

## Chapter 26

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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.

**State law reference(s)**--Authority to regulate subdivisions, M.S.A. § 462.358.

## SUBDIVISIONS

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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)

**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)

**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 the zoning chapter of this Code.

*Base lot* means a lot meeting all the specifications within its zoning district prior to being divided into a two-family or cluster housing subdivision.

*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.

*Buffer* means the use of land, topography, difference in elevation, space, fences or landscape plantings to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights or other impacts.

*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.

*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 portion of land created by a subdivision for the purpose, whether immediate or future, of transfer of ownership or possession, or for building development 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 the zoning chapter of this Code.

*Lot improvement* means any building, structure, work of art, or other object, or improvement of the land constituting a physical betterment of real property, or any part of such betterment, or any grading of the lot to prepare for the construction of a building. Certain lot improvements shall be properly bonded as provided in the regulations of this chapter.

*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 lot remnant or parcel of land, which is intended as open space, drainage or other use, for which no private development is intended. Boundary changes of an outlot shall not be permitted except by replat.

*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.

*Phased subdivision application* means an application for subdivision approval where the subdivider, pursuant to a specific plan proposes to immediately subdivide the property but will develop it in one or more individual phases over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, nonresidential development projects, planned unit developments, mixed-use projects and residential developments.

*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.

*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 drainage ditch, roadway, parkway, sidewalk, pedestrianway, tree, lawn, off-street parking area, lot improvement or other 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.

*Replat* means the combination, recombination or division of one or more parcels or tracts of land which involves land which has previously been platted and which is on file of record with the county pursuant to M.S.A. ch. 505. Any replat unless specifically exempted shall be required to meet all of the requirements of this chapter.

*Right-of-way width* means the shortest distance between lines of lots or easements delineating the street rights-of-way.

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

*Single-family attached housing* means cluster housing, duplexes, or townhouses where each unit has a separate entrance and each unit is located on a separate parcel.

*Sketch plan* means a plan, drawn to scale, which indicates the placement of proposed lots, streets, and building pads for the purpose of identifying requirements and limitations imposed by this chapter, the zoning chapter, and other city ordinances as related to the subdivision of property.

*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 for lot area, lot width, or which does not have the required frontage on a public right-of-way is not a buildable lot.

*Subdivision variance* means a variance to design provisions of this chapter, but not to provisions of the zoning chapter.

*Townhouses* means dwelling units attached in a single structure, each having a separate private entrance from the exterior of the structure (also see the zoning chapter description for cluster housing).

*Unit lots* means lots created from the subdivision of a two-family dwelling or a townhouse having different minimum lot size requirements than the conventional base lot within the zoning district.

(Code 1976, § 14-902)

**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 lot 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)

**Sec. 26-8. Noise control requirement.**

A subdivision may not be approved that would violate Minnesota Rules, chapter 7030.

(Code 1976, § 14-907)

**Sec. 26-9. Exceptions.**

The following land subdivisions are exempt from articles III and IV of this chapter. Upon request, the zoning administrator shall, within ten days, certify that a proposed subdivision is exempt.

- (1) *Exempt subdivisions.* Divisions of land are exempt if all of the following conditions are met:
  - a. The land involved has been previously platted into lots and blocks and is designated in a subdivision plat on file and of record in the office of the county register of deeds or registrar of titles.
  - b. The division involves no more than two previously platted lots.
  - c. The division will not cause the land or any structure on the land to be in violation of this chapter, the zoning chapter of this Code or the building code.
  - d. The subdivision will not involve any new street or road, or the extension of municipal facilities, or the creation of any public improvement.
  - e. The subdivision will not involve any outlot.
  - f. The purpose of the division is to divide a single parcel into two parcels.
- (2) *Procedure for exempted subdivisions.* The owners of such lots to be subdivided shall file with the zoning administrator a certificate of survey of the lots to be divided, and pay the required fee, plus any required park dedication. Such certificate of survey shall show the dimensions of the lots, as measured upon the recorded plan, the area of the lots, all corner elevations, all existing structures, including dimensions to existing and proposed property lines, all visible encroachments, all easements of record, and their proposed division. A written description of the separately described tracts which will result from the proposed division shall be included on the survey. If the proposed subdivision complies with all of the requirements of this section, it will be approved by the director of inspections, the planning manager, and the city assessor and forwarded to the county for filing.

(Code 1976, § 14-908)

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

No conveyance of land in which the land conveyed 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. 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 1/2 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)

**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) *Conveyance by metes and bounds.* No division of one or more parcels in which the land conveyed is described by metes and bounds shall be recorded if the division is a subdivision. Building permits will be withheld for buildings or tracts which have been subdivided and conveyed by this method and the city may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts.

(Code 1976, § 14-950)

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

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

(a) *Findings.* The planning commission may recommend a variance from the minimum standards of this chapter (not procedural provisions) when, in its opinion, undue hardship may result from strict compliance. In recommending any variance, the commission shall prescribe any conditions that it deems necessary or desirable for the public interest. In making its recommendations, the planning commission shall take into account 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. A variance shall only be recommended when the planning commission finds that all of the following exist:

- (1) There are 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.
- (2) The granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.
- (3) The variance is to correct inequities resulting from an extreme physical hardship such as topography, etc.
- (4) The variance is not contrary to the intent of the comprehensive plan.

After considerations of the planning commission recommendations, the city council may grant variances, subject to subsections (a)(1)--(a)(4) of this section.

(b) *Procedures.*

- (1) Requests for a variance from this chapter shall be filed with the community development director on an application form provided by the city. Such application shall be accompanied by a fee as established by the city council. Such application shall also be accompanied by ten copies of detailed written and graphic materials necessary for the explanation of the request.
- (2) Upon receiving such application, the community development director shall set a date for a public hearing to coincide with the public hearing for preliminary plat at the planning commission. Notice of such hearing shall be published in the official newspaper at least ten days prior to such hearing, and individual property notices shall be mailed not less than ten days nor more than 30 days prior to the hearing to all owners of property within 500 feet of the parcel included in the request.
- (3) The community development director shall refer the application, along with all related information and report, to the city planning commission along with the request for a preliminary plat.
- (4) The applicant or a representative thereof shall appear before the planning commission in order to answer questions concerning the proposed variance request during the public hearing.

- (5) The planning commission and city staff shall have authority to request additional information from the applicant concerning the variance or to retain expert testimony with the consent and at the expense of the applicant concerning such variance where such information is declared necessary to ensure preservation of health, safety and general welfare.
- (6) Within 30 days after the public hearing, the planning commission shall make recorded findings of fact recommending approval or denial of the variance request, together with any conditions of approval it considers necessary to carry out the intent and purpose of this chapter and to protect the public health, safety and welfare.
- (7) The city council shall not grant a variance until it has received a report from city staff and recommendation from the planning commission or until 60 days after the first regular planning commission meeting at which the request was considered.
- (8) Upon receiving the report and recommendation of the planning commission and city staff, the city council shall place the report and recommendation on the agenda for the next regular meeting or the next meeting at which the preliminary plat is considered. Such reports and recommendations shall be entered in and made part of the permanent written record of the city council meeting.
- (9) Upon receiving the report and recommendation of the planning commission and city staff, the city council shall make a recorded finding of fact and impose any conditions it considers necessary to protect the public health, safety and welfare.
- (10) The city council shall decide whether to approve or deny a request for a variance within 30 days after the first regular city council meeting at which the request was considered.
- (11) A variance of this chapter shall be by majority vote of the full city council.

(Code 1976, § 14-951)

**Sec. 26-43. Violations; penalty.**

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

(b) *Receiving or recording unapproved plats.* It shall be unlawful for a private individual to receive or record in any public office any plans, plats of land laid out in building lots and streets, alleys or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the city, 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)

**Sec. 26-44. Validity of chapter provisions.**

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

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

(Code 1976, § 14-955)

**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)

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

**ARTICLE III. PROCEDURES FOR FILING AND REVIEW**

**Sec. 26-81. Sketch plan.**

In order to ensure that all applicants are 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, all applicants shall present a sketch plan to the community development director prior to submitting an application for a preliminary plat. 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.

- (1) The sketch plan submission shall include, but not be limited to, the following:
  - a. Six copies of the plat sketch plan at a scale of one inch equals 100 feet or less. The city may require that the sketch plan be provided in metric at a scale not smaller than 1:1200.
  - b. An 8 1/2-inch x 11-inch or 11-inch x 17-inch reduction of the sketch plan.
  - c. Payment of plan review fee.

- d. Escrow deposit to pay review costs of city staff and consultants.
- (2) The community development director shall review the sketch plat and respond to the applicant within ten business days for a single phase project and 30 calendar days for a multiphased project.

(Code 1976, § 14-910)

**Sec. 26-82. Preliminary plat.**

(a) *Filing.* Sixteen copies 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 city may require that plans be submitted in metric at a scale not smaller than 1:1200. 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 director of public works, 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, Minnehaha Creek 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 90 days after such approval or approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing within 90 days and approved by the city council.

(Code 1976, § 14-911)

**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. Ten copies 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 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 lots in the proposed plat, 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 plat approval. If the final plat is denied, 100 percent of these costs shall be reimbursed to the applicant.

(f) *Recording final plat.* If the final plat is approved by the city council, the subdivider shall record it with the county recorder within six months after the approval or the approval of the final plat shall be considered void, unless a request for time extension is submitted in writing prior to the six-month deadline and approved by the city council. 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 public works department.
- (4) An erosion and sediment control plan is approved by the public works department.
- (5) A final tree preservation plan is approved by staff as required.
- (6) If utility work is requested, final utility plans are approved by the inspections and public works department.
- (7) If construction of public utilities is requested, final construction documents are approved by the public works 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 preservation 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)

**Sec. 26-84. Premature subdivisions.**

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.

- (1) *Condition establishing premature subdivisions.* A subdivision shall be deemed premature should any of the following provisions exist:
  - a. *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 water resource management plan.
  - b. *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.
  - c. *Lack of adequate roads or highways to serve the subdivision.* A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:
    1. 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.
    2. The traffic volume generated by the proposed subdivision would create unreasonable highway congestion or unsafe conditions on highways existing at the time of the application or proposed for completion within the next two years.
    3. 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 city's zoning chapter.

- d. *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.
  - e. *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.
- (2) *Regional system service inadequacies.*
- a. *Existing conditions.* A subdivision may be deemed premature if any of the following conditions set forth are found to exist:
    1. The regionally controlled metropolitan 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.
    2. Regional transportation systems are deemed as inadequate to provide service levels within standards of recognized public safety.
    3. Storm drainage systems under the jurisdiction of regional 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.
  - b. *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)

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

**ARTICLE IV. PLAT AND DATA REQUIREMENTS****Sec. 26-121. 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.
- (8) Preliminary evaluation by the applicant that the subdivision is not classified as premature based upon criteria established in section 26-84.

(Code 1976, § 14-920)

**Sec. 26-122. Preliminary plat.**

The subdivider shall prepare and submit an application, preliminary plat drawing, preliminary utility plan, preliminary grading plan and preliminary tree preservation plan, together with any necessary supplementary information, mailing labels and required fees. The plans shall display dimensions in English and, if required, metric, and shall contain the information set forth in the subsections which follow:

- (1) *Preliminary plat drawing.*
  - a. Legal description of lands to be subdivided.
  - b. Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions within the county.
  - c. Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property.
  - d. Graphic scale of plat, not less than one inch to 100 feet or in metric, 1:1200.
  - e. Date and north arrow.
  - f. Existing conditions:
    1. Boundary lines, boundary line dimensions, and total acreage of proposed plat, clearly indicated.
    2. Existing zoning classifications for land within and abutting the subdivision, including shoreland zoning boundaries or overlay zoning districts, if applicable.
    3. The boundaries of any wetlands or floodplains within the proposed plat, clearly indicated.

4. 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 tract and to a distance of 150 feet beyond the tract.
  5. 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.
- g. Proposed design features:
1. 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.
  2. Locations and widths of proposed alleys and pedestrianways.
  3. Location, dimension and purpose of all existing and proposed easements, both public and private.
  4. Layout, numbers, lot areas and lineal dimensions of lots and blocks, to a degree of accuracy necessary to determine zoning chapter compliance.
  5. Minimum front, side street, interior side and rear building setback lines.
  6. The lot width at the building setback line.
  7. Areas, including streets, alleys, pedestrianways, parks and utility easements intended to be dedicated or reserved for public use, including the size of such areas in acres.
- (2) *Preliminary plat application.* The following must accompany the preliminary plat drawing at the time of application:
- a. Identification of portions of property that are registered (torrens). A copy of the certificate of title shall accompany the preliminary plat application.
  - b. Names and addresses of all persons having property interest and names, addresses, and registration numbers of:
    1. The developer;
    2. Architect;
    3. Landscape architect;
    4. Engineer; and
    5. Surveyor.

- (3) *Preliminary grading plan.* The developer shall submit a preliminary grading and drainage plan which must include the following information:
- a. North arrow, scale (not less than one inch = 100 feet, or if in metric, 1:1200), and legend.
  - b. Lot and block numbers, house pad location, home style and proposed building pad elevations at garage slab and lowest floor for each lot.
  - c. 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 tract.
  - d. Location of all natural features on the tract and to a distance 150 feet from the tract. 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.
  - e. Location of all existing storm sewer facilities, including pipes, manholes, catchbasins, ponds, swales and drainage channels within 150 feet of the tract. Existing pipe grades, rim and invert elevations, and normal and high water elevations must be included.
  - f. If the plat is located within or adjacent to a 100-year floodplain, flood elevations and locations must be clearly shown on the plan.
  - g. Spot elevations at drainage break points and directional arrows indicating site, swale and lot drainage.
  - h. Locations, grades, rim and invert elevations of all storm sewer facilities, including ponds, proposed to serve the tract.
  - i. Locations and elevations of all street high and low points.
  - j. Street grades shown, with a maximum permissible grade of ten percent and a minimum of 0.5 percent.
  - k. Phasing of grading.
  - l. The location of all oversize nontypical easements.
- (4) *Erosion control plan.* This plan shall incorporate the elements as required by Chapter 12 and the Zoning chapter.
- (5) *Tree preservation plan.* This plan shall incorporate the elements as required by the zoning chapter.
- (6) *Preliminary utility plan.*
- a. *Easements.* Location, dimension and purpose of all proposed easements.
  - b. *Underground facilities.* Location and size of existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of 150 feet beyond the tract. Such data as grades, invert elevations and location of catchbasins, manholes and hydrants shall also be shown.

- c. *Sanitary sewer facilities.* Locations, grades, rim and invert elevations, and sizes of all proposed sanitary sewer facilities to serve the tract.
  - d. *Hydrants and valves.* Location, type and style of all proposed hydrants and valves for the proposed water mains.
- (7) *Preliminary landscape plan.* This plan shall show the proposed tree replacement and bufferyard requirements set forth in the zoning chapter.
- (8) *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.
- (9) *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.
- a. Existing conditions to a distance of up to 500 feet from the proposed subdivision tract, including such features as structures, street rights-of-way, natural features, topographical contours, etc.
  - b. Proposed protective covenants, deed restrictions, and commons areas.
  - c. Soil borings for locations within the proposed subdivision prepared by a qualified person.
  - d. 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.
  - e. 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.
  - f. 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.
  - g. The subdivider shall be required to submit a sketch plan of adjacent properties so as to show the possible relationships between the proposed subdivision and future subdivisions. All subdivisions shall be required to relate well with existing or potential adjacent subdivisions.
  - h. 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.
  - i. 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.

- j. House plans which demonstrate lots to be buildable and the resulting structures compatible in size and character to the surrounding area.
- k. A comprehensive screening plan which identifies all proposed buffering and screening in both plan and sectional view.
- l. 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.
- m. Other information deemed appropriate by the city.

(Code 1976, § 14-921)

**Sec. 26-123. Final plat.**

The owner or subdivider shall submit a final plat, final grading, development, and erosion control plan, final utility plan, final tree preservation plan, final landscape plan, and other documents as described in this section, together with any necessary supplementary information.

- (1) *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:
  - a. Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision.
  - b. 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.
  - c. 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.
  - d. 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.
  - e. Lots and outlots shall be numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block.
  - f. The exact locations, widths and names of all streets to be dedicated.
  - g. Location, width and type of all easements to be dedicated.
  - h. Name and registration number of land surveyor making the plat.

SUBDIVISIONS

- i. Scale of the plat shall be 20, 30, 40, 50, 60 or 100 scale, if in English, with the scale written and shown graphically on a bar scale along with the date and north arrow. If the city requires the plat in a metric, acceptable scales shall be provided by the city.
- j. Title information required on final plat:
  - 1. 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'."
  - 2. 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."
  - 3. Space for certification by the following parties (to be certified by appropriate parties prior to the city signing the final plat):
    - i. Registered surveyor, in the form required by M.S.A. § 505.03, as amended.
    - ii. 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.
    - iii. 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\_\_\_\_\_

- (2) *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:
  - a. Final grading plan.
  - b. Site development plan.
  - c. Erosion control plan.
  - d. Final utility plan.
  - e. Final landscape plan.
  - f. Final tree preservation plan.

- g. 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).
  - h. Address map.
  - i. Any supplementary information which may be required.
- (3) *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)

**Sec. 26-124. Address map.**

With submission of the final plat, the applicant shall submit to the community development director ten copies of the plat map showing all addresses on the plat correctly labeled in conformance with all applicable county and city ordinances and policies, which shall subsequently be distributed to the utility companies and local school districts. The zoning administrator shall supply the applicant with addresses for the new plat.

(Code 1976, § 14-923)

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

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, if in English:
 

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) Culs-de-sac: Locations of all temporary culs-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 director of public works.
- (27) Draintile: Location of proposed draintile 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 preservation: Location of tree preservation 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 including, but not limited to, the following: temporary gravel construction access roads, temporary and permanent sediment basins, silt fence, staked bales, storm sewer inlet filters, rock filter dikes, storm sewer outlet protection, erosion control mats, fiber blankets and nettings.
- (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 on public easements or land owned by the city.
- 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)

**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 zoning chapter. Preliminary plats may not be approved prior to adoption of any comprehensive plan or zoning chapter changes necessary for final plat approval.

(Code 1976, § 14-930)

### **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 the zoning chapter in effect at the time of adoption of the final plat. The minimum lot width established by the zoning chapter shall occur at the front setback line and shall be maintained for a continuous one-third of the lot depth.
  - (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 the city zoning chapter.
  - (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 the city zoning chapter, as may be amended.
  - (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 zoning chapter, as may be amended.
  - (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 and erosion control devices. Buildings shall also conform to any requirements of the zoning chapter 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.
  - (8) *Features.* In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
  - (9) *Lot remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract 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 screen plantings and/or buffering along the back lot line. To ensure adequate depth for such buffering, 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. *Buffering/screening.* All bufferyard requirements as regulated by the zoning chapter are satisfactorily met.

(12) *Turnaround access.* Where proposed residential lots abut a collector or arterial street, alleys shall be encouraged for access to off-street parking areas and garages.

(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 the zoning chapter.

(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 yard setback infringements.* All single-family, two-family and cluster housing residential lots shall be designed in consideration of potentials for buildings accommodating two-car garages, porches and decks, etc. Such buildings and structures shall be compatible in character with the surrounding area.

(Code 1976, § 14-931; Ord. No. 2147-99, § 2(14-931), 10-4-1999)

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

(c) *Street plans for future subdivisions.* Where the plat to be submitted includes only part of the tract 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.

(d) *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 director of public works.

(e) *Provisions for resubdivision of large lots and parcels.* When a tract is subdivided into larger than normal building lots or parcels, such lots or 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.

(f) *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 jobs with an offset of less than 125 feet shall be avoided.

(g) *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.

(h) *Sidewalks and multipurpose trailways.* All new sidewalks and multipurpose trailways shall be funded consistent with the city's policies and shall be accessible by handicapped persons in accordance with M.S.A. § 471.464.

- (1) *Location.* Sidewalks or multipurpose trailways shall be provided on both sides of all public streets whether existing or new. Sidewalks shall be provided on at least one side of all private streets. Multipurpose trails shall be installed in areas identified by the comprehensive plan.

- (2) *Sidewalk widths.* All sidewalks shall be constructed of concrete and shall conform to the following minimum widths for all new plats:

<i>Land Use</i>	<i>Street Type</i>	<i>Width (feet)</i>
Single-family residential	Private	5
Single-family residential	Local	5
Single-family	Collector, arterial	5
Multifamily residential	All	6
Cluster housing	Private	5
Cluster housing	Local	5
Cluster housing	Collector, arterial	6
Commercial	All	6-8
Industrial	All	6

- (3) *Multipurpose trailways widths.* In new plats, unless otherwise directed by the city council, all multipurpose trailways identified by the city's comprehensive plan shall have a minimum width of eight feet and be constructed of bituminous materials. Sufficient area shall be designated on both sides of the multipurpose trail to allow for snow storage and landscaping.

- (4) *Grade.* Sidewalks shall slope one-quarter inch per foot away from the property line.

(i) *Bicycle lanes.* Bicycle lanes shall be encouraged on all streets where either current or projected traffic volumes exceed an average of 3,000 cars per day.

(j) *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. Alleys, where provided, shall meet the design standards indicated in subsection (s) of this section, street sections. 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.

(k) *Half-streets.* Dedication of half-streets shall not be considered for approval except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of the regulations of this section, or where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided.

(l) *Curb and gutter.* Curb and gutter shall be included as a part of the required street surface improvement and shall be designed for installation along both sides of all roadways in accordance with the standards of the city.

(m) *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, surfaced width and design standards, as outlined in such plan, and must be reviewed and approved by the county.

(n) *Street grades.* Except when, upon the recommendation of the director of public works, the topography warrants a greater maximum, the grades in all streets, thoroughfares, collector streets, local streets and alleys in any subdivision shall meet those requirements indicated in subsection (s) of this section, street sections.

(o) *Curb radius.* The curb radii for thoroughfares, collector streets, local streets and alleys shall be approved by the public works director. Curb radius for driveways and alleys shall be five feet, except where an alley intersects with another alley and then the curb radius shall be 25 feet.

(p) *Reverse curves.* Minimum design standards for collector and arterial streets shall comply with Minnesota State Aid Standards.

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

(r) *Street right-of-way widths.* Street right-of-way widths shall conform with those requirements indicated in subsection (s) of this section, street sections, for each of the following designated streets:

<i>Street Classification</i>	<i>Street section</i>
High-density minor arterial	
Low-density minor arterial	C-70, C-110
Major collector	C-70, C-110
Minor collector	R-60, R-75, C-70
Local streets	R-50, R-60, R-75, C-70
Private streets	R-22, R-22A, R-50, R-60
Alleys	A-22-R, A-26-R, A-30-C

(s) *Street sections.* The street section shall comply with design standards as set forth in this chapter. Typical street sections for various types of development are specified in this subsection. All street designs shall reflect projected traffic volumes and are subject to the review and approval of the director of public works.

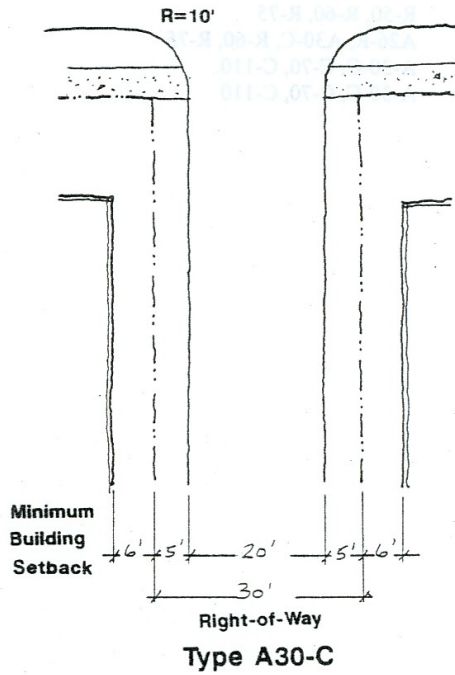
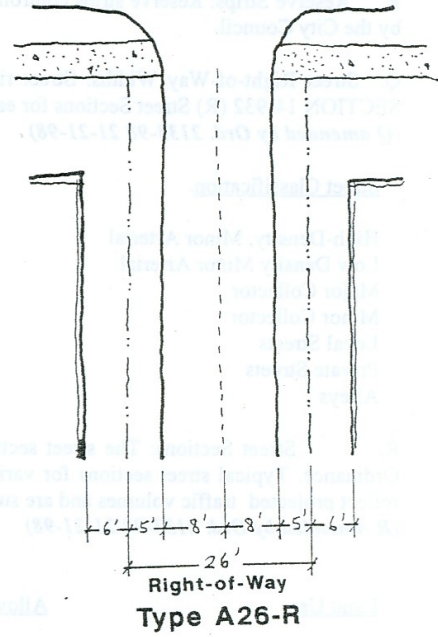
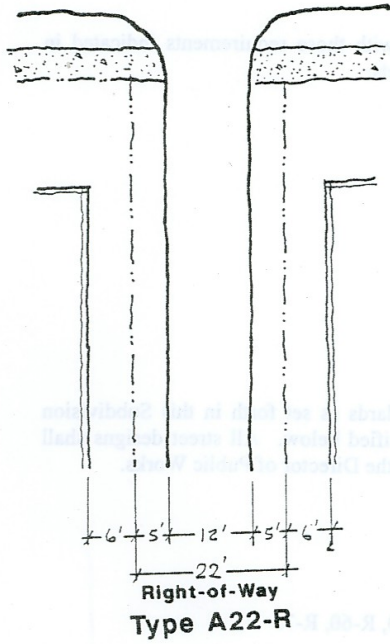
<i>Land Use</i>	<i>Allowable Street Type</i>
Single-family attached	A-22, A-26, R-24-P, R-24-AP, R-50, R-60, R-75
Single-family detached	R-50, R-60, R-75
Multifamily residential	A26-R, A30-C, R-60, R-75
Commercial	A-30-C, C-70, C-110
Industrial	A-30-C, C-70, C-110

**Alleys (Lanes)**

Center Line Gradients

Minimum.....0.5%

Maximum.....8.0%

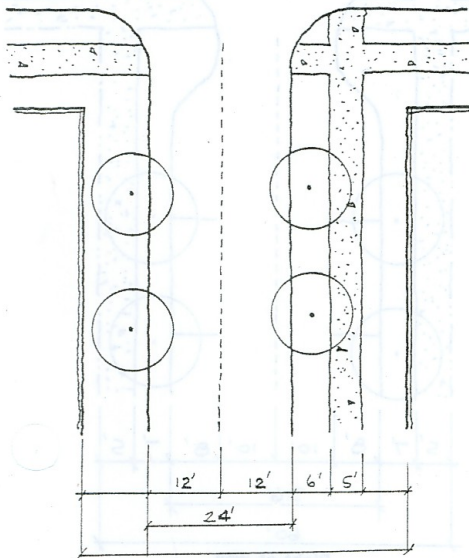


**Private Residential Streets**

Center Line Gradients

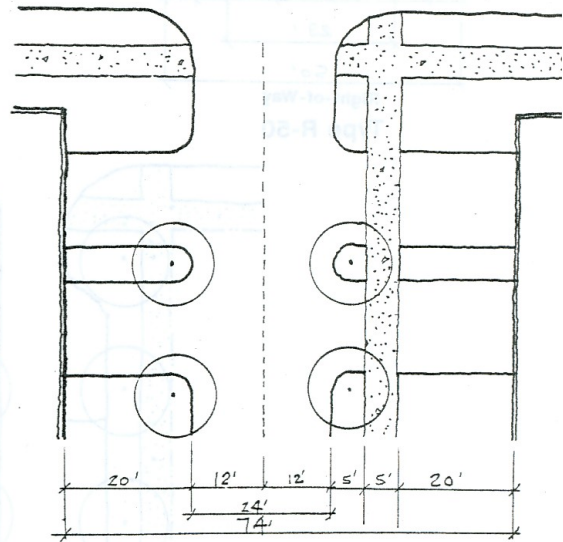
Minimum.....0.5%

Maximum.....6.0%



**Type R-24A-P**

Residential, Attached  
 With Alleys  
 No On-Street Parking  
 No Vehicle Access From Street



Residential Attached,  
 No Alley  
 No On-Street Parking

**Type R-22-P**

**Minimum Building Setback**

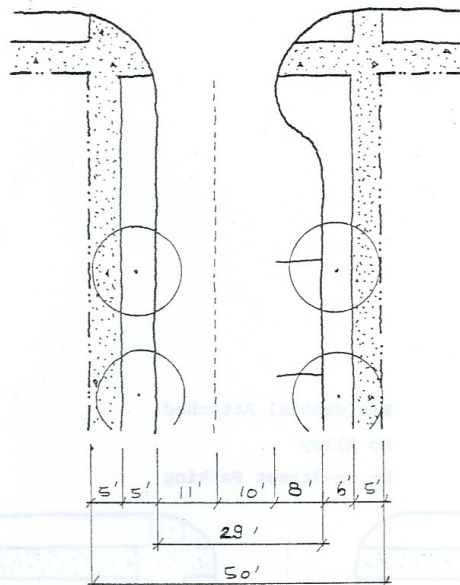
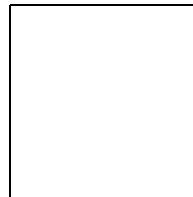
From Street - 20 Feet  
 From Sidewalk - 20 Feet

**Residential Streets**

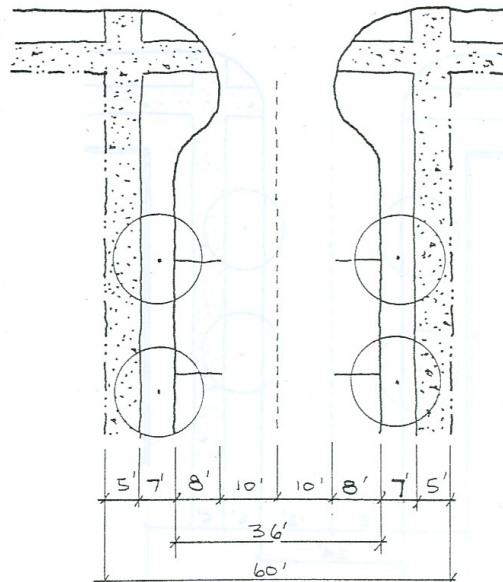
Center Line Gradients

Minimum.....0.5%

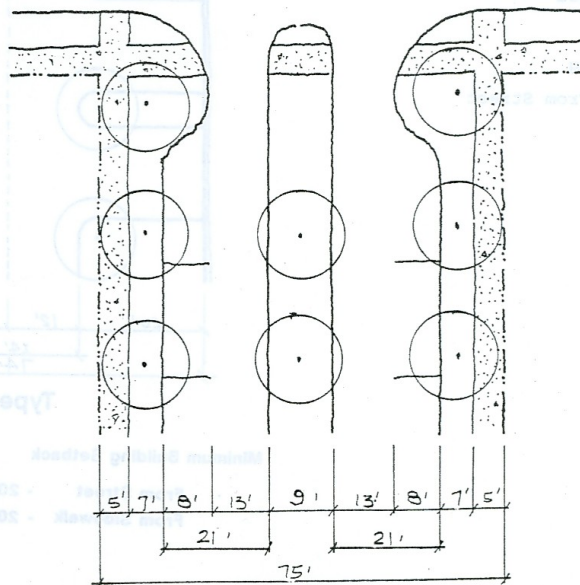
Maximum.....6.0%



Right-of-Way  
**Type R-50**



Right-of-Way  
**Type R-60**



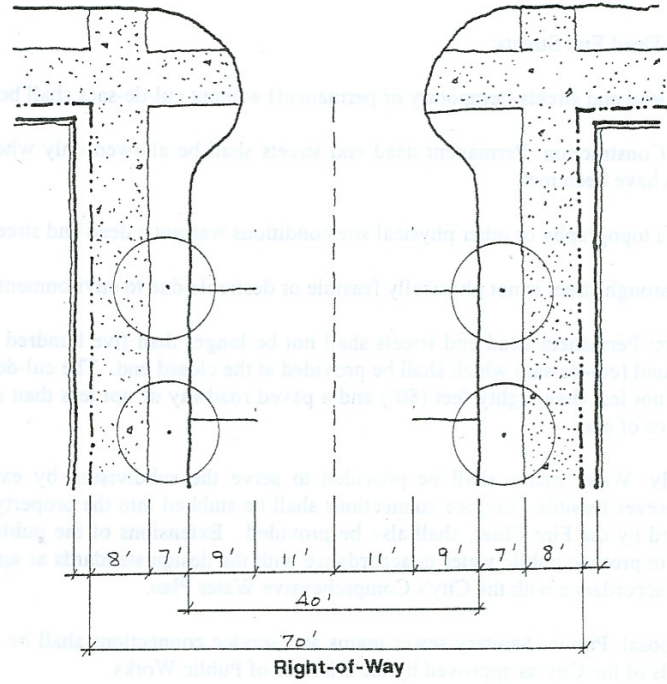
Right-of-Way  
**Type R-75**

**Commercial Streets**

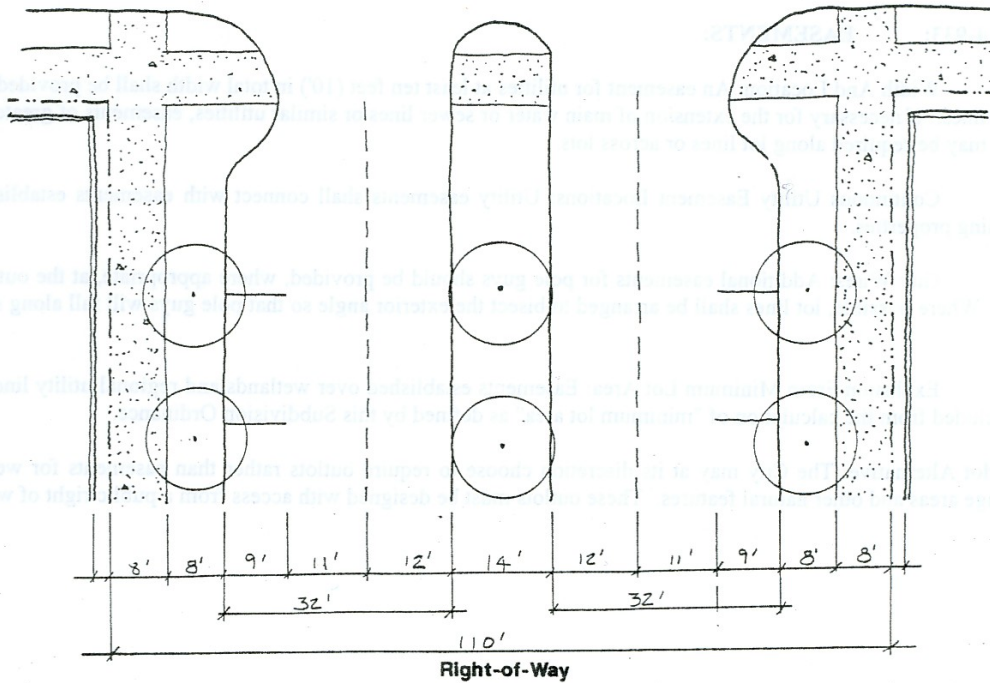
**Center Line Gradients**

Minimum.....0.5%

Maximum.....4.0%



**Type C-70**



**Type C-110**

(t) *Street trees.* Street trees shall be planted in accordance with provisions of the zoning chapter.

(u) *Seeding or sodding.* Any areas disturbed within the street right-of-way, at the time of construction, shall be restored with a minimum of four inches of topsoil and shall be seeded or sodded as directed by the director of public works.

(v) *Culs-de-sac/dead-end streets.*

- (1) *Prohibited generally.* Dead-end streets (temporary or permanent) without culs-de-sac shall be prohibited.
- (2) *Criteria for construction.* Permanent dead-end streets 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.
  - b. A through street is not physically feasible or desirable due to environmental considerations.
- (3) *Requirements.* Permanent dead-end streets shall not be longer than 500 feet including a terminal turnaround (cul-de-sac) which shall be provided at the closed end. The cul-de-sac shall have a right-of-way diameter not less than 80 feet and a paved roadway of not less than 70 feet from face of curb to face of curb.

(w) *Water supply.* Water mains shall be provided to serve the subdivision by extension of an existing community 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 director of public works and in accordance with the city's comprehensive water plan.

(x) *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 director of public works.

(Code 1976, § 14-932)

#### **Sec. 26-154. Easements.**

(a) *Width and location.* An easement for utilities at least ten feet in total width shall be provided along all lot lines. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

(b) *Continuous utility easement locations.* Utility easements shall connect with easements established on adjoining properties.

(c) *Guy wires.* Additional easements for pole guys should be provided, where appropriate, at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along side lot lines.

(d) *Exclusion from minimum lot area.* Easements established over wetlands and regional utility lines shall be excluded from the calculation of minimum lot area.

(e) *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)

#### **Sec. 26-155. Erosion and sediment control.**

The subdivider shall follow the following requirements for erosion and sediment control in the zoning chapter and the surface water management plan:

- (1) The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
- (2) Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control erosion.
- (3) Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses.
- (4) When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the development agreement.
- (5) Where the topsoil is removed, sufficient topsoil shall be set aside for respreading over the developed area. Topsoil shall be restored or provided to a minimum depth of four inches and shall be of a quality at least equal to the soil quality prior to development.
- (6) Natural vegetation shall be protected wherever practical.
- (7) Runoff water shall be diverted to a sedimentation basin before being allowed to enter the natural drainage system.
- (8) The developer shall comply with current city specifications for erosion and sediment control.
- (9) Development shall comply with and follow all best management practices for erosion and sedimentation control as specified in the MPCA publication "Protecting Water Quality in Urban Areas," as may be amended, or the applicable publication.

(Code 1976, § 14-934)

**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 surface water management plan (SWMP), as amended, and with established city policies, the policies of Minnehaha Creek Watershed District, other public agencies, and shall conform to the following standards:

- (1) *Plan required.* The proposed provisions for stormwater runoff shall be documented in a runoff water management plan, prepared by a registered professional engineer to the minimum standards described in subsection (2) of this section.

- (2) *Minimum standards for runoff water management plans.* A runoff water management plan shall include the following items:
- a. A map containing a delineation of the sub-watershed contributing runoff from off-site, and proposed and existing sub-watersheds on-site. The delineation shall conform to the nomenclature of the SWMP and shall indicate any significant departures from the watershed delineation of the SWMP.
  - b. Delineation of existing on-site wetlands, as defined in the Wetland Conservation Act, lakes, streams, shoreland, and/or floodplain areas.
  - c. For waterbodies and channels, a listing of normal (run-out) and calculated ten-year and 100-year elevations on-site for both existing and proposed conditions.
  - d. Stormwater runoff volumes and rates for existing and proposed conditions.
  - e. All hydrologic and hydraulic computations completed to design the proposed stormwater management facilities. Reservoir routing procedures and critical duration runoff events shall be used for design of water storage areas and outlets.
  - f. A checklist of best management practices to demonstrate that, to the maximum extent practical, the plan has incorporated the structural and nonstructural best management practices described in the book "Protecting Water Quality in Urban Areas," published by the Minnesota Pollution Control Agency, or the applicable publications.
  - g. A grading plan incorporating overflow routes along streets or drainage easements designed to protect structures from damage due to:
    1. Storms in excess of the design storm; or
    2. Clogging, collapse or other failure of the primary drainage facilities.
  - h. On-site water storage and water quality detention basins are required in accordance with the city's comprehensive water resource management plan. Copies of the calculations determining the design of the basins shall be submitted with the preliminary plat application. The size and design considerations will be dependent on required water quality and quantity, the imperviousness of the development and the degree to which on-site infiltration of runoff is encouraged. Design of on-site detention basins shall incorporate recommendations from the Nationwide Urban Runoff Program (NURP) and "Protecting Water Quality in Urban Areas," published by the Minnesota Pollution Control Agency, or the applicable publications.

(Code 1976, § 14-935)

**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.

(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 preservation 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 director of public works.
- (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.
- (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)

**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 city zoning chapter and shall be in addition to and not in lieu of open space requirements prescribed in the zoning chapter.

(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)

#### **Sec. 26-159. Tree preservation.**

(a) *Generally.* All subdividers shall comply with all provisions in the zoning chapter which address the preservation of existing trees and the replacement of trees removed to accommodate grading and construction within the subdivision. Subdividers, however, are encouraged to preserve all healthy trees of significant value even if the trees are less than six inches in diameter.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Tree preservation plan* means a plan certified by a forester or landscape architect indicating all of the significant trees in the proposed development or on the lot. The tree preservation plan includes a tree inventory which includes the size, species and location of all significant trees proposed to be saved and removed on the area of development, and the measures proposed to protect the significant trees to be saved.

*Tree protection* means snow fencing or polyethylene laminar safety netting placed at the dripline of the significant trees to be preserved. The tree protection measures shall remain in place until all grading and construction activity is terminated.

(c) *Subdividers.*

- (1) Subdividers shall:
  - a. Prepare a tree preservation plan which is certified by a forester or landscape architect and is incorporated on the grading plan.
  - b. Prepare a landscape plan which shows the location, size and species of trees which are to be planted on the site to meet the tree replacement provisions of the zoning chapter.
  - c. Provide surety in accordance with the zoning chapter requirements as part of the development contract to ensure protection and tree replacement prior to final approval of the final plat.
  - d. Ensure the tree preservation plan is followed during the plan development (mass grading).
- (2) During preliminary plat review, the tree preservation plan will be reviewed according to the best available layout to preserve significant trees and the efforts of the subdivider to mitigate damage to significant trees.
- (3) After the mass grading has been completed and streets and utilities installed, the forester or landscape architect shall:
  - a. Certify in writing to the city the tree preservation plan was followed.
  - b. Certify in writing to the city the tree protection measures were installed.
  - c. Indicate which significant trees proposed to be saved were destroyed or damaged.
- (4) If a significant tree indicated to be saved on the tree preservation plan is destroyed or damaged, the tree replacement calculations required by the zoning chapter will be adjusted and additional replacement will be required.
- (5) The financial security will be released in accordance with provisions in the zoning chapter.

(d) *Tree preservation measures.* Tree preservation measures shall require written approval from the director of public works prior to removal and shall not be removed from the site until the director of public works has approved the grading as-built plans for a mass graded site nor prior to the release of financial securities held by the city.

(e) *Home builders.*

- (1) If the subdivider sells lots to individual builders or developers, the builder or developer shall comply with the requirements of the zoning chapter for tree preservation prior to issuance of any building permits on the lot.
- (2) A pro rata portion of the surety paid by the subdivider may be returned, provided that it is replaced by a surety from the builder.
- (3) If a lot remains vacant for a period of two years, the surety may be returned to the subdivider if all of the trees have been replaced in accordance with the zoning chapter requirements. Any subsequent development of the parcel will require compliance with the provisions of the zoning chapter for tree preservation and protection.

(Code 1976, § 14-938)

**Cross reference(s)**--Vegetation, ch. 34.

**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 the zoning chapter or shall be set forth in the development contract.

- (1) If the developer is to install public improvements, the required security shall be the sum of the following fixed or estimated costs:
  - a. Utilities.

SUBDIVISIONS

- b. Streets.
  - c. Streetlights and, if the city council deems appropriate, operating cost for two years.
  - d. Erosion control.
  - e. Engineering, to include the developer's design, surveying and inspection.
  - f. Landscaping.
  - g. Principal amount of special assessments previously levied against the property, together with one year of interest.
  - h. Real estate tax for one year, if there are special assessments.
  - i. Director of public works' fees.
  - j. Placement of iron monuments.
  - k. Sidewalks.
  - l. Utility/street repair and street cleaning.
  - m. Public and private tree replacement.
  - n. Other items as deemed appropriate.
- (2) If the city is to install public improvements, the required security shall be the sum of the following fixed or estimated costs:
- a. Principal amount of special assessments for public improvements to be installed, together with one year of interest.
  - b. Streetlights.
  - c. Erosion control.
  - d. Deferred park dedication charges on commercial and industrial property.
  - e. Landscaping.
  - f. Real estate tax for one year.
  - g. Principal amount of special assessments previously levied against the property, together with one year of interest.
  - h. Placement of iron monuments.
  - i. Utility/street repair and street cleaning.
  - j. Public and private tree replacement.
  - k. Other items as deemed appropriate.
- (3) For private improvements, the required security shall be the sum of the following fixed or estimated costs:
- a. Erosion control, unless bonded separately.
  - b. Private utility services in public right-of-way.
  - c. Tree replacement.

- d. Utility/street repair and street cleaning.
- e. Sidewalks.
- f. Placement of iron monuments.
- g. Other items as deemed appropriate.

(c) No final plat shall be approved by the city council without first receiving a report from the director of public works that the improvements described therein together with the agreements and documents required under this section, meet the city's requirements. The city treasurer shall certify that all fees and sureties required to be paid to the city in connection with the plat have been paid or that satisfactory arrangements have been made for payment.

(d) 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 director of public works. 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 director of public works. The required period for sod, trees and landscaping is one year following final acceptance of the project.

(e) Reproducible as-built drawings, as required by the director of public works, 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.

(f) 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 director of public works. All of the city's expenses incurred as the result of the requirement improvements shall be paid either directly, indirectly or by reimbursement to the city by the subdivider.

(Code 1976, § 14-940)

**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 director of public works. 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 director of public works. 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 the city zoning chapter, as may be amended.

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

**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.

(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 director of public works at the expense of the applicant. Every plat presented for final signature shall be accompanied by a report from the director of public works 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 director of public works. The use of dry wells for the purpose of stormwater disposal is at the discretion of the director or public works.

(f) Trees and boulevard sodding shall be planted in conformance with the standards and specifications as required by the zoning chapter 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)

**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 director of public works.

(Code 1976, § 14-944)

**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)