

# CHAPTER 21

## SUBDIVISIONS

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### ARTICLE I. IN GENERAL

#### Sec. 21-1. Intent and Purpose.

- (a) The process of dividing or otherwise preparing raw land for development is one of the most important factors in the growth of any city. Few activities have a more lasting effect upon its appearance and environment. Once public improvements, homes, and other structures have been constructed, the basic character of this permanent addition to the city has become firmly established. In most large developments, 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, in the interest of the general public, the developer, and the future owners that such developments be conceived, designed, and developed in accordance with tested criteria and performance standards.
- (b) It is the purpose of these regulations to:
1. Encourage well-planned efficient and attractive land developments by establishing reasonable performance standards for design and construction;
  2. Provide for the public health, safety, and general welfare of residents by requiring property designed streets, adequate sewerage, water systems, and service;
  3. Place the cost of improvements against those benefiting from their construction and secure the rights of the public with respect to public land and waters.

**Sec. 21-2. Statutory Authority.** These regulations have been developed under the authority contained in Section 462.358, Minnesota Statutes, and are supplemented by appropriate sections of Chapter 505.

**Sec. 21-3. Requirements Declared Minimum.** The design requirements outlined in this Chapter are the minimum standards to be utilized in the preparation of development plans required in other ordinances of this city.

**Sec. 21-4. Definitions.** As used in this Chapter, the following words and phrases shall be defined as set out in this section:

- **Alley.** Any dedicated public right-of-way providing a secondary means of access to abutting property.
- **Block.** The enclosed area within the perimeter of roads, property lines, or boundaries of the subdivision.
- **Boulevard.** The portion of the street right-of-way between the curb line and the property line.
- **Cul-de-sac.** A minor street with only one outlet and having a turnaround.
- **Development.** The act of building structures and installing site improvements.

- **Easements.** A grant by an owner of land for a specific use by persons other than owner.
- **Lot.** A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale, lease, or separate use therefore.
- **Major Subdivision.** A subdivision of a parcel or parcels of property in which more than one additional parcel or lot is created in unplatted lands or more than two (2) additional parcels or lots are created in platted lands.
- **Minor Subdivision.** A subdivision of a parcel or parcels of property in which no more than one additional parcel or lot is created in unplatted lands, or no more than two (2) additional parcels or lots are created in platted lands. Minor subdivisions shall include the combination of two (2) or more lots or parcels which necessitates a change in any property line(s) of the combined parcels or lots.
- **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.
- **Pavement Width.** The distance measured perpendicular to the direction of the road between the face of curbs or gutter line.
- **Pedestrian Way.** A public right-of-way across or within a block, to be used by pedestrians.
- **Person.** Any individual, firm, association, syndicate or partnership, corporation, trust, or any other legal entity.
- **Plat.** A map or drawing which graphically delineates the boundary or land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all Minnesota State laws.
- **Private Street.** A street serving as a 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.
- **Right-of-Way.** The land covered by a public road or land dedicated for public use or for certain private use such as land over which a power line passes.
- **Street.** A way for vehicular traffic, whether designated as street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, drive, court, or otherwise designated.
- **Street Width.** The shortest distance between the lines delineating the right-of-way of the street.
- **Subdivider.** The owner, agent, or person having control of such land as the term is used in this Chapter.
- **Subdivision.** The division of a parcel of land into two (2) or more lots or parcels, or any combination of two (2) or more lots or parcels which necessitates a change in any property line(s) of the combined lots or parcels, for the purpose of transfer of ownership or building development. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

**Sec. 21-5. Compliance Prerequisite to Building Permit.** No building permit shall be issued for any construction, enlargement, alteration, repair, demolition, or moving of any building or structure on any lot or parcel until all the requirements of this Chapter have been fully met.

**Sec. 21-6. Violations.** Any person, who violates any of the provisions of this Chapter, or who sells, leases, or offers for sale or lease any lot, block or tract of land herewith regulated before all the requirements of these regulations have been complied with, shall be guilty of a misdemeanor, or

upon conviction thereof be subject to fine and/or imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

**Sec. 21-7. Severability.** It is hereby declared to be the intention of the City Council that the several provisions of this Chapter are separate in accordance with the following:

- (a) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provision of this Chapter not specifically included in said judgment.
- (b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, building, or structure, such judgment shall not affect other property, building, or structures.

**Sec. 21-8. Variances.**

- (a) **Authorized.** The City Council may consider requests for variances to this Chapter if it can be demonstrated that an unusual hardship on the land exists; the intent of this chapter is achieved; and the variance is not detrimental to the health and safety of the public.
- (b) **Procedure.**
  - (1) An application for a variance shall be filed with the city office and shall state the exceptional conditions and the peculiar and practical difficulties claimed as a basis for a variance.
  - (2) The application shall be referred to the Planning Commission for their review and comment. The Planning Commission shall refer the application and their recommendations to the City Council within thirty (30) days following receipt of the variance application.
  - (3) The City Council, acting as a board of appeal, shall consider the application at its next regular meeting after receipt of the Planning Commission recommendations. It may act to grant or deny, or it may postpone.
  - (4) In any case, it must act to grant or deny within sixty (60) days of receiving such application from the Planning Commission unless the applicant agrees to an extension.
  - (5) If a variance is denied by motion of the City Council, such motion shall constitute a finding and determination by the City Council that the condition required for approval does not exist.

**Sec. 21-9. General Regulations.**

- (a) All developments of land within this city hereafter submitted for approval under the zoning and PUD ordinances, shall comply with the regulations of this Chapter.
- (b) All subdivision, re-subdivision or existing plats, and registered land surveys shall comply with the regulations of this Chapter. The Washington County Register of Deeds shall not record any deed for a subdivision, re-subdivision or registered land survey that does not have the city's authorization to do so, in the form of a stamp, on the face of the deed.
- (c) In order to process applications for subdivision where conditions are well defined thereby releasing the subdivider from strict compliance with the regulations that apply to major subdivisions or platting, the classification of minor subdivision is created. A subdivider

may proceed to solicit approval of a plan under the procedure for minor subdivisions if the subdivider's parcel(s) of property meets the definition of a minor subdivision.

- (d) In allowing a subdivider to proceed under the classification minor subdivision, it is not the intent of the City Council to circumvent the purpose of these regulations.
- (e) Single Family Lot Divisions: Subdivision requests to create additional single family residential lots from lots already guided and zoned for single family residential use will be considered on a case-by-case basis. Flag shaped lots are prohibited as a means of dividing a parcel because of minimum lot width requirements. The applicant shall make every effort to assemble adjoining property under joint agreement to subdivide or covenant to do so at the time of sale, as applicable. Owners proposing subdivisions where there exists adjoining land, which may be assembled and subdivided, must factor this into any request and submit a concept plan(s) to show how neighboring property could be accessed. Special attention must be made to allow for the efficient delivery of public services, as determined by the city.
- (f) An application to subdivide property located in an approved Small Area Plan must include all other property owned by the fee owner of the property being proposed for subdivision if the other property is also located in the approved Small Area Plan regardless of whether the other property is currently being proposed for subdivision or development. The subdivision application must contain sufficient detail to demonstrate how the other property can be developed or subdivided in the future in a manner that is compatible with the development on the property being proposed for subdivision and in a manner that conforms with the Small Area Plan, the Comprehensive Plan designation, and the zoning classification of the other property. Final subdivision or development of the other property may be accomplished in phases. (Ord. 865, 12/08/20)

#### **Sec. 21-10. Land Dedication.**

- (a) For the purposes of this section, "subdivision" shall be defined in accordance with Minnesota Statutes, Section 462.352, Subdivision 12, as follows: The separation of an area, parcel or tract of land under single ownership into two or more parcels, tracts, lots or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads or alleys, for residential, commercial, industrial or other use, or any combination thereof, except those separations:
  - (1) Creating cemetery lots;
  - (2) Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.
- (b) The development of any subdivisions may create a need for land for public use. The City Council may, therefore, require, pursuant to the authority granted to municipalities under Section 462.358, Subdivision 2b of Minnesota Statutes, a reasonable portion of the total project land area to be dedicated to the city or preserved for public use as parks, playgrounds, trails or open space; provided that (1) the city may choose to accept an equivalent amount in cash from the developer for part or all of the portion required to be dedicated to such public uses or purposes based on average fair market value of the unplatted land no later than at the time of final approval, (2) any cash payments received shall be placed in a special fund and used only for the purposes for which the money was obtained, (3) in establishing the reasonable portion to be dedicated, the city may consider the open space, park, recreational or common areas and facilities which the applicant

proposes to reserve for the subdivision, and (4) the city reasonably determines that it will need to acquire that portion of land for the purposes stated herein as a result of approval of the subdivision.

- (c) The owner or developer of any parcel of land zoned for single family residence and has located thereon one or more single family dwellings shall, when subdividing said parcel into additional lots, receive credit for the existing dwellings.
- (d) In determining the amount of land or cash which an owner or developer of residential property shall be required to contribute for public use, the formula shall be in accordance with the current Park Dedication Fee schedule.
- (e) In those cases where a resubdivision of a parcel on which a dedication of land or cash has previously been made in connection with a prior subdivision but on which an additional cash dedication is required under the resubdivision, credit shall be given for the prior dedication.
- (f) The development of any subdivision may create a need for land and public streets, roads, sewers, electric, gas and water facilities, storm water drainage and holding areas or ponds and similar utilities and improvement. The City Council, may therefore require, pursuant to the authority granted to municipalities under Section 462.358, Subdivision 2b of Minnesota Statutes, that a reasonable portion of the total project land area be dedicated to the city for public streets, roads, sewers, electric, gas and water facilities, storm water drainage and holding areas or ponds and similar utilities improvements.
- (g) The City Council, at its discretion, may waive or reduce the requirements of this section when the subdivision includes a city-assisted development or redevelopment area where the requirements would create a financial hardship for the project.

**Sec. 21-11. Registered Land Surveys.** All registered land surveys shall be filed subject to the same procedure for the filing of a plan for platting purposes. The standards and requirements set forth in these regulations shall apply to all registered land surveys. Unless the governing body shall approve, a registered land survey shall not be used to divide a parcel of land into lots for the purpose of transfer of ownership or building development, if any of the tract do not have the required frontage on a dedicated public street.

**Sec. 21-12. Conveying Land in Unapproved Subdivisions.** No conveyance of land to which this regulation is applicable shall be filed of record, 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 does not apply to a conveyance if the land described:

- (a) Was a separate parcel of record November 19, 1965?
- (b) Was the subject of a written agreement to convey entered into prior to such time?
- (c) Is subdivided under the procedure for minor subdivision?
- (d) Was a separate parcel of not less than two and one-half (2 1/2) acres in area and one hundred fifty (150) feet in width on January 1, 1966, or is a single parcel of land of not less than five (5) acres and having a width of not less than three hundred (300) feet?

The fact that a conveyance is eligible for recording pursuant to one of the exceptions enumerated in this section does not exempt a subdivision from compliance with any other applicable requirement of this Chapter.

## **Sec. 21-13. Lot Splits for Two-family Dwelling Units**

- (a) If the conditions of this Chapter are met, a lot upon which a two-family dwelling exists, or if to be constructed, may be split along the party wall to allow for individual ownership of each unit. The newly created lots shall each be in compliance with the minimum lot width and area requirements of the Zoning Code.
- (b) All of the following conditions must be met before a lot split described in (a) of this section may be approved:
  - 1. The property and structure must be able to be easily split into two (2) substantially equal sections.
  - 2. The structure must meet current building code standards for firewall separation. This shall also apply to existing structures.
  - 3. Separate utility services must be provided. If the property is already provided with a single one-inch or larger water service, this water service may be separated at the property line by installing a wye and two additional curb stops and boxes on the home side of the existing curb stop and box. If, however, in the opinion of the Building Official, it is feasible to make a second water service connection to the existing main, the existing water service shall not be split at the property line. If the existing water service is smaller than one-inch diameter, a separate service connection shall be made to the city watermain. If a lot is intended to be used for a two-family dwelling unit under separate ownership and the public water system is under construction, reconstruction or if the street is under reconstruction making access to the water system feasible, separate services shall be extended to the lot at that time. Separate sanitary sewer service may be provided by splitting an existing sanitary sewer service at the property line with a wye and two (2) clean-outs. However, if conditions exist as stated above for water services making extension of separate services from the city sewer system feasible, such extension shall be made.
  - 4. Deed restrictions shall be recorded with the property requirements that the structure shall have a uniform exterior appearance in terms of color, design and maintenance.
  - 5. Deed restrictions shall be recorded with the property that if one unit is burned or destroyed, it shall be reconstructed in a uniform appearance, and if both units are burned or destroyed, minimum lot widths shall then prevail for a single-dwelling home. A double dwelling may be rebuilt meeting the original conditions of this section.
  - 6. Any disputes shall be submitted to binding arbitration according to the rules of the Minnesota Arbitration Association.
  - 7. Any other conditions shall be imposed that the city deems necessary to assure compatibility with surrounding structures or to assure a reasonable division of property.

## **ARTICLE II. MINOR SUBDIVISION**

**Sec. 21-14. What Constitutes.** A minor subdivision is a subdivision of a parcel or parcels of property in which no more than one additional parcel or lot is created in unplatted lands, or no more than two (2) additional parcels or lots are created in platted lands. A minor subdivision is

also the combination of two (2) or more lots or parcels that necessitate a change in any property line(s) of the combined parcels or lots.

**Sec. 21-15. Application, Sketch Plan Required.** The subdivider shall make application for a minor subdivision to the Community Development Director on the form provided. At the time of application, the subdivider shall pay the fee determined by the City Council and submit a sketch plan showing the proposed subdivision.

**Sec. 21-16. Contents of Sketch Plan.** A sketch plan is a drawing (drawn to scale) of a proposed subdivision of a parcel(s) of property which shows clearly and in detail, acceptable to the Planning Commission, any information which may be required by the Planning Commission in order for the Planning Commission and the City Council to make a sound evaluation of the proposal. The sketch plan should include, but not be limited to:

- (a) North point and scale.
- (b) Streets within and adjacent to parcel(s).
- (c) Property dimensions existing and proposed.
- (d) Location of physical features and any structures and the distance of same from the existing and proposed lot line.
- (e) Name(s) of subdivision with lot and block numbers of property platted.

**Sec. 21-17. Fee.** The fee for a minor subdivision shall be determined by the City Council. The fee shall be used by the city for expenses incurred in connection with processing the minor subdivision.

**Sec. 21-18. Referral to Building Official.** The City Administrator, or agent, shall provide a copy of the proposed minor subdivision to the Building Official for review and comments.

**Sec. 21-19. Referral to Planning Commission.** If the City Administrator, or agent, determines that the minor subdivision would result in lots that conform in all aspects to the City Code, including the Zoning Code, the City Administrator, or agent, may approve the minor subdivision without going before the Planning Commission or the City Council. All other requests for minor subdivisions must be referred to the Planning Commission and the City Council.

**Sec. 21-20. Planning Commission Action.** When the Planning Commission takes action to approve or disapprove a request for a minor subdivision, their action shall be so recorded in their minutes of the meeting and a copy of the minutes together with the application for subdivision shall be furnished to the Administrator, or agent.

**Sec. 21-21. Referral to City Council.** The Administrator, or agent, shall present copies of the Planning Commission minutes and the application for a minor subdivision to the City Council at their first regular City Council meeting following receipt of the Planning Commission minutes.

**Sec. 21-22. Action by Council.** The City Council shall consider the recommendations of the Planning Commission and the application for a minor subdivision within thirty (30) days of the date it was referred to them by the Planning Commission. If the minor subdivision is approved by the City Council, the subdivider shall be requested to file the necessary documents recording the subdivision at the Register of Deeds office within ninety (90) days after approval by the City

Council. If the minor subdivision is not approved by the City Council, the reasons for such action shall be recorded in the regular minutes of the meeting and the applicant so notified.

**Sec. 21-23. Deeds and Survey Required.** If City Council approval of the minor subdivision has been granted, the subdivider shall be required to furnish the deeds for the approval parcel(s) to the Administrator, or agent, so the City Administrator or agent may stamp and sign them in order that they may be filed at the Register of Deed's office. The subdivider shall also furnish to the Administrator, or agent, a certificate of survey by a registered land surveyor for each parcel included in the approved subdivision before the Administrator, or agent, may stamp and sign the deed(s).

**Sec. 21-24. Lot Splits for Two-Family Dwelling Units.**

- (a) If the conditions of this section are met, a lot upon which a two-family dwelling exists, or is to be constructed, may be split along the party wall to allow for individual ownership of each unit. The newly created lots shall each be in compliance with the minimum lot width and area requirements of the Zoning Code.
- (b) All of the following conditions must be met before a lot split described in Subsection (A) of this section may be approved:
  - (1) The property and structure must be able to be easily split into two (2) substantially equal sections.
  - (2) The structure must meet current building code standards for firewall separation. This shall also apply to existing standards.
  - (3) Separate utility services must be provided. If the property is already provided with a single one-inch or larger water service, this water service may be separated at the property line by installing a wye and two additional curb stops and boxes on the home side of the existing curb stop and box. If, however, in the opinion of the Building Official, it is feasible to make a second water service connection to the existing main, the existing water service shall not be split at the property line. If the existing water service is smaller than one inch in diameter, a separate service connection shall be made to the city watermain. If a lot is intended to be used for a two-family dwelling unit under separate ownership, and the public water system is under construction, reconstruction, or if the street is under reconstruction making access to the water system feasible, separate services shall be extended to the lot at that time. Separate sanitary sewer services may be provided by splitting an existing sanitary sewer service at the property line with a wye and two clean-outs. However, if conditions exist as stated above for water services making extension of separate services from the city sewer system feasible, such extension shall be made.
  - (4) Deed restrictions shall be recorded with the property requirements that the structure shall have a uniform exterior appearance in terms of color, design, and maintenance.
  - (5) Deed restrictions shall be recorded with the property that if one unit is burned or destroyed, it shall be reconstructed in a uniform appearance, and if both units are burned or destroyed, minimum lot widths shall then prevail for a single-dwelling home. A double dwelling may be rebuilt meeting the original conditions of this section.

- (6) Any disputes shall be submitted to binding arbitration according to the rules of the Minnesota Arbitration Association.
- (7) Any other conditions shall be imposed that the city deems necessary to assure compatibility with surrounding structures or to assure a reasonable division of property.

### ARTICLE III. MAJOR SUBDIVISION

**Sec. 21-25. What Constitutes.** Major subdivision is a subdivision of a parcel or parcels of property in which more than one additional parcel or lot is created in unplatted lands, or more than two (2) additional parcels or lots are created in platted lands.

**Sec. 21-26. Analysis Exhibit Required.** The subdivider shall submit five (5) copies of an analysis exhibit, prepared and certified by a Registered Land Surveyor, which shall include the following:

- (a) Site Conditions: An analysis of the existing site conditions, including the development site and 150 feet of the abutting properties of record, or as authorized by the adjoining land owner, will be presented in graphic format which indicates at a minimum:
  - (1) Topographic map with a scale of 1" = 100' or greater and a contour interval of 2' or less, north arrow, and date of survey.
  - (2) Location and extent of tree cover, existing easements, pipelines, and power lines.
  - (3) Slope analysis - Contour interval not more than 2'.
  - (4) Location and extent of wetlands and streams.
  - (5) Significant rock outcropping.
  - (6) Existing drainage patterns.
  - (7) Soil conditions as they affect development including soil borings, soil types, locations, and high water table elevations.
  - (8) Other information considered relevant by the developer or ultimately requested by the Planning Commission and City Council.
- (b) Schematic drawings of the proposed development concept.
- (c) Proposed location and appropriate allocations of land expressed as a percent of the total project area, as well as in acres: Uses to be indicated include:
  - (1) Residential (if appropriate).
  - (2) Common open space (if appropriate).
  - (3) Public open space (if appropriate).
  - (4) Streets.
  - (5) Commercial (if appropriate).
  - (6) Industrial or office (if appropriate).
- (d) Plans at a scale not smaller than 1" equals 100', indicating all right-of-way elements, pedestrian and vehicular; all easements and their purpose; all natural open space; proposed grading; proposed landscaping. Typical dimensions are to be included.
- (e) A staging plan for any project involving more than one construction season setting forth the anticipated chronological order of construction.

**Sec. 21-27. Preliminary Plat Required.** The developer of a major subdivision shall submit twelve (12) copies of a preliminary plat that shall include the following:

- (a) Name and address of:
  - Owner.
  - Developer.
  - Site planner.
  - Registered land surveyor.
  - Registered civil engineer.
  - Property owners within 500' of the boundary of the plat.
- (b) Legal descriptions of property, the acreage of the proposed subdivision, date of preparation, and north arrow.
- (c) Proposed construction grading plan with contour interval not more than 2' indicating areas of erosion control and methods. The construction-grading plan shall include an erosion control plan prepared in compliance with the Standards of the National Pollution Discharge Elimination System General Permit to Discharge Storm water Associated with Construction Activity MNR100001, as issued by the Minnesota Pollution Control Agency, dated August 1, 2013.
- (d) Proposed final grading plan, with contour interval not more than 2'. The final grading plan shall indicate block grading types, lot grading types, and minimum basement elevation for each block as determined by the high water table and as described in the *Land Planning Data Sheet Handbook* 4140.3, prepared by the U.S. Department of Housing and Urban Development, dated April 1973.
- (e) Existing watermains, storm and sanitary sewer, with invert elevations to a distance of 100' beyond the plat.
- (f) Preliminary street and utilities plans indicating placement of water, sanitary and storm sewers.
- (g) Lot and block arrangement and numbering system.
- (h) Proposed name of subdivision (which shall not duplicate nor be similar in pronunciation to the name of any plat theretofore recorded in the county wherein land is situated).
- (i) The boundary of the proposed subdivision with angle and/or bearings and distances that are close within a tolerance of one foot in 7,500'.
- (j) If the preliminary plat is a re-arrangement or a replat of any plat of record, lot and block arrangement of the original plat, its original name and all roadways of said plat, its original name and all roadways of said plat shall be shown by dotted or dashed lines.
- (k) The location of existing streets, property lines, easements, water bodies, streams and other pertinent features within 100' of the boundary of the tract.

**Sec. 21-28. Submission Requirements for Preliminary Plat.** The preliminary plat submission consists of information that depicts the proponent's development concept and site plan. Furthermore, it includes supportive data that relates the existing conditions to a proposed plan. Analysis of these exhibits determines the quality of and adequacy of the site plan and engineering feasibility. In the event that a proponent has already submitted material required in other ordinances, such as the PUD ordinance, that is identical to submittals identified in this article, a re-submittal is not required. The information will consist of five (5) copies of the analysis exhibits and twelve (12) copies of the preliminary plat.

**Sec. 21-29. Development Design Requirements.**

**(A) CIRCULATION**

(1) **General.** The arrangement, character, extent, width, and location of all streets and pedestrian ways shall be considered in their relation to existing and planned streets and pedestrian ways; to reasonable circulation to traffic; to topographic conditions; to run-off of storm water; to public convenience and safety; and to the proposed uses of the land to be served by such streets and pedestrian ways. Any development that contains arterial streets, or abuts existing or proposed arterial streets, shall conform to the community comprehensive plan and the official map as to general right-of-way location.

(2) **Streets.**

(a) Street width and pavement design shall be a function of the projected traffic volume and parking demand on the proposed street. The minimum street width, as measured from inside face of curb to curb, shall be as provided in the following table unless the City Council determines that a greater width is required to meet anticipated parking demand.

All streets shall be provided with a three (3) foot lift of select granular material prior to pavement construction. Substitution of materials for the select granular material may be allowed at the discretion of the Public Works Director/City Engineer. All streets shall be provided with concrete curb and gutter, Minnesota Department of Transportation Design B618, or Minnesota Department of Transportation Design D412, at the discretion of the Public Works Director/City Engineer.

Pavement design shall consist of placement of four (4) inches of Class 5 gravel base, 1-½ inches of bituminous base and 1-½" of bituminous wearing course, unless the following table requires a greater thickness.

**SUBDIVISION STREET STANDARDS**

Project Maximum Traffic Volume Vehicle Per Day	Street Classification	Parking Right-of-way	Allowed* Pavement	Parking Right-of-way	Prohibited* Pavement	Design Load Limits
N/A	Cul-de-sac	50 feet	28 feet	44 feet	24 feet	5
Up to 2000	Local	50 feet	28 feet	44 feet	24 feet	7
2000-3000	Local	60 feet	32 feet	50 feet	28 feet	7
5,000	Industrial/ Commercial	60 feet	44 feet	60 feet	36 feet	9
10,000	Collector	60-80 feet	44 feet	60-80 feet	32-52 feet	9
20,000	Minor	N/A	N/A	100 feet	52-74 feet	9
Over 20,000	Principal Arterial	N/A	N/A	200-400 feet	Variable	9

\* Drainage and Utility easements having a minimum width of ten feet shall be dedicated along all street right-of-ways.

- (b) Intersection. Insofar as practical, streets shall intersect at right angles, and no street shall intersect at less than seventy-five (75) degrees.
- (c) Deflections. When intersecting centerline tangents deflect from each other at only one point by more than ten (10) degrees they shall be connected by a curve with a radius that provides for a fifteen (15) mile per hour, thirty (30) mile per hour, and forty (40) mile per hour design speed for local, collector, and arterial streets, respectively.
- (d) Gradients. All centerline gradients shall be at least 0.5 percent and shall not, except in unique circumstances exceed the following:

Arterial, industrial and collector streets	6 percent
Local and cul-de-sac streets	10 percent

- (e) Vertical curves. Different connecting street gradients shall be connected with vertical curves. Minimum length in feet of these curves shall be determined for the respective design speeds in table set out above utilizing Minnesota Highway Department standards.
- (f) Street jogs. Local street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.
- (g) Access to arterials. Residential driveway access to principal and minor arterials is prohibited.
- (h) Access to small tracts. In the platting of small tracts of land fronting on arterials where there is no convenient access to existing entrances to such arterials and where access to such arterial from such plat would be closer than one-fourth (1/4) mile from an existing point of access, every effort shall be made for the connection of roads to neighboring land. As the neighboring land is platted and developed, and access to the arterial becomes possible at a preferred location, direct access to the arterial shall be prohibited.
- (i) Continuation of streets. Where necessary or convenient for efficient circulation, continuation of streets into or through a new subdivision from existing or proposed street may be required.
- (j) Private streets. No private street shall be allowed unless:
  - (i) An approved association (see Chapter 25) or organization, approved by the City Council, capable of providing snow removal service and street maintenance has been established;
  - (ii) Design standards relative to pavement width as outlined in this section are satisfied; and
  - (iii) The street is classified as a cul-de-sac or local.
- (k) Cul-de-sacs. Shall have a radius of 50 feet at the property lines and 45 feet at the curb line. Length may not exceed 300 feet. Center islands are not allowed. Proposal must conform to city's plan for major streets and provides connections to existing streets and adequate access to adjacent properties. Adequate looping of utilities provided as determined by the Public Works Director/City Engineer.

(3) **Pedestrian Ways:**

- (a) Pedestrian ways shall be provided with a smooth, hard surface and shall have a minimum width of four (4) feet.
- (b) Where possible, pedestrian ways shall not lie immediately parallel and adjacent to the streets. Where such layout is necessary separation between curb and sidewalk shall be four (4) feet.
- (c) Where necessary or convenient for efficient circulation, continuation of pedestrian ways into and through a proposed development from existing or proposed pedestrian ways may be required.

(B) **EASEMENTS**

- (1) **Utilities.** Easements of at least twenty (20) feet in width centered on rear or other lot lines shall be provided for utilities where necessary. They shall have continuity of alignment from block to block.
- (2) **Drainage.** Easements shall be provided along each side of the centerline of any watercourse or drainage channel, as designated by the City Council, to a width sufficient to provide proper maintenance and protection and to provide for proper storm water run-off and installation and maintenance of storm sewers.
- (3) **Access.**
  - (a) Appropriate access easements for the purpose of maintaining underground utilities in the proposed development shall be provided in accordance with the Public Works Director/City Engineer. Where appropriate, due to topographic conditions, utilities may be placed in locations other than public street right-of-way, as long as appropriate easements are conveyed through the plat. Landscaping plans must respect said easements to minimize service problems in the future.
  - (b) Where appropriate, public access easements for the pedestrian path system within a PUD may be required.

(C) **LOTS.** Lot size, location and arrangement shall be consistent with the applicable requirements of the city zoning, PUD, and mobile home park ordinances.

(D) **DRAINAGE.** The drainage plan (grading plan) shall utilize natural drainage ways to maximum feasible degree. Lots shall be laid out so as to provide drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. A 2% minimum grade shall be provided away from building pads and along drainage swales. Drainage shall be designated so as to avoid concentration of storm drainage water from any lot to or through adjacent lots. Storm water facilities shall meet the design criteria of Appendix C of the Oakdale Surface Water Management Plan. On site retention and infiltration of storm water shall be required unless off-site the watershed district and/or the Public Works Director/City Engineer approve disposal of storm water. Whenever off-site disposal of all or any portion of storm water is approved, the developer shall be required to contribute to the city's Surface Water Management Fund an amount as determined by the City Council.

(E) **WETLANDS/STORM WATER PONDS.** Wetlands and storm water ponding areas reflected in the Oakdale Surface Water Management Plan (SWMP) shall be platted as outlots to be deeded to the city. The outlots shall be sized to encompass the delineated wetland/ponding area limits, plus buffers as noted in Appendix C of the Oakdale Surface Water Management Plan.

- (F) **LOT REMNANTS.** There shall be no remnants; all land shall be accounted for as:
- (1) A usable, approved lot capable of having a dwelling unit constructed on it in compliance with all the applicable provisions of the ordinances of the city; or
  - (2) Common open space to be maintained by an approved landowner association; or
  - (3) Dedicated and accepted public open space.
  - (4) Dedicated and accepted wetland/surface water ponding areas.

**Sec. 21-30. Procedure for Preliminary Plat Approval.**

- (a) Prior to preparation of a preliminary plat, it is suggested that the subdivider have a preliminary discussion with the Community Development Director and Public Works Director/City Engineer.
- (b) The proponent shall submit to the city office the appropriate exhibits as required in Section 21-16.
- (c) The proponent shall pay to the city at the time of application a base fee and deposit as determined by the City Council. The base fee and deposit will be used by the city for the payment of city and consultant fees associated with the plat review, including assessment splits. Any amount over the base fee not expended by the city will be refunded within thirty (30) days following final plat approval. The subdivider will reimburse the city for any deficits caused if the amount actually expended for consultant fees exceeds the base fee plus deposit.
- (d) The City Administrator shall refer one set of the analysis exhibit to the Public Works Director/City Engineer, one set to the Community Development Director, one set to the watershed district, and one set to the Planning Commission. One set shall be retained by the Administrator for review by the City Council, and made a part of the permanent record.
- (e) The City Administrator will refer one copy (each) of the preliminary plat drawing to the Community Development Director, Public Works Director/City Engineer, watershed district, Building Inspector, City Attorney and Planning Commission. The City Council and the Planning Commission each will be referred twelve (12) plus one reduced copy of the preliminary plat drawing.
- (f) Staff reports from the Community Development Director and Public Works Director/City Engineer must be available to the Planning Commission within fifteen (15) days from the date of application for subdivision. Staff reports from the City Attorney, Building Official, and watershed district shall be available to the Planning Commission within forty-five (45) days from the date of application for subdivisions.
- (g) The Administrator shall, upon receipt of the plat and application, refer two (2) copies of the plat to the County Planning Coordinator. If the proposed subdivision abuts any state or federal trunk highway, the Administrator shall also refer one copy to the Minnesota District Highway Headquarters for review as required by State law. If it adjoins a public body of water, one copy shall be referred to the State Commissioner of Natural Resources for review. The Public Works Director/City Engineer, County Planning Coordinator, and the District Highway Engineer, if appropriate, shall within fifteen (15) days, submit reports to the Planning Commission expressing recommendations for approval, disapproval, or revisions. If no report is received within fifteen (15) days, the Planning Commission will assume that there are no objections to the plan as submitted.
- (h) The Planning Commission shall review the preliminary plat and a report shall be made to the City Council within forty-five (45) days after their initial review of the plat.

- (i) The City Council shall hold a public hearing on the proposed preliminary plat and shall have notice of such hearing published in the official newspaper at least ten (10) days prior to the hearing. The City Administrator shall notify all owners of property adjacent to the area being subdivided by mail. The City Council shall act on the preliminary plat within thirty (30) days of the date on which it was acted upon by the Planning Commission. Approval of the preliminary plat is tentative, only involving merely the general acceptability of the layout; subsequent approval will be required of the engineering proposals pertaining to water supply, storm drainage, sewerage and sewage disposal, gas and electric service, grading, gradients, roadway widths and the surfacing of streets. 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 and transmitted to the applicant.

**Sec. 21-31. Assessment Splits.** In the event a tract of land against which an assessment has been levied is thereafter divided or subdivided by plat or otherwise, the City Council may on application of the owner of any part of the tract or on its own motion, equitably apportion among the various lots or parcels in the tract all the installments of the assessments against the tract remaining unpaid and not then due, if it determines that such apportionment will not materially impair the collection of the unpaid balance of the original assessment against the tract.

**Sec. 21-32. Improvements Required.** Prior to the approval of a final plat by the City Council, the proponent shall have agreed in the manner set forth below to install in conformity with construction plans approved by the Public Works Director/City Engineer and in conformity with all applicable standards and ordinances of the city, the improvements on the site, as described in this section.

- (a) **Monuments.** Monuments of a permanent character as required by Section 505-02, Minnesota Statutes, shall be placed at each corner or angle point on the outside boundary of each subdivision at the time of recording the plat, or prior to grading activities, whichever is earlier. After grading curbing is completed, permanent iron monuments shall be placed at each lot corner, each block corner and angle point. The Public Works Director/City Engineer may vary the time of placing the interior monuments if a written request explaining the reason for not placing the monuments after grading curbing is completed is presented to the Public Works Director/City Engineer.
- (b) **Streets.** All streets shall have an adequate sub-base and shall be improved with an all-weather permanent surface in accordance with the design standards specified by the Minnesota Highway Department specifications for highway construction on file in the office of the Public Works Director/City Engineer.
- (c) **Curb and Gutter.** A concrete curb and gutter shall be installed on both sides of each street dedicated in the plan according to design standards on file in the office of the Public Works Director/City Engineer.
- (d) **Water Supply.** Where feasible, watermains shall be provided to serve the subdivision by extension of an existing city system. Service connections shall be stubbed into the property line.
- (e) **Sewage Disposal.** Where feasible, sanitary sewer mains and service connections shall be installed to serve all lots in the subdivision and shall be connected to the public system.
- (f) **Drainage.** The grade and drainage requirements for each subdivision shall be in conformance with Appendix C of the Oakdale Surface Water Management Plan. Every plat presented for final approval shall be accompanied by a certificate of a registered engineer or registered land surveyor by a certificate of a registered engineer that the grade and

drainage requirements have been met pad elevations, corner pin elevations, permanent erosion control measures, emergency overflow swales will be established. The developer shall certify, to the best of their knowledge, that all appropriate and necessary agency permit applications have been submitted, and wetland activities will meet the requirements mandated by all agencies.

No building permits will be issued within the plat until the preliminary grading of the drainage ways within the plat has been completed, unless in the opinion of the Public Works Director/City Engineer, the issuance of a building permit(s) will not adversely affect the drainage way or cause drainage problems within the plat.

- (g) **Plant Material.** Plant material shall be planted in conformance with the approved landscaping plan, as required in PUDs, commercial, industrial, and office park developments. In non-PUD residential subdivisions, plant material shall be planted in conformance with an approved planting plan for public rights-of-way.
- (h) **Public Utilities.** All utility lines for telephone, cable television, street lights, electrical service and gas service shall be placed underground in the street right- of-way or easement. Allowances shall be made for appurtenances and associated equipment such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets. A permit must be obtained from the Public Works Director/City Engineer prior to utility installation.
- (i) **Street Lights and Signs.** Streetlights and signs shall be installed in accordance with specifications adopted by the City Council from time to time and filed with the Building Official.

#### **Sec. 21-33. Procedure for Final Plat.**

- (a) Unless an extension of time is requested by the subdivider and granted by the City Council, the subdivider shall submit to the City Administrator within twelve (12) months, following approval of the preliminary plat: Five (5) copies and a reproducible copy of the final plat. This final plat shall incorporate all changes required by the City Council. Otherwise, it shall conform to the preliminary plat. The final plat may constitute only that portion of the preliminary plat that the subdivider proposes to record and develop at the time. If the final plat is not submitted within twelve (12) months, the approval of the preliminary plat shall be considered void. An extension of the preliminary plat may be approved by the City Council and be valid for up to six (6) months.
- (b) The City Administrator shall refer one copy of the final plat to the Public Works Director/City Engineer who shall submit a report to the City Administrator within fifteen (15) days after receiving the final plat. The Public Works Director/City Engineer will report as to whether or not the final plat conforms to the preliminary plat previously approved.
- (c) The City Council will act on the final plat within forty-five (45) days of the date on which it was filed with the Administrator.
- (d) If the final plat is approved by the City Council, the subdivider shall record it with the County Recorder Register of Deeds within one (1) year after the date of approval. If the final plat is not recorded signed by the City within one year, approval shall be considered void.
- (e) Data required for the plat:

- (1) The 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 these regulations.
- (2) Form for approval, by signature, of county officials concerned with the recording of the plat.

1. Checked and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
 By \_\_\_\_\_  
 Washington County Surveyor

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

2A. Document Number \_\_\_\_\_

I hereby certify this instrument was filed in the office of the Register of Deeds for record on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_M., and was duly recorded in Book \_\_\_\_\_ of \_\_\_\_\_ on page \_\_\_\_\_.

Register of Deeds, Washington County By \_\_\_\_\_

2B. If property being platted is in the Torrens system, use the following number:  
 Document number \_\_\_\_\_

I hereby certify this instrument was filed in the office of the Register of Titles for record on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_M., and was duly recorded in Book \_\_\_\_\_ of \_\_\_\_\_ on page \_\_\_\_\_.

Register of Title, Washington County By \_\_\_\_\_

3. Form approval of the city.
4. Approved by the City of Oakdale, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
 \_\_\_\_\_  
 Clerk

- (f) Every plat presented for final approval shall be accompanied by a certificate of a registered engineer that the grade and drainage requirements, pad elevations, corner pin elevations, permanent erosion control measures, and emergency overflow swales will be established. The developer shall certify that all wetland activities will meet the requirements mandated by all agencies.

#### ARTICLE IV. IMPROVEMENT COSTS AND PROCEDURES

**Sec. 21-34. Responsibility for Required Improvements.** The required improvements to be furnished and installed by the proponent as described in Article III hereof are to be furnished and installed at the sole expense of the proponent and at no expense to the city, provided, however, that in the case of an improvement, the cost of which would be assessed only in part to the improved property and the remaining cost paid out of general tax levy, the City Council may in a

city/developer agreement as hereafter set out, make provision for payment of a portion of the cost by the proponent and the remaining portion of the cost by the city.

**Sec. 21-35. Responsibility for Requested Improvements.** The owner of the property included in a preliminary plat shall enter into a written agreement with the city to provide at the owner's sole expense all improvements required within and to the plat. Such agreements shall be conditioned upon approval of the preliminary plat by the city, shall be in a form approved by the City Council, and shall incorporate plans, drawings and specifications approved in their final form prior to commencement of each improvement.

If the preliminary plat includes a phasing plan, the approval of plans, drawings and specifications for each phase shall satisfy the condition of approval for that phase.

As an alternative to the above, the owner of property included in a preliminary plat may petition the city to install certain improvements required within and/or to the plat. Said petition shall be in accordance with Minnesota Statutes Chapter 429. The City Council may accept a petition and refuse to order the project through the city if in the judgment of the City Council; the property owner should install the improvements. Petitions for complete utility and street improvements must be received by January 15 each year for improvements requested to be installed during that year. Petitions for installation of street improvements requested to be installed during that year. Petitions requesting just utility improvements must be received by April 1 if the utilities are to be installed during that year. Otherwise, the city may refuse to construct said improvements until the following year.

**Sec. 21-36. Responsibility and Financial Guarantees for Improvements by Developer.**

Simultaneously with the execution of the city/developer agreement, providing that the developer will construct the required improvements for the plat at the owner's expense, the owner, proponent, or both, as the case may require, shall furnish a corporate completion bond, with good and sufficient sureties thereon, or a cashier's check, escrow account or irrevocable letter of credit in favor of the city in an amount equal to one hundred twenty-five (125) percent of the cost, as estimated by the Public Works Director/City Engineer, of providing and installing all required improvements. Such bond, escrow, or letter of credit shall be in a form approved by the City Attorney, shall be conditioned upon the approval of the final plat and shall be further conditioned as to guarantee the actual completion and installation of such required improvements within a specified period of time from the date of final plat approval. The City Council may waive the financial guarantee requirement if all the following conditions are satisfied:

1. Developer has successfully completed previous developments with privately installed improvements within the City of Oakdale or two other municipalities within the Metropolitan Utility Service Area (M.U.S.A.).
2. Developer has title to the property by deed or Contract for Deed.
3. Developer has no delinquent property taxes or special assessments in the city.
4. Developer provides proof of financing which shows the developer to have at least a 25% equity in the project.
5. City officials shall not sign the final plat until such time as the improvements are accepted as city improvements.

In order to guarantee and secure the correction of any defect in material or workmanship furnished for such improvements, latent in character, and not discernible at the time of final

inspection or acceptance by the community or any damage to such improvements by reason of the settling of the ground, base or foundation thereof, the city will require that for a period of eighteen (18) months after final acceptance of the required improvements by the city, the proponent shall maintain a bond, escrow account, or irrevocable letter of credit, in the amount of twenty-five (25) percent of the construction cost of the in-place improvements which will be owned and maintained by the city. If during that eighteen (18) month period any such defects develop, the deposit in escrow, bond, or letter of credit, may be applied by the city for any amounts incurred to correct such defects.

The city will pay interest at the rate of five (5) percent per annum on any escrowed funds held by the city as required under this section.

During the course of construction, if the Public Works Director/City Engineer or designee determines that the construction methods or materials are not consistent with the construction specifications, or the erosion control plan, the Public Works Director/City Engineer or designee shall have the right to shut down the project until corrective actions are satisfied. Decisions may be appealed to a Board of Appeals, as follows:

### **Board of Appeals**

- (a) **General.** In order to hear and decide appeals of orders, decisions, or determinations made by the Public Works Director/City Engineer relative to the application and interpretation of this section, there shall be and is hereby created, a Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to grading and engineering, erosion control, wetlands and watersheds, and who are not employees of the jurisdiction. The Public Works Director/City Engineer shall be an ex officio member of and shall act as secretary to said Board but shall have no voting power upon any matter before the Board. The Board of Appeals shall be appointed by the governing body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Public Works Director/City Engineer.
- (b) **Limitations of Authority.** The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Code nor shall the Board be empowered to waive requirements of this Code.

**Sec. 21-37. Plans and Drawings for Improvements by Developers.** Engineering plans and drawings for the construction and installation (record asbuilt drawings) of all required improvements shall be prepared at the proponent's expense by a professional engineer registered in the State of Minnesota, shall bear the engineer's seal and shall contain the following data and information:

- (a) Plans, details, specifications, and cost estimates for street construction, including a centerline profile and a grade line for each street with a typical cross-section of the roadway. The profile of grade lines shall be shown to ~~66~~ a scale of one inch equals fifty (50) feet horizontal, and one inch equals five (5) feet vertical. The plan sheets shall show the original benchmark elevation and location used to determine elevations for the improvements. The record drawings shall reflect elevations at all hydrants, manhole rim and invert locations. Where a proposed street intersects an existing street, a centerline

profile and grade line for such existing street within one hundred (100) feet of the intersection shall be shown on standard plan and profile sheets.

- (b) Plans, details, specifications, and cost estimates for proposed storm drainage improvements.
- (c) Plans, details, specifications, and cost estimates for proposed water supply facilities, if any.
- (d) Plans, details, specifications, and cost estimates for sewerage systems and sewage treatment plants, if any.
- (e) Grading plans for all lots and other sites in the subdivision. Upon completion of the grading activities, a development plan showing the asbuilt grades on the building pads, lot corners, and wetland/ponding areas shall be prepared and forwarded to the city. The Surface Water Management basins shall reflect the final stage storage/discharge information.
- (f) When unusual site conditions exist, the Engineer may require additional plans, specifications, and drawings as may be necessary for an adequate review of the improvements to be installed.

All plans and drawings shall conform to the city standards as adopted by the City Council and on file in the Public Works Director/City Engineer's Office.

#### **ARTICLE V. ACCEPTANCE OF STREETS FOR MAINTENANCE AND SNOW REMOVAL**

**Sec. 21-38. Compliance with Standards Required.** The city shall not accept for maintenance or snow plowing any streets that have not been brought up to the standards including a hardtop surfacing set out below.

**Sec. 21-39. Surfacing, Width Required.** No streets not now accepted for maintenance and snow plowing shall be so accepted until they have been brought into conformance with city street construction standards as specified in the subdivision code.

**Sec. 21-40. Bond to Guarantee Improvement.** Building permits may be issued on roads not now accepted for maintenance and snow plowing provided a guarantee for installation of hard-topped surfacing has been made according to the standards set out in Section 21-36 and improvements will be completed within one year.

**Sec. 21-41. Connection with Existing Surfaced Streets.** Any road improvement to bring a street up to the standard required for acceptance shall be of sufficient hardtop surfacing so that its hardtop surface area will connect directly with existing hard-topped surface streets.

**Sec. 21-42. Existing Plats Having Unaccepted Streets.** In the case of existing plats having streets laid out that are not now being maintained and snow plowed, no building permits shall be issued until all of the streets within or bordering the plat have been hard surfaced according to the standards set out in Section 21-32.

**Sec. 21-43. Variance.** The City Council may provide for a variance from the requirements of this article if the City Council finds that the applicant is aware of and accepts responsibility for the problems and inconvenience of not having a hard surface road, and also concludes that the lack of a hard surface road will not create problems for the city in delivery of public services.