Requirements.**
    - a. **Residential.** In all new residential subdivision, a minimum of ten percent (10%) of the gross area subdivided shall be dedicated for public recreation space or open space. In the City's sole discretion, the ten percent (10%) may be calculated on the net area, which shall be the gross area of the subdivided property minus the area of wetlands, lakes, and streams below the ordinary high water mark. The land dedicated for public use shall be in addition to property dedicated for streets, alleys, easements, storm water ponding, or other public ways. No areas may be dedicated for public use until such areas have been approved by the City Council as suitable and necessary for the public health, safety, convenience and general welfare.
    - b. **Commercial or Industrial.** In all new commercial or industrial subdivisions, seven percent (7%) of the gross area subdivided shall be dedicated for public space. In the City's sole discretion, the seven percent (7%) may be calculated on the net area, which shall be the gross area of the subdivided property minus the area of wetlands, lakes and streams below the ordinary high water mark. The land dedicated for public use shall be in addition to property dedicated for streets, alleys, easements, storm water ponding, or other public ways. No areas may be dedicated for public use until such areas have been approved by the City Council as suitable and necessary for the public health, safety, convenience and general welfare.
    - c. **Planned Unit Development (PUD).** A Planned Unit Development with mixed land uses shall make land and / or cash contributions in accordance with this Section based upon the

percentage of land devoted to various uses. Land area conveyed or dedicated shall be in addition to and not in lieu of open space requirements for PUD's.

**5. Cash Requirements.**

- a. **Amount of Payment Required.** When the subdivision is too small for practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider shall be required to pay a cash fee in lieu of such land dedication. The subdivider shall be required to pay a fee equal to ten percent (10%) of the fair market value of the land prior to subdivision or pay a cash fee as established by Ordinance of the City Council, whichever is the lesser of the two. The market value of the land shall be determined by utilization of tax assessment records, a report from a certified appraiser or by agreement between the City Council and the subdivider. A schedule of all fees, which may be amended by the City Council from time to time, established by this *Section*, shall be published and available at the City Hall. All park dedication fees shall be calculated according to the fee rates in effect upon the Council initial approval of the subdivision.
- b. **Timing of Payment.** Cash contributions shall be paid prior to the City's signature of and release of the final plat, unless otherwise specified in the Development Agreement. For subdivisions that do not require a Plat, the cash contribution shall be paid before the City releases the signed Development Agreement for recording.

**6. Exemptions.** If the minor subdivision involves two or more legal buildable lots and the proposed subdivision will not result in the creation of an additional lot or lots, such minor subdivisions shall be exempt from the requirement of this Section.

**C. Complete Neighborhoods.** Upon receiving a report from the Planning Commission, the City Council may grant a variance from the provisions of these regulations in the case of a subdivision large enough to constitute more or less self-contained neighborhood, provided that the City receives adequate safeguards to insure development according to the Preliminary Plat submitted by the subdivider. Said Preliminary Plat shall not be in conflict with the Comprehensive Land Use Plan and shall in the opinion of the City Council be a desirable City development and shall provide adequate public open space and any improvements necessary for the circulation, recreation, light, air and service needs of the tract when fully developed and populated.

**D. Planned Unit Developments.** Upon receiving a report from the Planning Commission, the City Council may grant a variance from the provisions of these regulations in the case of a planned unit development, as defined in the Zoning Code, provided that the City Council shall find that the proposed development is fully consistent with the purpose and intent of these regulations. This provision is intended to provide the necessary flexibility for new land planning and land development trends and techniques.

**E. Minor Subdivision.** In the case of a subdivision resulting in three (3) or less parcels, situated in a locality where conditions are well defined, the City Council may exempt the subdivider from complying with some of the requirements of these regulations. In the case of a request to subdivide a lot which is a part of a recorded plat, or where the subdivision is to permit the adding of a parcel of land to an abutting lot or to create not more than three (3) new lots, and the newly created property lines will not cause any resulting lot to be in violation of these regulations or the Zoning Ordinance, the division may be approved by the City Council, after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision, and review the recommendation by the Planning Commission.

**F. Registered Land Surveys.** All Registered Land Surveys shall be filed subject to the same procedure as required for the filing of a Preliminary Plat for platting purposes. The standards and requirements set forth in these regulations shall apply to all Registered Land Surveys. Unless the City Council shall

approve, a Registered Land Survey shall not be used to divide a parcel of land into lots for purpose of transfer of ownership or building development, if any of the tracts do not have the required frontage on a dedicated public street.

#### **G. Metes and Bounds.**

1. No building permit shall be issued for any structure on any parcel of land less than twenty (20) acres in area or having a width of less than three hundred (300) feet on an improved public street, at the building setback line which is described by metes and bounds until a plat describing such parcel of land is filed with the Washington County Recorder or the subdivision of the parcel has been approved by the City Council.
2. When a conveyance by metes and bounds is made and the parcels involved are in excess of twenty (20) acres in size, a survey of parcels involved shall be submitted to the Zoning Administrator before any building permits will be issued for those parcels and a copy of the survey should be attached to the deed when it is submitted to the Washington County Recorder for recording.

#### **H. Unapproved Subdivisions.**

1. No conveyance of land to which this regulation 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 plat. The foregoing provision and *Subdivision 10.0, G: Metes and Bounds* herein do not apply to a conveyance if the land described:
  - a. Was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under *Laws 1945, Chapter 287*, whichever is the latter, or of the adoption of subdivision regulations pursuant to a home rule charter; or
  - b. Was the subject of a written agreement to convey entered into prior to such time; or
  - c. Was a separate parcel of not less than two and one half (2½) acres in area and one hundred fifty (150) feet in width on January 1, 1966; or
  - d. Was a separate parcel of not less than five acres in area and three hundred (300) feet in width on July 1, 1980; or
  - e. Is a single parcel of commercial or industrial land of not less than five (5) acres and having a width of not less than three hundred (300) feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five (5) acres in area or three hundred (300) feet in width; or
  - f. Is a single parcel of residential or agricultural land of not less than twenty (20) acres and having a width of not less than five hundred (500) feet and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, and one of which is less than twenty (20) acres in area or five hundred (500) feet in width.
2. In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of this regulation, the City Council may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded.
3. Any owner or agent of the owner of the land who conveys a lot or a parcel in violation of the provisions of this section shall forfeit and pay to the City a penalty of not less than one hundred dollars (\$100.00) for each parcel so conveyed. The City may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.

**I. Variances.**

1. Upon receiving the report from the Planning Commission, the City Council may grant a variance in any particular case where the subdivider can show that by reason of the exceptional topography or other physical conditions the strict compliance to these regulations could cause an exceptional and undue hardship on the enjoyment of a substantial property right. Such relief may be granted provided there is no detriment to the public welfare and no impairment of intended purpose of this regulation.
2. Application for any such variance shall be made in writing by the subdivider at the time when the plan is filed for consideration. Such application shall state fully all facts relied upon by the subdivider, and shall be supplemented with maps, plans or other additional data which may aid the Planning commission in the analysis of the proposed project. Such variances shall be considered at the next regular meeting held by the Planning Commission.

The plans for such development shall include any covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the proposed plan. Any variance or modification thus granted shall be recorded and entered in the minutes of the City Council setting for the reasons for granting the variance.