

Chapter 26

SUBDIVISIONS*

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***Cross reference(s)**--Buildings and building regulations, ch. 6; environment and public health, ch. 12; official map, § 21-31 et seq.; utilities, ch. 32; vegetation, ch. 34; zoning, ch. 36.

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ARTICLE I. IN GENERAL**Sec. 26-1. Short title.**

This Chapter shall be known as the Subdivision Ordinance of the City of St. Louis Park, and will be referred to as "this Chapter."

(Code 1976, § 14-900; Ord. No. 2493-16, 6-6-16)

Sec. 26-2. Purpose of Chapter.

In order to safeguard the best interests of the city and to assist the subdivider in harmonizing the subdivider's interests with those of the city at large, the following regulations are adopted so that the adherence to such regulations will bring results beneficial to both parties. It is the purpose of this Chapter to make certain regulations and requirements for the platting of land within the city pursuant to the authority contained in the state statutes, which regulations the city council deems necessary for the health, safety and general welfare of this community.

(Code 1976, § 14-901; Ord. No. 2493-16, 6-6-16)

Sec. 26-3. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words and terms not defined in this section shall have the same meaning as described in Chapter 36 of this Code.

Block means an area of land within a subdivision that is entirely bounded by streets, or by streets and the entire boundaries of the subdivision, or a combination of such streets and subdivision boundaries with a river or lake, public park, railroad rights-of-way or municipal boundaries.

Centerline gradient means the distance vertically from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance measured at the street centerline.

Combination means the joining of two or more parcels. (Ord. No. 2493-16, 6-6-16)

Comprehensive Plan means the group of maps, charts and texts adopted by the city council as required by the Metropolitan Land Planning Act that make up the comprehensive long range plan of the city.

Design standards means the specifications in this Chapter for the preparation of plats, both preliminary and final, indicating, among other things, the required minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.

Final plat means a drawing or map of a subdivision, approved by the city council and in such form as required by the county for the purpose of recording.

Lot means a parcel created by a platted subdivision which is described by a lot number, block number and subdivision name which is on file with the register of deeds of the county.

Lot area, minimum, means the minimum lot area required by Chapter 36 of this Code.

LSWMP, means the city's Local Surface Water Management Plan which is on file at the City Engineer's office. (Ord. No. 2493-16, 6-6-16)

Marginal access street means a local street which is parallel to and adjacent to a major thoroughfare or a railroad right-of-way and which provides access to abutting properties.

Outlot means a parcel of land subject to future platting prior to development, or a parcel of land which is designated for public or private open space, right-of-way, utilities or other similar purpose. (Ord. No. 2493-16)

Parcel means a legally defined section of land. (Ord. No. 2493-16, 6-6-16)

Parks and playgrounds means public land and open spaces in the city dedicated or reserved for passive or active recreation purposes.

Pedestrianway means a public right-of-way, public easement or private easement to provide access for pedestrians.

Plat means the drawing or map of a subdivision prepared for filing of record pursuant to M.S.A. ch. 505 and containing all elements and requirements set forth in this Chapter.

Preliminary plat means a tentative drawing or map of a proposed subdivision meeting the requirements enumerated in this Chapter.

Preliminary plat application means an application submitted to the city in accordance with the provisions enumerated in this Chapter.

Premature subdivision means an application for subdivision which cannot be approved until other services are installed or improvements are made to the land.

Property line adjustment means rearranging one or more property lines in such a way that parcels are neither created nor eliminated. (Ord. No. 2493-16, 6-6-16)

Protective covenants means contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

Public improvement means any facility for which the city may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. (Ord. No. 2493-16, 6-6-16)

Replat means the combination, recombination or division of one or more lots. Any replat unless specifically exempted shall be required to meet all of the requirements of this Chapter. (Ord. No. 2493-16, 6-6-16)

Right-of-way width means the shortest distance between lines of parcels or easements delineating the street rights-of-way. (Ord. No. 2493-16, 6-6-16)

Setback means the shortest distance between a building and the property line nearest thereto.

Simple division means the subdivision of a parcel into no more than two parcels. (Ord. No. 2493-16, 6-6-16)

Steep slope means a natural topographic feature with an average slope of at least 30%. (Ord. No. 2493-16, 6-6-16)

Street width means the shortest distance between face of curb and face of curb, or if a surmountable curb, the shortest distance between the lowest point of each curb on opposite sides of the street.

Subdivider means any individual, firm, association, syndicate, copartnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the land under this Chapter.

Subdivision means the separation of an area, parcel or tract of land under single ownership into two or more parcels, tracts, lots, or longterm leasehold interests, where the creation of the leasehold interest necessitates the creation of streets, roads or alleys, for residential, commercial, industrial or other use, or any combination thereof, except those separations:

- (1) Where all the resulting parcels, tracts, lots or interests will be 20 acres or larger in size and 500 feet in width measured along an existing right-of-way for residential uses and five acres or larger in size and 300 feet in width measured along an existing right-of-way for commercial and industrial uses; or
- (2) Creating cemetery lots;
- (3) Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary. Any division of land so decreed which does not meet zoning chapter requirements of Chapter 36 for lot area, lot width, or which does not have the required frontage on a public right-of-way is not a buildable parcel.

(Ord. No. 2493-16, 6-6-16)

Subdivision variance means a variance to design provisions of this Chapter, but not to provisions of Chapter 36. (Ord. No. 2493-16, 6-6-16)

Tract means a parcel created by a registered land survey which is described by a tract designation and a Registered Land Survey Number which is on file with the register of deeds of the county. (Ord. No. 2493-16, 6-6-16)

(Code 1976, § 14-902; Ord. No. 2325-07, 05-07-07; Ord. No. 2493-16, 6-6-16)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 26-4. Conformance with the Comprehensive Plan.

No subdivision shall be approved by the city council which does not conform to the land use designations, objectives, policies or goals of the Comprehensive Plan.

(Code 1976, § 14-903)

Sec. 26-5. Approvals necessary for acceptance of subdivision plats.

Before any plat shall be recorded or be of any validity, it shall be referred to the city planning commission for recommendation and approval by the city council as having fulfilled the requirements of this Chapter.

(Code 1976, § 14-904)

Sec. 26-6. Conditions for recording.

No plat of any subdivision shall be entitled to be recorded in the county recorder's office or have any validity until the plat thereof has been prepared, approved and acknowledged in the manner prescribed by this Chapter and a resolution approving the final plat has been filed with the county.

(Code 1976, § 14-905)

Sec. 26-7. Building permits.

No building permits shall be issued by the city for the construction of any building, structure or improvement to the land or to any parcel in a subdivision, until all requirements of this Chapter have been fully complied with. No building permits shall be issued for any outlot, except a building permit for public structures if the parcel is in public ownership.

(Code 1976, § 14-906; Ord. No. 2493-16, 6-6-16)

Sec. 26-8. Reserved.

(Code 1976, § 14-907; Ord. No. 2493-16, 6-6-16)

Sec. 26-9. Combinations, simple divisions, and property line adjustments.

Combinations, simple divisions, and property line adjustments shall follow the application and procedures required by this Chapter for a subdivision unless exempted by this Section in which case the application and procedure for exempt combinations, simple divisions and property line adjustments shall be followed. (Ord. No. 2493-16, 6-6-16)

(a) *Exemption.* Applications for combinations, simple divisions and property line adjustments shall be exempt from Articles III and IV of this Chapter if the following conditions are met:

- (1) A simple division will result in no more than one additional lot or tract.
- (2) A combination will combine no more than two parcels.
- (3) A property line adjustment will relocate a property line without increasing or decreasing the number of parcels.
- (4) The land involved has been previously subdivided by plat or Registered Land Survey and is on file and of record in the office of the county register of deeds or registrar of titles.
- (5) The application will not cause the parcel or any structure on the parcel to be in violation of this Code or the building code.
- (6) With the exception of sidewalks or trails, the application will not involve the construction of any new street or road, or the extension of municipal facilities, or the creation of any public improvement.
- (7) The application does not involve an outlot.

(b) *Applications.* Applications for exempt combinations, simple divisions, and property line adjustments shall include the following:

- (1) A completed application and payment of the required application fee.
- (2) Certificate of survey, showing at a minimum:
 - a. Dimensions of the existing and proposed parcels.
 - b. The area of the existing and proposed parcels.
 - c. All corner elevations.
 - d. All existing structures, including dimensions to existing and proposed property lines.
 - e. All visible encroachments.
 - f. All easements of record.
 - g. The proposed division.
 - h. The legal description of the existing and proposed parcels.
- (3) A copy of the deed or title of the property.

(c) *Review.* Applications for exempt combinations, simple divisions, and property line adjustments will be deemed complete when they contain all the required information. Complete applications will be approved by the Director of Inspections, the Planning Supervisor, the Engineering Director, and the City Assessor. Approved applications will be forwarded to the county for filing.

(Code 1976, § 14-908; Ord. No. 2493-16, 6-6-16)

Sec. 26-10. Conveyance by metes and bounds.

No land shall be conveyed in which the land is described by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961, or to an unapproved plat made after March 8, 1957. (Ord. No. 2493-16, 6-6-16)

- (a) The provision of this section does not apply to the conveyance if the land described:
 - (1) Was a separate parcel of record on March 8, 1957;
 - (2) Was the subject of a written agreement to convey entered into prior to March 8 1957;
 - (3) Was a separate parcel of not less than 2 ½ acres in area and 150 feet in width on January 1, 1966;
 - (4) Was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980;
 - (5) Is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 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 acres in area or 300 feet in width; or
 - (6) Is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.

(Code 1976, § 14-909; Ord. No. 2493-16, 6-6-16)

- (b) In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the platting authority may waive such compliance by adoption of a Council resolution to that effect and the conveyance may then be filed or recorded. (Ord. No. 2493-16, 6-6-16)
- (c) Land conveyed to the city, Hennepin County, the State of Minnesota, or railroads for right-of-way, or any residual land resulting from such conveyance, is not required to be platted. (Ord. No. 2493-16, 6-6-16)

Secs. 26-11--26-40. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT***Sec. 26-41. Nonplatted subdivisions.**

(a) *Registered land surveys.* All registered land surveys in the city shall be presented to the planning commission in the form of a preliminary plat in accordance with the standards set forth in this Chapter for preliminary plats, and the planning commission shall first approve the arrangement, sizes and relationships of proposed tracts in such registered land surveys, and tracts to be used as easements or roads should be so conveyed to the city. Unless a recommendation and approval have been obtained from the planning commission and city council, respectively, in accordance with the standards set forth in this Chapter, building permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys, and the city may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts unless so approved.

(b) *Subdivision by metes and bounds.* Properties described by metes and bounds shall only be further subdivided by plat. A subdivision described by metes and bounds shall not be approved by the city or recorded at the county. Building permits will be withheld for buildings on tracts which have been subdivided without city approval, and the city may refuse to take over tracts or to improve, repair or maintain any improvements on such tracts.

(Code 1976, § 14-950; Ord. No. 2493-16, 6-6-16)

***Cross reference(s)** -- Administration, ch. 2.

Sec. 26-42. Subdivision Variances; planning commission recommendations; standards.

(a) *Findings.* The planning commission may recommend a variance from the minimum standards of this Chapter when, in its opinion, undue hardship may result from strict compliance. The Planning Commission may not recommend a variance to a procedural provision of this Chapter, or use this provision to recommend a variance to a zoning regulation. In recommending a variance, the commission shall consider:

- (1) The nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.
- (2) Special circumstances or conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant/owner of the reasonable use of the land.
- (3) The impact the variance will have on the public health, safety and welfare of other property in the vicinity in which the property is situated.
- (4) Topography, drainage or other naturally occurring characteristics of the land that result in an undue hardship preventing the land from being used in a manner typical of land within the vicinity.
- (5) The intent of the Comprehensive Plan.

- (b) *Prescribing Conditions.* The planning commission and city council may prescribe conditions that it deems necessary or desirable for the public interest.
- (c) *City Council Action.* After consideration of the planning commission recommendation, the city council may grant variances, subject to subsection (a) of this section.
- (d) *Expiration.* A variance approved under this section shall expire without further action by the city at such time as the related preliminary plat and/or final plat approval expires.

(Code 1976, § 14-951; Ord. No. 2493-16, 6-6-16)

Sec. 26-43. Violations; penalty.

(a) *Sale of parcels from unrecorded plats or registered land surveys.* It shall be a misdemeanor to sell, trade or otherwise convey any parcel as a part of any registered land survey, plat or replat of any subdivision or area located within the city unless such registered land survey, plat or replat shall have first been recorded in the office of the recorder of the county.

(b) *Receiving or recording unapproved subdivisions.* It shall be unlawful for a private individual to receive or record in any public office any plans, registered land surveys, or plats unless the same shall bear thereon, by endorsement or otherwise, the approval of the city council.

(c) *Misrepresentations.* It shall be a misdemeanor for any person owning an addition or subdivision of land within the city to represent that any improvement upon any of the streets, alleys or avenues of such addition or subdivision or any sewer in such addition or subdivision has been constructed according to the plans and specifications approved by the city council, or has been supervised or inspected by the city, when such improvements have not been so constructed, supervised or inspected.

(d) *Penalty.* Anyone violating any of the provisions of this Chapter shall be guilty of a misdemeanor. Each day during which compliance is delayed shall constitute a separate offense.

(Code 1976, § 14-953; Ord. No. 2493-16, 6-6-16)

Sec. 26-44. Validity of Chapter provisions.

(a) *Separability.* If any section, subsection, sentence, clause or phrase of this Chapter is for any reason found to be invalid, such decision shall not effect the validity of the remaining portion of this Chapter.

(b) *Failure to receive notices.* Failure of a property owner to receive a notice shall not invalidate any proceedings as set forth within this Chapter.

(Code 1976, § 14-955; Ord. No. 2493-16, 6-6-16)

Sec. 26-45. Amendment process.

No amendment to this Chapter shall occur without review and recommendation of the planning commission.

(Ord. No. 2147-99, § 2(14-956), 10-4-1999; Ord. No. 2493-16, 6-6-16)

Secs. 26-46--26-80. Reserved.

ARTICLE III. PROCEDURES FOR FILING AND REVIEW**Sec. 26-81. Sketch plan.**

- (a) *Purpose.* In order to ensure that the applicant is informed of the procedural requirements and minimum standards of this Chapter, and the requirements or limitations imposed by other city ordinances, plans and/or policies, prior to the preparation of a preliminary plat, the applicant may present a sketch plan to the Community Development Director prior to submitting an application for a preliminary plat. Similarly, the Community Development Director may require the submission of a sketch plan prior to the submission of a preliminary plat application.
- (b) *Application.* Submission of a subdivision sketch plan shall not constitute formal application for plat approval. Approval of the sketch plan shall not be considered binding in regard to subsequent plat review. The Community Development Director, notably in the case of multiphased projects, shall have the authority to refer the sketch plan to the planning commission and/or city council for review and comment. The sketch plan submission shall include, but not be limited to, the following:
- (1) At least 2 copies, and one digital copy, of the plat sketch plan at a scale of one inch equals 100 feet or less.
 - (2) An 8 1/2-inch x 11-inch or 11-inch x 17-inch reduction of the sketch plan.
 - (3) Payment of plan review fee.
 - (4) Escrow deposit to pay review costs of city staff and consultants.

(Code 1976, § 14-910; Ord. No. 2493-16, 6-6-16)

Sec. 26-82. Preliminary plat.

(a) *Filing.* At least six copies, and one digital copy of the preliminary plat, as specified by Section 26-122 at a scale not less than one inch equals 100 feet and one set of reductions no larger than 11 inches x 17 inches shall be submitted to the Community Development Director. The subdivider shall also submit mailing labels for all of property owners located within 500 feet of the subject property obtained from and certified by the county auditor's office. The required filing fees, as established by city council resolution, shall be paid, and any necessary applications for variances from the provisions of this Chapter shall be submitted with the required fee. The preliminary plat application shall be deemed complete when all the information requirements are complied with.

(b) *Hearing.* The planning commission shall hold a public hearing. Notice of the hearing shall consist of a legal property description and description of request and shall be published in the official newspaper of the city at least ten days prior to the hearing. Written notification of the hearing shall be mailed at least ten days prior to all owners of land within 500 feet of the boundary of the property in question. The planning commission shall conduct the hearing and report its findings and make recommendations to the city council.

(c) *Technical assistance reports.* Upon submission of a complete application for a preliminary plat, the Community Development Director shall immediately forward one copy of the plat to the Engineering Director, Director of Inspections, Fire Chief, Police Chief and to the City Attorney for examination. Written reports or comments shall be made to the Community Development Director. Such reports shall state recommendations for approval or disapproval of the preliminary plat and what changes are necessary or desirable to make such preliminary plat conform to the requirements of this Chapter coming within the jurisdiction of such officer or department.

(d) *Review by other commissions or jurisdictions.* The Community Development Director shall refer copies of the preliminary plat to the parks and recreation commission, watershed district, utility companies, other public service agencies, county, metropolitan, state or other public jurisdictions for their review and comment, where appropriate and when required.

(e) *Planning commission action.* The planning commission shall make a recommendation to the city council following the close of the public hearing. If the planning commission has not acted upon the preliminary plat within 45 days following official receipt by the city of a preliminary plat application, completed in compliance with this Chapter, the city council may act on the preliminary plat without the planning commission's recommendation.

(f) *City council action.*

- (1) The city council shall approve or disapprove the preliminary plat within 120 days following receipt by the city of an application for a preliminary plat completed in compliance with this Chapter unless an extension of the review period has been agreed to by the applicant. If a motion for approval of the preliminary plat fails, the preliminary plat shall be considered denied. The city council may impose conditions and restrictions on the preliminary plat which are deemed appropriate.
- (2) If the preliminary plat is not approved by the city council, the reasons for such action shall be recorded in the proceedings of the city council. If the preliminary plat is approved, such approval shall not constitute final acceptance of the design. Subsequent approval of the final plat by the city council will be required, including approval of the engineering proposals and other features and requirements as specified by this Chapter to be indicated on the final plat. The city council may require such revisions in the preliminary plat and final plat as it deems necessary for the health, safety, general welfare and convenience of the city.
- (3) If the preliminary plat is approved by the city council, the subdivider must submit the final plat within one year after such approval or approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing and approved by the city council.
(Ord. No. 2493-16, 6-6-16)

(Code 1976, § 14-911; Ord. No. 2493-16, 6-6-16)

Sec. 26-83. Final plat.

(a) *Filing.* After the preliminary plat has been approved, the final plat shall be submitted for review as set forth in this section. At least three copies, and one digital copy, of the final plat at a scale no smaller than one inch equals 100 feet, plus one reduction no larger than 11 inches x 17 inches shall be submitted to the Community Development Director for distribution to appropriate city staff, the planning commission and the city council. The city may require that the final plat be submitted in meters at a scale no smaller than 1:1200. The final plat application shall be deemed complete when all the information requirements, documents, application fees as established by city council resolution, and applicable fees enumerated in this Chapter have been submitted.

(b) *Staff review.* The city staff shall examine the final plat and prepare a recommendation to the planning commission.

(c) *Planning commission review.* The planning commission shall review the final plat within 30 days of the submittal of a complete application. The planning commission shall review the final plat for conformance with the preliminary plat and shall make recommendation to the city council.

(d) *Approval by the city council.* If accepted by the city council, the final plat shall be approved by resolution, which resolution shall provide for the acceptance of all agreements for basic improvements, public dedication and other requirements as indicated by the city council. If denied, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the city council. If a motion for approval of the final plat fails, the final plat shall be considered denied.

(e) *Special assessments.* When any existing special assessments which have been levied against the property described shall be divided and allocated to the respective parcel in the proposed subdivision, the city assessor shall estimate the clerical cost of preparing a revised assessment roll, filing the same with the county auditor, and making such division and allocation, and upon approval by the city council of such cost, the same shall be paid to the city clerk before the final subdivision approval. If the final subdivision is denied, 100 percent of these costs shall be reimbursed to the applicant.

(f) *Recording final subdivision plat.* If the final plat is approved by the city council, the subdivider shall record it with the county recorder within two years after the approval or the approval of the final plat shall be considered void. At any time, before or after the expiration date, the subdivider may request an extension. The request for extension shall be reviewed by the city council. If approved, the city council shall establish a new deadline for recording the plat. If denied, then the plat shall be considered void, and extensions shall no longer be considered.

The subdivider shall, immediately upon recording, furnish the city clerk with a print and reproducible tracing of the final plat showing evidence of the recording. The subdivider shall also provide a copy of the final plat on disc in an electronic data format. No building permits shall be let for construction of any structure on any lot in the plat until the city has received evidence of the plat being recorded by the county. In addition, no erosion control permits shall be issued and no utility work or public improvements shall begin until the city has received evidence of the filing of such final plat, or all of the following conditions have been met:

- (1) The final plat is approved by the city council.
- (2) A developer's agreement is executed and financial security is in place as required.
- (3) A final grading plan is approved by the engineering department.

- (4) An erosion and sediment control plan is approved by the engineering department.
- (5) A final tree replacement and preservation plan is approved by staff as required.
- (6) If utility work is requested, final utility plans are approved by the inspections and engineering department.
- (7) If construction of public utilities is requested, final construction documents are approved by the engineering department.
- (8) The city receives a copy of the watershed district permit approving the project.

Furthermore, that the developer shall accept all risk associated with site work undertaken prior to recording of the final plat, and that any trees removed shall be replaced in accordance with the city's tree replacement and protection ordinance, regardless of whether the site is developed.

(g) *Recording final plats of multiphased plats.* If a preliminary plat is final platted in stages, unless otherwise provided in the development agreement, all stages must be final platted into lots and blocks, not just outlots, within two years after the preliminary plat has been approved by the city council or the preliminary plat of all phases not so final platted within the two-year period shall be void.

(h) *Simultaneous filing.* The city may agree to review the preliminary and final plats simultaneously.

(Code 1976, § 14-912; Ord. No. 2201-01, § 2, 7-2-2001; Ord. No. 2493-16, 6-6-16)

Sec. 26-84. Premature subdivisions.

- (a) *Deemed premature.* Any subdivision deemed premature pursuant to the criteria listed in this section shall be deemed an incomplete application and shall be denied by the city council.
- (b) *Condition establishing premature subdivisions.* A subdivision shall be deemed premature should any of the following provisions exist:
 - (1) *Lack of adequate drainage.* A condition of inadequate drainage shall be deemed to exist if the proposed subdivision does not conform to the city's LSWMP.
 - (2) *Lack of adequate water supply.* A proposed subdivision shall be deemed to lack an adequate water supply if the proposed subdivision does not have adequate sources of water to serve the proposed subdivision if developed to its maximum permissible density without causing an unreasonable depreciation of existing water supplies for surrounding areas.
 - (3) *Lack of adequate roads to serve the subdivision.* A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:

- a. Roads which serve the proposed subdivision are of such a width, grade, stability, vertical and/or horizontal alignment, site distance, and surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition, or when, with due regard to the advice of the county and/or the state department of transportation, as appropriate, such roads are inadequate for the intended use.
 - b. The traffic volume generated by the proposed subdivision would create unreasonable road congestion or unsafe conditions on roads existing at the time of the application or proposed for completion within the next two years.
 - c. The traffic volumes generated by the proposed subdivision exceed those established by any joint powers agreements with other jurisdictions or the travel demand management districts established in the Chapter 36 of this code.
- (4) *Lack of adequate sanitary sewer systems.* A proposed subdivision shall be deemed to lack adequate waste disposal systems if there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density after reasonable sewer capacity is reserved for schools, planned public facilities, and commercial and industrial development projected for the next five years.
- (5) *Inconsistency with capital improvement plans.* A proposed subdivision shall be deemed inconsistent with capital improvement plans when improvements and/or services necessary to accommodate the proposed subdivision have not been programmed in the city, the county or other regional capital improvement plans. The city council may waive this criteria when it can be demonstrated that a revision to capital improvement programs can be accommodated or the subdivider agrees to provide the needed improvements.
- (c) *Regional system service inadequacies.*
- (1) *Existing conditions.* A subdivision may be deemed premature if any of the following conditions set forth are found to exist:
 - a. The regional sanitary sewer interceptors or wastewater treatment facilities are classified as having inadequate capacity to provide service within the standards of recognized public health and safety.
 - b. Regional transportation systems are deemed as inadequate to provide service levels within standards of recognized public safety.
 - c. Storm drainage systems under the jurisdiction of watershed districts, the Army Corps of Engineers, the state department of natural resources, state department of transportation, or other such responsible jurisdictions are inadequate to provide service levels within standards of recognized public health and safety or any required permits are denied by these jurisdictions.

- (2) *City liability exemption.* The city shall be exempted from any liability associated with the preliminary plat, final plat, development agreement or building permit denials, based upon factors and conditions related to regional governmental agency and unit jurisdictions and related service inadequacies.
- (3) *Burden of establishing.* The burden shall be upon the applicant to show that the proposed subdivision or development is not premature.

(Code 1976, § 14-913; Ord. No. 2493-16, 6-6-16)

Secs. 26-85--26-120. Reserved.

ARTICLE IV. PLAT AND DATA REQUIREMENTS**Sec. 26-121. Sketch plan.**

(a) *Sketch plan.* Sketch plans shall contain, at a minimum, the following information:

- (1) Plat boundary.
- (2) North arrow.
- (3) Scale.
- (4) Street layout on and adjacent to the plat.
- (5) Designation of land use and current or proposed zoning.
- (6) Significant topographical or physical features.
- (7) General lot locations and layout.

(b) *Preliminary evaluation.* Determination by the Community Development Director that the subdivision is not classified as premature based upon criteria established in Section 26-84.

(Code 1976, § 14-920; Ord. No. 2493-16, 6-6-16)

Sec. 26-122. Preliminary plat.

(a) *Preliminary plat submittal.* The subdivider shall prepare and submit an application for all phases of the proposed subdivision that includes the information set forth in the subsections which follow.

(b) *Preliminary plat application.* The following must accompany the preliminary plat drawing at the time of application:

- (1) Identification of portions of property that are registered (torrens). A copy of the certificate of title shall accompany the preliminary plat application.
- (2) Names and addresses of all persons having property interest and names, addresses, and registration numbers of:
 - a. The developer;
 - b. Architect;
 - c. Landscape architect;
 - d. Engineer; and
 - e. Surveyor.

(c) *Preliminary plat drawing.*

- (1) Legal description of lands to be subdivided.
- (2) Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions within the county.
- (3) Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property.
- (4) Graphic scale of plat, not less than one inch to 100 feet.
- (5) Date and north arrow.

- (6) Existing conditions:
- a. Boundary lines, boundary line dimensions, and total acreage of proposed plat, clearly indicated.
 - b. Existing zoning classifications for land within and abutting the subdivision, including overlay zoning districts, if applicable.
 - c. The boundaries of any wetlands or floodplains within the proposed plat, clearly indicated.
 - d. Location, widths and names of all existing or previously platted streets or other public ways, showing type, width and condition of improvements, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the parcel and to a distance of 150 feet beyond the parcel.
 - e. Boundary lines of adjoining unsubdivided or subdivided land, within 150 feet, identified by plat name or ownership, including all contiguous land owned or controlled by the subdivider.
- (7) Proposed design features:
- a. Layout of proposed streets showing the right-of-way widths, centerline gradients, typical street sections, and proposed names of streets. The name of any street heretofore used in the city or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used. The proposed street name shall not include the word "park." The city council may reject any proposed street name it deems inappropriate.
 - b. Locations and widths of proposed alleys and pedestrianways.
 - c. Location, dimension and purpose of all existing and proposed easements, both public and private.
 - d. Layout, numbers, lot areas and lineal dimensions of lots and blocks, to a degree of accuracy necessary to determine compliance with Chapter 36.
 - e. Minimum front, side street, interior side and rear building setback lines.
 - f. The lot width at the building setback line.
 - g. Areas, including streets, alleys, pedestrianways, bikeways, parks and utility easements intended to be dedicated or reserved for public use, including the size of such areas in acres.

- (d) *Preliminary grading plan.* The developer shall submit a preliminary grading and drainage plan which must include the following information:
- (1) North arrow, scale (not less than one inch = 100 feet), and legend.
 - (2) Lot and block numbers, house pad location, home style and proposed building pad elevations at garage slab and lowest floor for each lot.
 - (3) Topography in two-foot contour intervals with existing contours shown as dashed lines and proposed contours as solid lines. Existing topography shall extend 150 feet outside of the parcel.
 - (4) Location of all natural features on the parcel and to a distance 150 feet from the parcel. Natural features are considered to include, but are not limited to, the following: tree lines, wetlands, ponds, lakes, streams, drainage channels, bluffs, steep slopes, etc.
 - (5) Location of all existing storm sewer facilities, including pipes, manholes, catchbasins, ponds, swales and drainage channels within 150 feet of the parcel. Existing pipe grades, rim and invert elevations, and normal and high water elevations must be included.
 - (6) If the plat is located within or adjacent to a 100-year floodplain, flood elevations and locations must be clearly shown on the plan.
 - (7) Spot elevations at drainage break points and directional arrows indicating site, swale and lot drainage.
 - (8) Locations, grades, rim and invert elevations of all storm sewer facilities, including ponds, proposed to serve the parcel.
 - (9) Locations and elevations of all street high and low points.
 - (10) Street grades shown.
 - (11) Phasing of grading.
 - (12) The location of all oversize nontypical easements.
- (e) *Erosion control plan.* This plan shall incorporate the elements as required by Chapter 12 and Chapter 36 of this code.
- (f) *Tree replacement and protection plan.* This plan shall incorporate the elements as required by Chapter 36 of this code.
- (g) *Preliminary utility plan.*
- (1) *Easements.* Location, dimension and purpose of all proposed easements.
 - (2) *Underground facilities.* Location and size of existing sewers, water mains, culverts or other underground facilities within the parcel and to a distance of 150 feet beyond the parcel. Such data as grades, invert elevations and location of manholes, gateways, and hydrants shall also be shown.

- (h) *Preliminary landscape plan.* This plan shall show the proposed landscape requirements set forth in the Chapter 36 of this code.
(Ord. No. 2325-07, 05-07-07; Ord. No. 2493-16, 6-6-16)
- (i) *Statement of proposed use.* A statement of the proposed use of the land including the type of residential buildings, proposed number of dwelling units, and type of business or industry. This shall be used to determine whether existing roadways and utilities have the capacity to accommodate the development.
- (j) *Supplementary information.* Any or all of the supplementary information requirements set forth in this subsection shall be submitted when deemed necessary by the city staff, consultants, advisory bodies and/or city council.
 - (1) Existing conditions to a distance of up to 500 feet from the proposed subdivision, including such features as structures, street rights-of-way, natural features, topographical contours, etc.
 - (2) Proposed protective covenants, deed restrictions, and commons areas.
 - (3) Soil borings at locations within the proposed subdivision prepared by a qualified person.
 - (4) A survey prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density and spacing.
 - (5) Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry, so as to reveal the effect of the development on traffic, fire hazards and congestion of population.
 - (6) If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. Such proposed zoning plan shall be for information only and shall not vest any right in the applicant. If appropriate zoning is not in place, the preliminary plat is deemed to be immature and shall be denied by the city council.
 - (7) Where structures are to be placed on large or excessively deep lots which are subject to potential replat, the preliminary plat shall indicate a logical way in which the lots could possibly be resubdivided in the future.
 - (8) When the city has agreed to install improvements in a development, the developer will be required to furnish a financial security satisfactory to the city.
 - (9) House plans which demonstrate lots to be buildable and the resulting structures compatible in size and character to the surrounding area.
 - (10) A comprehensive screening plan which identifies all proposed buffering and screening in both plan and sectional view.
 - (11) Preliminary traffic analysis: Analysis shall cover all roadways which will be affected by the proposed plat, including traffic capacities at intersections, current traffic counts, traffic projections from the proposed development, and necessary roadway improvements to accommodate the proposed development.
 - (12) Other information deemed appropriate by the city.

(Code 1976, § 14-921, Ord. No. 2325-07, 05-07-07; Ord. No. 2493-16, 6-6-16)

Sec. 26-123. Final plat.

- (a) *Final plat submittal.* The owner or subdivider shall submit documents as described in this section, together with any necessary supplementary information.
- (b) *Final plat application.* The following information shall be submitted as part of the final plat application. All plans shall be prepared in accordance with current city specifications:
 - (1) Final grading plan.
 - (2) Site development plan.
 - (3) Erosion control plan.
 - (4) Final utility plan.
 - (5) Final landscape plan.
 - (6) Final tree replacement and protection plan.
 - (7) A title report prepared by a title company indicating owners and encumbrances on the property and a statement as to which parts of the property are registered (torrens).
 - (8) Address map.
 - (9) Any supplementary information which may be required.
- (c) *Final plat drawing.* The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of state statutes and county regulations, and shall contain the following information:
 - (1) Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision.
 - (2) Location by section, township, range, county and state, including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable closure error of any portion of a final plat shall be one foot in 7,500 feet.
 - (3) The location and description of all monuments. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments.
 - (4) Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points of curve to lot lines.
 - (5) Lots and outlots shall be numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block.
 - (6) The exact locations, widths and names of all streets to be dedicated.

SUBDIVISIONS

- (7) Location, width and type of all easements to be dedicated.
- (8) Name and registration number of land surveyor making the plat.
- (9) Scale of the plat shall be 20, 30, 40, 50, 60 or 100 scale, with the scale written and shown graphically on a bar scale along with the date and north arrow.
- (10) Title information required on final plat:
 - a. Statement dedicating all easements as follows: "Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the areas marked 'drainage and utility easements'."
 - b. Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: "Streets, alleys, and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated."
 - c. Space for certification by the following parties (to be certified by appropriate parties prior to the city signing the final plat):
 - 1. Registered surveyor, in the form required by M.S.A. § 505.03, as amended.
 - 2. Execution of all owners of any interest in the land, any holders of a mortgage thereon, of the certificates required by M.S.A. § 505.03, as amended, and which certificate shall include a dedication of the utility easements and other public areas in such form as approved by the city council.
 - 3. Certificates of approval and review to be filled in by the signatures of the mayor and city clerk.

The form of approval of the city council is as follows: Approved by the city council of the City of St. Louis Park, Minnesota.

This _____ day of _____, 20_____
 Signed _____ Mayor
 Attest, _____ City Clerk
 Dated this _____ day of _____, 20_____

- (d) *Title insurance.* Prior to the city signing the final plat, the developer shall submit an owner's policy of title insurance which insures the city's interests in the plat, i.e. publicly dedicated streets, sidewalks, easements and the like.

(Code 1976, § 14-922; Ord. No. 2493-16, 6-6-16)

Sec. 26-124. Reserved.

(Code 1976, § 14-923; Ord. No. 2493-16, 6-6-16)

Sec. 26-125. Engineering standards for final grading, development and erosion control plans.

(a) *Final grading plan required.* The final grading, development and erosion control plan shall contain and comply with the following information and standards:

- (1) North arrow.
- (2) Scale: The scale on the plan must be one of the following:

1 inch	20 feet
1 inch	30 feet
1 inch	40 feet
1 inch	50 feet

Scale to be shown graphically on a bar scale.

- (3) Symbol key: Key with all line types, symbols, shading and crosshatching denoted.
- (4) Illustration key: Illustration key showing symbols for all information pertaining to lot and house design, including grades, easements, lot and block, setbacks, etc.
- (5) Benchmark: The benchmark provided must be based upon the city/county benchmark system established in 1990. Copies of level loops for newly established benchmarks must be provided with the initial submittal of the grading plan.
- (6) Lines: Subject property's boundary lines, lot lines and right-of-way lines.
- (7) Adjacent area information: All adjacent plats, parcels, rights-of-way, section lines and existing topography extended a minimum of 150 feet beyond the subject parcel in all directions.
- (8) Topography: Topography in two-foot contour intervals with existing contours shown as dashed lines and proposed contours shown as solid lines. All existing and proposed contours labeled at each edge of the plan and at appropriate locations within the plan.
- (9) Natural features: Locations of all existing natural features must be clearly shown. Natural features are considered to include, but are not limited to, the following: tree lines, wetlands, ponds, lakes, streams, drainage channels, bluffs, steep slopes, etc.
- (10) Storm sewers: Location of existing storm sewer facilities within 150 feet of the subject parcel.
- (11) Flood elevations: If the property is within or adjacent to a 100-year floodplain, flood elevations and locations must be clearly shown on the plan.

- (12) Total area: Total area of plat, each lot, outlot and ponding area denoted on plan (tabulation permitted).
- (13) Direction arrows: Direction arrows indicating site, swale and lot drainage patterns. Spot elevations must be provided at drainage break points.
- (14) Slope: Maximum slopes created by grading shall be 3:1, except where slopes meet a water body, then the maximum is 4:1. Existing grades which exceed 3:1 may be preserved.
- (15) Numbers: Lot and block numbers.
- (16) Lot corners: Proposed lot corner elevations.
- (17) Names: Street names.
- (18) Emergency overflow swales: Emergency overflow swales located, labeled and spot elevations. Rear or side lot line swales minimum one percent grade sandy soils, and 1.5 percent grade clay soils.
- (19) Grades: Percent grades indicated along major drainage swales (more than 12 lots).
- (20) Proposed elevations: Proposed elevations at garage floor and lowest floor elevation. Proposed finished ground elevations around home for final grading. The top of the foundation and garage floor of all structures shall be a minimum of 18 inches above the grade of the crown (center) of the street.
- (21) Style of home: Style of home indicated for each lot, e.g., rambler, split level, walkout, full basement, etc.
- (22) Building footprints for each lot.
- (23) High and low points: Finished spot elevations at all high and low points.
- (24) Cul-de-sac: Locations of all temporary cul-de-sac.
- (25) Storm sewers: Locations of all proposed storm sewer facilities.
- (26) Drainage: Maximum of 600 lineal feet of drainage from rear yard areas permitted. Rear yard catchbasins must be installed at the 600-foot mark, or as determined by the Engineering Director.
- (27) Drintile: Location of proposed drintile including cleanout locations and inverts of services to each lot (five feet from the lot line on the downstream side of the lot). Invert information is required only if depth of tile is other than 36 inches city standard depth.
- (28) Utility easements: Location of all oversized drainage and utility easements.
- (29) Ponds: All existing and proposed ponds must have normal water level (NWL), 100-year high water level (HWL) shown and total volume (acre feet) of stormwater retention indicated above the NWL.
- (30) Inlets and outlets: Invert elevation of inlets and outlets into ponds.

- (31) Tree protection: Location of tree protection fencing and limits of clearing and grading clearly shown on plans.
- (32) Mass grading: Designation of lots to be mass graded and custom graded.
- (33) Erosion control: Location and details of all structural erosion control measures.
- (34) Soil stockpiling: Locations of soil stockpile areas with temporary stabilization measures indicated.
- (35) Seeding: Seeding specifications, including:
 - a. Type of seeding (permanent, temporary, dormant);
 - b. Type of seed and application rate;
 - c. Fertilizer type and application rate;
 - d. Mulch type, application rate and method of anchoring;
 - e. Specifications for the installation and maintenance of erosion control mats, blankets or netting;
 - f. Note requiring seeding to be completed within 48 hours of rough grading with revegetation to occur within 48 hours of fine grading.
- (36) Lot benching: Standard lot benching detail must be provided.
- (37) Detail plates: Standard detail plates and maintenance information for each of the measures in this section used must also be included.
- (38) Grading plan: Requirements for certified grading plan:
 - a. A certified plan must be submitted within 30 days of grading completion.
 - b. The "as constructed" grading plan must include certification by a registered land surveyor or engineer that all ponds, swales and drainageways have been constructed.
 - c. The "as constructed" grading plan shall include field verified elevations as the following:
 - 1. Cross sections of ponds.
 - 2. Location and elevations of all swales, drainageways and emergency overflows.
 - 3. All lot corners and center of house pads.

(Code 1976, § 14-924; Ord. No. 2493-16, 6-6-16)

Secs. 26-126--26-150. Reserved.

ARTICLE V. DESIGN STANDARDS**Sec. 26-151. Consistency.**

Preliminary and final plats may only be approved if they are consistent with the city's Comprehensive Plan and Chapter 36 of this code. Preliminary plats may not be approved prior to adoption of any Comprehensive Plan or Chapter 36 changes necessary for final plat approval.

(Code 1976, § 14-930; Ord. No. 2493-16, 6-6-16)

Sec. 26-152. Blocks and lots.(a) *Blocks.*

- (1) *Length.* In general, intersecting streets determining block lengths shall be provided at such intervals so as to serve cross traffic adequately and to meet existing streets. Where no existing plats control, blocks should not exceed 600 feet nor be less than 300 feet in length, except where topography or other conditions justify a departure from this maxim. In blocks longer than 300 feet, pedestrianways or easements at least ten feet in width through the block may be required near the center of the block. The optimum block shall have a perimeter of 1300 feet.
- (2) *Width.* The width of the block shall normally be sufficient to allow two tiers of lots of appropriate depth except where blocks abut a railroad or major thoroughfare where it may have a single tier of lots. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

(b) *Lots.*

- (1) *Area and configuration.* The minimum lot area, width and depth shall not be less than that established by Chapter 36 in effect at the time of adoption of the final plat.
 - a. Easements established over wetlands and regional utility lines shall be excluded from the calculation of minimum lot area.
 - b. The minimum lot width established by Chapter 36 shall occur at the front setback lines and shall be maintained for a continuous one-third of the lot depth.

(Ord. No. 2493-16, 6-6-16)

- (2) *Corner lots.* The minimum width for a corner lot in residential use shall be ten feet wider than that required for interior lots.
- (3) *Side lot lines.* Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
- (4) *Frontage.* Every lot must have frontage on a city-approved right-of-way other than an alley and have the minimum width measured at the setback line as required in Chapter 36.

- (5) *Setback lines.* Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by Chapter 36.
- (6) *Build to lines.* Build to lines shall be shown on all lots located in those areas where applicable as determined by the Comprehensive Plan or Chapter 36.
- (7) *Watercourses.* Lots abutting a watercourse, wetland, ponding area, drainageway, channel or stream shall have additional depth of at least 30 feet to accommodate easements for public trails. Buildings shall also conform to any requirements of Chapter 36 for floodplain or other setback requirements. No part of any lot shall be platted within the floodway unless such floodway is left in its natural state, and no clearing, filling, grading, or other changes in the natural contours shall be done except that required or authorized under the subdivision contract or by conditional use permit. (Ord. No. 2493-16, 6-6-16)
- (8) *Features.* In the subdividing of any land, due regard shall be shown for all natural features, such as topography, tree growth, watercourses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development. The subdivision shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion and minimize slopes for roads, sidewalks and trails. (Ord. No. 2493-16, 6-6-16)
- (9) *Lot remnants.* All remnants of lots below minimum size left over after subdividing of a larger parcel must be added to adjacent lots, rather than allowed to remain as unusable parcels, unless the land is required for public purpose, is designated as an outlot, and has access from a public street.
- (10) *Political boundaries.* No plat shall extend over a political boundary. No single lot shall extend over a school district boundary.
- (11) *Frontage on two streets.* Double frontage, or lots with frontage on two parallel streets, shall not be permitted except: where lots back on major collector or arterial streets, county or state highways, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall adhere to the following requirements:

a. *Lot depth.* Double frontage lots shall have an additional depth of at least 20 feet in order to allow space for screening along the back lot line. To ensure adequate depth for such screening, except as may be approved by the city council, the following minimum depth requirements shall be required for double frontage lots:

District	Minimum Lot Depth (feet)
R-1 low density single-family	140
R-2 single-family	140
R-3 two-family	140

- b. *Screening.* All screening requirements as regulated by the Chapter 36 are satisfactorily met.

(Ord, No. 2325-07, 05-07; Ord. No. 2493-16, 6-6-16)

- (12) *Lots abutting collector or arterial streets.* Where proposed residential lots abut a collector or arterial street, alleys shall be encouraged for access to off-street parking areas and garages. Where alleys are not feasible, driveways shall have shared access and vehicle turnarounds so that vehicles do not back onto the street. (Ord. No. 2493-16, 6-6-16)

- (13) *Buffer side yards.*

- a. In the case of side yards involving single-family residential lots which abut major collector or arterial streets, except as may be approved by the city council, lot widths shall be increased at least ten feet above the minimum lot width for the purpose of establishing buffers along the lot line bordering such streets.
- b. Buffering of side yards bordering major collector or arterial streets shall comply with the requirements as established by Chapter 36.

- (14) *Irregular shaped lots.* On single-family residential lots which are not rectangular in shape, the developer shall demonstrate to the city an ability to properly place principal buildings and accessory structures upon the site which are compatible in size and character to the surrounding area.

- (15) *Required yards.* All single-family, two-family and cluster housing residential lots shall be designed to meet yard requirements for buildings such as residential dwellings, two-car garages, porches and decks, etc.

(Code 1976, § 14-931; Ord. No. 2147-99, § 2(14-931), 10-4-1999; Ord. No. 2325-07, 05-07 Ord. No. 2493-16, 6-6-16)

Sec. 26-153. Streets and alleys.

(a) *Generally.* There shall be a continuous network of streets and alleys within the subdivision which connect with existing streets and alleys.

(b) *Streets and alleys.* Streets and alleys shall be constructed according to the standards and specifications on file in the City Engineer's office. (Ord. No. 2493-16, 6-6-16)

(c) *Streets, continuous.* All streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided parcels, or shall be a reasonable projection of streets in the nearest subdivided parcels. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to stormwater runoff, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.

(d) *Dead-end streets/alleys.*

- (1) *Prohibited.* Dead-end streets (temporary or permanent) without turnarounds shall be prohibited.
- (2) *Criteria for construction.* Permanent dead-end streets or alleys shall be allowed only where one or more of the following criteria have been met:
 - a. Area topography or other physical site conditions warrant a dead-end street or alley.
 - b. A through street or alley is not physically feasible or desirable due to environmental considerations.
- (3) *Requirements.* Permanent dead-end streets or alleys shall not be longer than 500 feet including a terminal turnaround which shall be provided at the closed end. The turnaround design shall be approved by the Engineering Director.

(Ord. No. 2493-16, 6-6-16)

(e) *Temporary dead-end streets.* In those instances where a street is terminated pending future extension in conjunction with future subdivision and more than 200 feet between the dead end and the nearest intersection, a temporary turnaround facility shall be provided at the closed end, in conformance with cul-de-sac requirements. This temporary cul-de-sac must be placed inside a temporary roadway easement if it is located outside street right-of-way. Security will be required for removal or restoration as determined by the Engineering Director.

(f) *Street plans for future subdivisions.* Where the plat to be submitted includes only part of the parcel owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

(g) *Provisions for resubdivision of large lots and parcels.* When a parcel is subdivided into larger than normal parcels, such parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.

(h) *Street intersections.* Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of streets shall be 80 degrees. Street intersection jogs with an offset of less than 125 feet shall be avoided.

(i) *Subdivisions abutting major rights-of-way.* Wherever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. or state highway or thoroughfare, provision may be made for a marginal access street approximately parallel and adjacent to the boundary of such right-of-way; provided, however, that due consideration is given to proper circulation design, or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, or for lot depths.

(j) *Sidewalks and multipurpose trailways.*

- (1) *Location.* Sidewalks or multipurpose trailways shall be provided on both sides of existing and new streets internal to the subdivision, and on the side of the existing or new streets adjacent to the subdivision. Sidewalks shall be provided on at least one side of all dead end streets and private streets. Multipurpose trails shall be installed in areas identified by the Sidewalk and Trailway Plan, in some instances, the trailway may not be located adjacent to a street.
- (2) *Sidewalk and trailway specifications.* All sidewalks and trailways shall be constructed to the specifications on file at the City Engineer's office and conform to the design standards in the Sidewalk and Trailway Plan.
- (3) *Dedication in lieu of construction.* In lieu of installing a sidewalk or trailway, the city may require, at its discretion, a cash contribution in an amount listed in the schedule of fees attached as Appendix A of this Code.

(k) *Service access; alleys.* Service access shall be provided in commercial and industrial districts for off-street loading, unloading and parking consistent with and adequate for the uses proposed. Alleys shall be encouraged for access to parking in all areas. Dead-end alleys shall be avoided wherever possible, but if unavoidable, such dead-end alleys may be approved if adequate turnaround facilities are provided at the closed end. Alleys, where provided, shall meet the design standards on file at the Engineering Department.

(l) *Compliance with the county transportation plan.* All subdivisions incorporating streets which are identified in the county transportation plan, as amended, shall comply with the minimum right-of-way, street width and design standards, as outlined in such plan, and must be reviewed and approved by the county.

(m) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except under conditions accepted by the city council.

(n) *Street right-of-way widths.* Street right-of-way widths shall conform with those requirements indicated in the street sections on file in the Engineering Department.

(o) *Water supply.* Water mains shall be provided to serve the subdivision by extension of an existing public water supply system wherever feasible. Service connections shall be stubbed into the property line and all necessary fire hydrants, as required by the Fire Chief, shall also be provided. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the design standards as approved by the Engineering Director and in accordance with the city's comprehensive water plan.

(p) *Sewage disposal, public.* Sanitary sewer mains and service connections shall be installed in accordance with the design standards of the city as approved by the Engineering Director.

(Code 1976, § 14-932; Ord. 2493-16, 6-6-16)

Sec. 26-154. Easements.

(a) *Width and location.* Easements for utilities shall be provided along all lot lines. The easements shall be at least 10 feet wide along all street right-of-ways and five feet wide along all interior lot lines, except that the Engineering Director may increase or decrease the width of the easements as required to facilitate existing or proposed developments. If necessary for the extension of water or sewer lines or similar utilities, or to accommodate drainage, additional easements may be required.

(b) *Outlot alternative.* The city may at its discretion choose to require outlots rather than easements for wetlands, drainage areas and other natural features. These outlots must be designed with access from a public right-of-way.

(Code 1976, § 14-933; Ord. No. 2493-16, 6-6-16)

Sec. 26-155. Erosion and sediment control.

The subdivider shall adhere to the erosion and sediment control requirements found in the Chapter 12 of this Code and the LSWMP:

(Code 1976, § 14-934; Ord. No. 2493-16, 6-6-16)

Cross reference(s)--Environment and public health, Ch. 12.

Sec. 26-156. Storm drainage.

All subdivision design shall incorporate adequate provisions for stormwater runoff consistent with the city LSWMP and with established city policies, the policies of the watershed district, and other public agencies.

(Code 1976, § 14-935; Ord. No. 2493-16, 6-6-16)

Sec. 26-157. Protected areas.

(a) Where land proposed for subdivision is deemed environmentally sensitive by the city due to the existence of wetlands, drainageways, watercourses, floodable areas, significant trees, steep slopes or wooded areas, the design of such subdivision shall clearly reflect all necessary measures of protection to ensure against adverse environmental impacts.

(b) Based upon the necessity to control and maintain certain sensitive areas, the city shall determine whether such protection will be accomplished through lot enlargement and redesign or dedication of those sensitive areas in the form of outlots that are either deeded to the city or encumbered with a deed restriction protecting the sensitive area.

(c) In general, measures of protection shall include design solutions which allow for construction and grading involving a minimum of alteration to sensitive areas. Such measures, when deemed appropriate by the city, may include, but shall not be limited to, the following:

- (1) The establishment of easements and/or outlots over wetlands, drainageways and watercourses.
- (2) The implementation of flood control measures.
- (3) The enlargement of lots or redesign of the subdivision.

- (4) The submission of a tree replacement and protection plan subject to the review of the planning commission and the approval of the city council.
- (5) The use of appropriate erosion control measures subject to approval by the Engineering Director.
- (6) Soil testing to determine the ability of the proposed subdivision to support development.
- (7) The limitation of development on slopes steeper than 3:1 measured over a horizontal distance of at least 25 feet.
- (8) Structure conformance to the natural limitations presented by the topography and soil so as to create the least potential of soil erosion.

(Code 1976, § 14-936; Ord. No. 2493-16, 6-6-16)

Sec. 26-158. Park and trail dedication requirements.

(a) As a prerequisite to subdivision approval, subdividers shall dedicate land for parks, playgrounds, public open spaces and trails and/or shall make a cash contribution to the city's park fund and trail fund, as provided by this section.

(b) Land shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access and location. Land with dead trees, trash, junk, pollutants and unwanted structures is not acceptable.

(c) The parks and recreation commission shall recommend to the city council the land and/or cash contribution requirements for proposed subdivisions.

(d) Any increase in density of subdivisions shall be reviewed by the parks and recreation commission for reconsideration of park land and/or cash contribution requirements.

(e) When a proposed park, playground, recreation area, trail or other public ground has been indicated in the city's official map or Comprehensive Plan and is located in whole or in part within a proposed subdivision, it shall be designated as such on the plat and shall be conveyed to the city. If the subdivider elects not to dedicate an area in excess of the land required hereunder for such proposed public site, the city may consider acquiring the site through purchase or condemnation.

(f) Land area conveyed or dedicated to the city shall not be used in calculating density requirements of the Chapter 36 and shall be in addition to and not in lieu of open space requirements prescribed in Chapter 36.

(g) The city, upon consideration of the particular type of development, may require larger or lesser parcels of land to be conveyed to the city if the city determines that present or future residents would require greater or lesser land for park and playground purposes.

(h) In residential subdivisions where a land dedication is required, the following formula will be used to determine the park land conveyance requirements:

Density: Units Per Acre*	Land Dedication Percentage
0 - 2.5	10 percent
2.5+ - 4	11 percent
4+ - 6	13 percent
6+ - 8	15 percent
8+ - 10	17 percent
10+	20 percent

* Street rights-of-way shall be excluded from the density calculations. If the proposed streets are private, actual street width, plus 18 feet shall be deducted.

In commercial or industrial plats where a land dedication is required, the following formula will be used to determine the park land dedication: Five percent of the gross area of land being platted.

(i) In lieu of a park land dedication, the city may require the following cash contribution:

Commercial/industrial	5 percent of current market value of the unimproved land as determined by the city assessor
Multifamily dwelling units	A fee which shall be set from time to time by the city and a schedule of such fees is listed in appendix A to this Code
Single-family dwelling units	A fee which shall be set from time to time by the city and a schedule of such fees is listed in appendix A to this Code

(j) The city may elect to receive a combination of cash, land and development of the land for park use. The fair market value of the land the city wants and the value of the development of the land shall be calculated. That amount shall be subtracted from the cash contribution required by subsection (i) of this section. The remainder shall be the cash contribution requirement.

(k) Fair market value shall be determined as of the time of filing the preliminary plat in accordance with the following:

- (1) The city and the developer may agree as to the fair market value; or
- (2) The fair market value may be based upon a current appraisal submitted to the city by the subdivider at the subdivider's expense. The appraisal shall be made by appraisers who are approved members of the SREA or MAI, or equivalent real estate appraisal societies.
- (3) If the city disputes such appraisal, the city may, at the subdivider's expense, obtain an appraisal of the property by a qualified real estate appraiser, which appraisal shall be conclusive evidence of the fair market value of the land.

(l) Subdividers of land abutting streets that have been designated in the city's comprehensive trail systems plan for the construction of a trail shall be required to pay five-eighths of the cost of constructing the trail.

(m) Residential subdividers shall pay a fee in an amount set from time to time by the city and listed in appendix A of this Code per residential dwelling unit for trails. This payment is required whether or not the subdivider is required to construct trails.

(n) Planned developments with mixed land uses shall make cash and/or land contributions in accordance with this section based upon the percentage of land devoted to the various uses.

(o) Park cash contributions are to be calculated at the time of final plat approval. The city council may require the payment at the time of final plat approval or at a later time under terms agreed upon in the development agreement. Delayed payment shall include interest at a rate set by the city.

(p) Cash contributions shall be deposited in the city's park and recreation development fund and shall only be used for park planning, acquisition, park development or public art.

(q) Property being replatted with the same number of lots and dwelling units shall be exempt from park and trail dedication requirements if similar requirements were satisfied in conjunction with an earlier platting. If the number of lots or dwelling units is increased, then the park and trail dedication shall be based on the additional lots or the number of dwelling units, whichever is greater, added to the plat.

(Code 1976, § 14-937, Ord. No. 2287-05, 2-22-05; Ord. No. 2493-16, 6-6-16)

Sec. 26-159. Tree preservation and replacement.

The subdivider shall adhere to the tree preservation and replacement requirements found in Chapter 36 and Chapter 34 of this Code.

(Code 1976, § 14-938; Ord. No. 2493-16, 6-6-16)

Cross reference(s)--Vegetation, Ch. 34; Zoning, Ch. 36

Sec. 26-160. Minimum design features.

The design features set forth in this article are minimum requirements. The city may impose additional or more stringent requirements concerning lot size, streets and overall design as deemed appropriate considering the property being subdivided.

(Code 1976, § 14-939)

Secs. 26-161--26-190. Reserved.

ARTICLE VI. REQUIRED BASIC IMPROVEMENTS**Sec. 26-191. General provisions.**

(a) Before a final plat is signed by the city, the subdivider shall pay all applicable fees and enter into a development contract setting forth the conditions under which the plat is approved, unless the city council deems a development contract to be unnecessary.

(b) Before a final plat is signed by the city, the subdivider shall also furnish the city financial security in the form of a cash escrow or letter of credit. If the subdivider fails to perform any obligations under the development contract, the city may apply the security to cure the default. Terms for return of the financial security shall be those set forth in Chapter 36 of this Code or shall be set forth in the development contract.

- (1) If the developer is to install public improvements, the required security shall be 125% of the cost of the public and private improvements to be constructed as part of or as a result of the plat.

(c) The city shall, where appropriate, require of a subdivider submission of a warranty/maintenance bond in the amount equal to the original cost of the improvements or such lesser amount as agreed to by the Engineering Director. The required warranty period for materials and workmanship from the utility contractor installing public sewer and water mains shall be two years from the date of final acceptance or one year following final acceptance of the final bituminous wearing surface as approved by the Engineering Director. The required period for sod, trees and landscaping is one year following final acceptance of the project.

(d) Reproducible as-built drawings, as required by the Engineering Director, shall be furnished to the city by the subdivider of all required improvements. Such as-built drawings shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvements.

(e) All of the required improvements to be installed under the provisions of this chapter shall be approved by and subject to the inspection of the Engineering Director. All of the city's expenses incurred as the result of the required improvements shall be paid by the subdivider.

(Code 1976, § 14-940; Ord. No. 2493-16, 6-6-16)

Sec. 26-192. Monuments.

(a) Official monuments, as designated and adopted by the county surveyor's office for use as judicial monuments, shall be set at each corner, angle or curve points on the outside boundary of the final plat or in accordance with a plan as approved by the Engineering Director. The boundary line of the property to be included with the plat to be fully dimensioned; all angles of the boundary excepting the closing angle to be indicated; all monuments and surveyor's irons to be indicated; and each angle point of the boundary perimeter to be so monumented.

(b) Pipes or steel rods shall be placed at each lot within one year of recording the final plat. All United States, state, county or other official benchmarks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat, and all necessary angles pertaining to the lots and blocks, as an aid to future surveys, shall be shown on the plat. No ditto marks will be permitted in indicating dimensions.

(c) To ensure that all irons and monuments are correctly in place following the final grading of a plat and construction of utilities, financial security will be required as determined by the Engineering Director. Proof of the second monumentation shall be in the form of a surveyor's certificate, and this requirement shall additionally be a condition of certificate of occupancy as provided for in Chapter 36 of this Code.

(Code 1976, § 14-941; Ord. No. 2147-99, § 2(14-941), 10-4-1999; Ord. No. 2493-16, 6-6-16)

Sec. 26-193. Street improvements.

(a) The full width of the right-of-way shall be graded in accordance with the provisions for construction as outlined in article V of this chapter, on file in the Engineering Department and as modified by the city council subdivision approval.

(b) All streets shall be improved in accordance with the standards and specifications for street construction as required by this chapter and by the city council.

(c) All streets to be surfaced shall be of an overall width in accordance with the standards and specifications for construction as required by this chapter and as approved by the city council. The portion of the right-of-way outside the area surfaced shall be sodded.

(d) Where required, the curb and gutter shall be constructed in accordance to the standards and specifications for street construction as set forth and approved by the city council.

(e) The grading and drainage requirements for each plat shall be approved by the Engineering Director at the expense of the applicant. Every plat presented for final signature shall be accompanied by a report from the Engineering Director that the grading and drainage requirements have been met. No plat shall be approved before an adequate stormwater disposal plan is presented and approved by the Engineering Director. The use of dry wells for the purpose of stormwater disposal is at the discretion of the Engineering Director.

(f) Trees and boulevard sodding shall be planted in conformance with the standards and specifications as required by Chapter 36 of this Code and the approved landscape plan.

(g) Street signs of the design approved by the city council shall be installed at each street intersection.

(h) Driveway approaches and sidewalks of standard design or pedestrian pathways as may be required by this chapter and the city council shall be installed.

(i) Street lighting fixtures as may be required by the city council shall be installed.

(Code 1976, § 14-942; Ord. No. 2493-16, 6-6-16)

Cross reference(s)--Streets, sidewalks and other public places, Ch. 24.

Sec. 26-194. Future street improvements.

As a condition of plat approval, when property being platted is adjacent to existing collector roads, highways or substandard streets which need improvement, the developer shall dedicate land for the widening or improvement and shall post a cash escrow acceptable to the city for the cost of the improvement. This section shall only apply when the need for the improvement is caused by the plat or surrounding development.

(Code 1976, § 14-943)

Cross reference(s)--Streets, sidewalks and other public places, ch. 24.

Sec. 26-195. Sanitary sewer and water distribution improvements.

Sanitary sewers and water facilities shall be installed in accordance with the standards and specifications as required by the city council and subject to the approval of the Engineering Director.

(Code 1976, § 14-944; Ord. No. 2493-16, 6-6-16)

Cross reference(s)--Utilities, ch. 32.

Sec. 26-196. Public and private utilities.

Telephone, cable TV, electric, gas, plus all other utility service lines are to be placed underground in accordance with the provisions of all applicable city ordinances.

(Code 1976, § 14-945)

Sec. 26-197. Election by city to install improvements.

It is the subdivider's responsibility to install all required improvements, except that the city reserves the right to elect to install all or any part of the improvements required under the provisions of this chapter pursuant to M.S.A. ch. 429, as amended. If the city elects to install the improvements, the city may require the developer to post a cash escrow or letter of credit guaranteeing payment of the assessments.

(Code 1976, § 14-946)

Sec. 26-198. Railroad crossings.

No street dedications will be accepted which require a crossing of a railroad unless sufficient land as determined by the city council is dedicated to ensure a safe view.

(Code 1976, § 14-947)