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CHAPTER 12. SUBDIVISION

SECTION 1200 SUBDIVISION REGULATIONS

1200.01 Purpose. The provisions of this Section are adopted for the protection of the public health, safety and welfare. To protect the public such provisions are intended to provide for a permanently wholesome community environment, adequate municipal services and safe streets.

1200.02 Definitions. For the purpose of this Section, the following terms have the following meanings:

Subd. 1. Bluff means a topographic feature such as a hill, cliff or embankment having the following characteristic:

- (1) Part or all of the feature is located in a shoreland area:
- (2) The slope rises at least 25 feet above the ordinary high water level of the waterbody;
- (3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- (4) The slope must drain toward the waterbody.

An area with an average slope less than 18 percent over a distance of 50 feet or more shall not be considered a part of the bluff.

Subd. 2. Comprehensive Plan means a compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the City and its environs.

Subd. 3. Design Standards are the specifications to land owners or sub-dividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.

Subd. 4. Improvements means the construction or installation of public or private utilities including, but not limited to, potable water, sanitary sewer systems, storm sewers, roads and other thoroughfares, sidewalks, curbs and gutters, paving, barricades, trees and other plantings, lighting, fuel or energy and the transmission thereof, transportation systems or facilities connected therewith and communication systems which are necessary, desirable or convenient in the maintenance of the health, safety and the general welfare.

Subd. 5. Lot is a parcel of land delineated upon and described by reference to a plat, registered land survey or auditor's subdivision, or other similar recorded document.

Subd. 6. Open Space is an area set aside for recreation and the preservation of natural open spaces to counteract the effects of urban congestion and lack of esthetic values.

Subd. 7. Owner is any person, firm or corporation, or any other legal entity, or a combination of any of them, having sufficient legal proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Section.

Subd. 8. Parks and Playgrounds are public lands and open space in the City dedicated for and usable for recreation purposes.

Subd. 9. Pedestrian Way is a public or private right-of-way within or across a block to provide access for pedestrians and which may be used for utilities.

Subd. 10. Protective Covenants are contracts made between private parties concerning the manner in which land may be used, with the purpose of protecting and preserving the physical and economic integrity of a given area.

Subd. 11. Required Public Improvements are defined as those improvements in any proposed subdivision, including streets, water and sewer systems and storm water drainage systems, which are required in connection with the approval of any plat or other subdivision.

Subd. 12. Steep Slopes are lands having average slopes over twelve percent, as measured over a horizontal distance of fifty feet or more.

Subd. 13. Slopes Prone to Severe Erosion means slopes having an average slope of 30 percent or more as measured over a horizontal distance of fifty feet or more.

Subd. 14. Streets means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

Subd. 15. Streets, Collector are those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

Subd. 16. Streets, Minor are those which are used primarily for access to the abutting properties.

Subd. 17. Streets, Private are those streets which are not dedicated to the public but available to city emergency personnel.

Subd. 18. Structure means anything which is built, constructed or erected, an edifice or building of any kind, or any piece of work artificially built up and/or composed of parts joined together in some definite manner, whether temporary or permanent in character, including , but not limited to buildings, streets, retaining walls, driveway or supporting facilities.

Subd. 18. Subdivide means to divide a parcel of land into two or more parcels, or to change any property line of a parcel of land.

Subd. 19. Parcel means a contiguous tract of land, which may consist of unplatted land or one or more platted lots. For purposes of this Section, adjoining lots which were in common ownership on September 2, 1953 according to the real estate records of Hennepin County, Minnesota, will be deemed a single parcel if one or more of the lots was smaller than the minimum lot size then required under the City's Zoning Ordinances.

1200.03 Application.

Subd. 1. Requirements. No person may subdivide a parcel of land except as permitted by the City's Subdivision Regulations contained in this Section. The City Subdivision Ordinances will not apply to a conveyance of land if it was any one or more of the following:

- (a) A separate parcel of record on September 2, 1953.
- (b) The subject of a written agreement to convey entered into before September 2, 1953.
- (c) A separate parcel of not less than two and one-half acres in area and 150 feet in width on January 1, 1966.
- (d) A separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980.
- (e) 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.
- (f) 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.

Subd. 2. Permits. The Building Inspector will not issue building or repair permits for any structure on a parcel of land in a subdivision unless: (a) the subdivision has been approved by the Council and a plat or registered land survey as approved by the Council has been recorded in the manner prescribed in this Section, or (b) an appropriate resolution authorizing such subdivision has been adopted by the Council.

Subd. 3. Public Improvement and Maintenance. All public improvements and maintenance of such improvements, including maintenance of streets and sanitary sewer facilities, will be withheld from all subdivisions which have not been approved, and from all areas dedicated to the public which have not been accepted by the Council as provided in this Section.

Subd. 4. Filing Fee. The sub-divider must pay a filing fee in the amount set forth in Section 405 of this Code for any preliminary plat or other subdivision approval requested. In addition, the sub-divider will pay the City an amount equal to the City's costs of investigating the requested subdivision, consultants' fees, attorneys' fees, publication costs and other expenses of the City in connection with the subdivision approval requested.

1200.04 Administrative Plat.

Subd. 1. Conditions. Property may be divided by an administrative plat into four lots or less under the following special conditions:

- (a) The property is in an area where city utilities are available.
- (b) Future streets will not be obstructed, and the proposed division will not interfere with proper development of neighboring properties.
- (c) Taxes and special assessments, both current and delinquent, are paid.
- (d) Resulting lots will conform with all zoning ordinance requirements.

Subd. 2. Requirements. Administrative plats must conform to all requirements of a standard subdivision except that procedures relating to preliminary plat approval may be waived by the Council. If procedures relating to preliminary plat approval are waived, all information required to be shown in a preliminary plat which is not shown by the final plat must be separately submitted to the Council along with the final plat. The subdivider must pay a filing fee for any final administrative plat submitted for approval in the amount required under Section 405.05.

Subd. 3. Review. Sketch plans, preliminary plat information and the final plat will be reviewed by the Clerk before formal application. The preliminary plat and/or the final plat must be submitted at least 21 days before a hearing thereon. The Council will hold a public hearing with a notice of hearing published 10 days before the hearing. A recommendation from the staff to the Council along with any conditions deemed appropriate by the staff will accompany the application for an administrative plat hearing.

1200.05 Concept Approval. Before the preparation of a preliminary plat, the sub-divider must submit to the Clerk a sketch plan of the intended layout, a description of the proposed development, and any other information requested. As soon as possible after receiving all the information needed, the Zoning Coordinator will determine whether or not the intended layout conforms satisfactorily to the requirements of the subdivision regulations and will so advise the sub-divider with whatever suggestions and information may be needed for guidance in the preparation of the preliminary plat.

1200.06 Preliminary Plat.

Subd. 1. Filing. The sub-divider must file with the Clerk five copies of a preliminary plat at least 21 days before the Planning Commission reviews the preliminary plat.

Subd. 2. Requirements. The preliminary plat must show:

- (a) The proposed name of the subdivision must not be the same as or confusingly similar to the name of any plat previously recorded in Hennepin County.
- (b) The full legal description of the land involved in the plat.
- (c) Names and addresses of the owner and sub-divider of the land, and the designer and surveyor of the plat. If the sub-divider is not the fee owner of the land, the sub-divider must submit the written consent of the fee owner to the filing of the preliminary plat.
- (d) Graphic scale of not less than one inch to 100 feet.
- (e) North point, designated as true north.
- (f) Date of preparation.
- (g) Certification by registered surveyor certifying to accuracy of survey.

Subd. 3. Conditions. The preliminary plat will show all existing conditions including:

- (a) Boundary line survey, including measured distances and angles, which will be tied into the nearest quarter section or section line by traverse.
- (b) Total acreage above 929.4 mean sea level elevation 1903 datum.
- (c) Existing zoning classifications for tract of land in and abutting the preliminary plat.
- (d) If the preliminary plat is a re-arrangement or a re-plat of any recorded plat, the lot and block arrangement of the original plat, its original name, and all revised or vacated roadways shown by dotted or dashed lines.
- (e) Location and width and names of existing streets including type of surfacing and other public ways, parks and public open spaces, permanent buildings and structures and section and municipal boundary lines within the plat and to a distance of 100 feet beyond, railroads, sanitary sewers, water mains, storm sewers, culverts, grades, invert elevations and locations of catch basins, manholes and hydrants and any underground facilities within the plat and to a distance of 100 feet beyond.
- (f) Boundary lines of land within 250 feet of the tract of land within the plat, and the name of each owner, and all contiguous land owned or controlled by the sub-divider or owner of the tract proposed to be platted.

- (g) Topographic data within 100 feet of boundaries, including contours at vertical intervals of not more than two feet, except that where the horizontal contour interval is 100 feet or more, a one foot vertical interval must be shown. Water courses, lakes, marshes, wooded areas, rock outcrops and other significant physical features will be shown, using U.S. Geodetic survey datum for all topographic mapping.
- (h) A copy of restrictive covenants, if any, on the land in the plat and all abutting land.

Subd. 4. Design Features. The preliminary plat must show design features including the following:

- (a) Layout of proposed streets, showing right-of-way widths, the proposed width of paved area and proposed names of streets.
- (b) Locations and widths of alleys, pedestrian ways and utility easements.
- (c) Profiles of existing and proposed centerline grades of streets, alleys, sanitary sewers, water mains, storm sewers, drainage ditches and culverts.
- (d) Layouts of lots and blocks with numbers of each, square footage of lots and lot dimensions scaled to the nearest tenth of a foot.
- (e) Areas, other than streets, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such areas.
- (f) Minimum front and side yard building setback lines as required by the ordinances of the City.
- (g) Proposed method of disposing of surface water drainage within and beyond the limits of the plat.
- (h) Whenever a portion of a tract of land is proposed for subdividing and the tract is large enough or is intended for future enlargement, a tentative plan for the future subdivision of the entire tract.

Subd. 5. Additional Information. The preliminary plat must be accompanied by additional information requested by the Planning Commission or the City Engineer including the following:

- (a) Statement of proposed use of lots, i.e. whether residential, commercial, or combination thereof. If residential, state type and number of dwelling units. Furnish sufficient details for all types of usage in order to reveal the effect of the subdivision development on traffic, fire protection and density of population.
- (b) Source of water supply.

- (c) Facilities for sewage disposal.
- (d) If zoning changes are contemplated, the proposed zoning plan for the area.
- (e) Soil tests.
- (f) In areas affected by inadequate surface drainage or subjected to periodic flooding, furnish proposals designed to make area safe for occupancy and to provide for adequate street and lot drainage.
- (g) Proposals for street lighting, curb, gutter, sidewalks and boulevard improvements.
- (h) Location of all bluff and steep slope areas on the property.
- (i) Any other information as may be requested by the Planning Commission or City Engineer.

1200.07 Preliminary Plat Procedure.

Subd. 1. Application and Fee. The application and the required fee are to be filed with the Clerk. If the final plat does not conform substantially to the preliminary plat a new application together with payment of an additional fee will be required.

Subd. 2. Review. The Planning Commission will review the proposed subdivision.

Subd. 3. Commission Action. Following (a) review of the preliminary subdivision proposal and other material submitted, and (b) negotiations with the sub-divider on changes deemed advisable and the kind and extent of improvements to be made, the Planning Commission will, within 40 days after the initial review, approve or disapprove. If approved the Planning Commission will recommend Conditional Approval stating the conditions for approval. If disapproved, the Planning Commission will recommend disapproval and will give its reasons for the disapproval.

Subd. 4. Council Action Following Commission action, the preliminary plat will be submitted to the Council at its next regular meeting for hearing and Conditional Approval.

Subd. 5. Notice of Hearing. Not less than 10 nor more than 30 days before the hearing, the Clerk will cause a notice of the hearing to be published once in the official newspaper and will cause mailed notices of the hearing to be sent to all persons shown by the City's real estate tax records to own property within 250 feet of the boundaries of the land to be subdivided. The published and mailed notices will contain the legal description and street location of the land to be subdivided.

Subd. 6. Hearing. At the time and date specified in the notice of hearing all interested persons will be heard.

Subd. 7. Conditional Approval. Conditional Approval of a preliminary subdivision will not constitute approval of the final subdivision. Rather it will be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval of the Council and for recording upon fulfillment of the requirements of these regulations and the conditions of the Conditional Approval.

1200.08 Final Plat.

Subd. 1. Required Submissions. The sub-divider must deliver four copies of the final plat, plus two linen tracings and two mounted copies of the plat to the Clerk at least 10 days before submitting the final plat to the Council for approval. The two mounted copies and one linen tracing, if finally approved, will be signed by the proper authorities and returned to the sub-divider. The final plat must be drawn in ink and at a scale of 200 feet to one inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Council.

Subd. 2. Statute Requirements. The final plat must conform to the requirements of Minnesota Statutes, Chapter 505.

Subd. 3. Evidence of Title. Reasonable evidence of title to the tract must accompany the plat.

1200.09 Final Plat Approval.

Subd. 1. Time Requirements. Within 12 months after receiving Conditional Approval the final plat and other exhibits required for approval must be submitted to the Council for final approval. Failure to submit the final plat within said time will result in the submission being treated as an application for preliminary plat.

Subd. 2. Conditions. The Council may grant final approval of a subdivision subject to conditions it deems reasonable and appropriate and may withhold execution of the plat, or required resolutions approving the subdivision, until such conditions have been met and complied with. Such conditions may include, but will not be limited to, the following:

- (a) Execution and delivery of required easements.
- (b) Deposit of such bonds (or cash deposits in lieu of bonds) as have been required by the Council.
- (c) Execution by the sub-divider of a development agreement relating to any required improvements to be installed by the sub-divider.
- (d) Delivery and approval of all items required by the development agreement.

- (e) Delivery of evidence of required insurance.
- (f) Payment, or provision for payment, of any availability fee owing under Section 1010.03. If any availability fee will be owing, the Council may condition approval of the subdivision on any one of the following:
 - (1) Payment in full of the availability fee.
 - (2) Execution by the sub-divider of a consent to assessment, providing for levying of the full amount of the availability fee as a special assessment against the benefited property.
 - (3) Execution by the sub-divider of a notice in recordable form acknowledging that an availability fee will be owing under Section 1010.03.

1200.10 Design Standards.

Subd. 1. Streets

(a) Conformance to Standards of Comprehensive Plan. The arrangement, character, extent, width, grade, and location of all streets must conform to the Comprehensive Plan and will be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

(b) Nonconformance to Standards. Where such is not shown in the Comprehensive Plan of the City, the arrangements of streets in a subdivision will either:

- (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
- (2) Conform to a plan for the neighborhood approved or adopted by the Council to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

(c) Minor Streets. Minor streets should be so laid out that their use by through traffic will be discouraged.

(d) Street Jogs. Street jogs with centerline offsets of less than 125 feet should be avoided.

(e) Tangents. A tangent at least 100 feet long must be introduced between reverse curves on collector streets and a tangent of at least 50 feet in length must be introduced between reverse curves and vertical curves on all other streets.

(f) Intersections. Streets should be laid out so as to intersect as nearly as possible at right angles and no street should intersect any other street at less than 60 degrees.

(g) Curved Streets. The location of all curved streets should be so arranged as to fit the natural topography as closely as possible and to make possible desirable land subdivisions and safe vehicular traffic.

(h) Terminal Residential Streets or Cul-De-Sacs. Terminal residential streets or cul-de-sacs should be platted not longer than 1320 feet unless topographical conditions make a longer street necessary. Reserve strips controlling access to streets are prohibited.

(i) Turnarounds. A turnaround at the closed end of all terminal streets must be provided with an outside roadway diameter of at least 80 and a street property line diameter of at least 100 feet. In addition to City Council approval, all Turnarounds must be reviewed and approved by the Police and Fire Departments for compliance with applicable safety codes.

(j) Street Grades. Street grades should follow topography, although the following with due allowance for reasonable vertical curves are desirable maximums, and consent of the Council will be required to exceed them:

<u>Street Type</u>	<u>Percent Grade</u>
Collector	6%
Minor	10%

(k) Street Grade Minimum. No street grade may be less than 0.4%.

(l) Private Streets. Private streets may be permitted in all zoning districts if the city finds the following conditions to exist:

- (1) The prevailing development pattern makes it unfeasible or not consistent with the character of the area to construct a public street. In making this determination, the city may consider the location of existing property lines and homes, local or geographic conditions, and the existence of wetlands.
- (2) After reviewing the surrounding area, it is concluded that an extension of the public street system is not required to serve other parcels in the area, improve access, eliminate public safety concerns, or to provide a street system consistent with the comprehensive plan.
- (3) The use of a private street will permit enhanced protection of the city's natural resources including wetlands and forested areas.

If a private street is to be allowed, it shall be subject to the following standards:

- (1) The common sections of the private street serving two units or more must be built to a seven-ton design, paved to a width of 20 feet, have a

maximum finished grade of no more than ten percent, and provide a turn around acceptable to the City Council and Fire Marshal.

- (2) Private streets must be maintained in good condition and plowed within 24 hours of a snowfall greater than two inches. Covenants concerning maintenance shall be filed against all benefiting properties and are subject to the City’s approval. Parking on the private street or otherwise blocking all or part of the private street shall be prohibited.
- (3) Private streets that are not usable by emergency vehicles because of obstructions, snow accumulation, or poor maintenance are a public safety hazard. The city may remedy such conditions and assess the cost back to the property, and the covenants shall include language allowing and consenting to such assessment.
- (4) The private street shall be provided with adequate drainage facilities to convey storm runoff which may require hydrologic calculations for a ten year storm to be provided.
- (5) Street addresses or city approved street name sign, must be posted at the point where the private street intersects the public right of way.
- (6) The private street shall be designed to minimize impacts upon adjoining parcels. The city may require revised alignments, specific building orientation, increased setbacks, and landscaping to minimize impacts. An erosion control plan shall be completed and approved prior to construction.
- (7) The private street must be located within a minimum of a 30 foot wide easement that extends out to the public right-of-way and that is permanently recorded over all benefited and impacted parcels.
- (8) Maintenance and repair of utilities located within the private street shall not be the responsibility of the city, and shall be the responsibility of the benefiting property.

(m) Width Requirements. Street right-of-way widths must be as shown in the Comprehensive Plan and where not shown therein must not be less than as follows:

<u>Street Type</u>	<u>Percent Grade</u>	<u>Required width</u>
Collector Streets		66 feet
Minor Streets		50 feet
Private Streets		30 feet

(n) Half Streets. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the Planning Commission finds it will be practicable to require the dedication of the other half street if adjacent to a tract to be subdivided, the other half of the street will be platted within such tract. Roadways of street intersections must be rounded by a radius of not less than 20 feet.

(o) Street Names. Names of new streets may not duplicate existing or platted street names unless the new street is the continuation of, or in alignment with, the existing or platted street. House numbers will be assigned in accordance with the house numbering system provided in the book or register listing all streets in the City by name and location, which information is on file with the City Clerk-Treasurer at City Hall.

Subd. 2. Easements

(a) Easements. Easements across lots or centered on rear or side lot lines must be provided for utilities and drainage where necessary and must be at least 10 feet wide for telephone or power line easements and 20 feet wide for drainage, sewer or water easements. Underground utility installation may be required, especially along lot lines bordering on parks, schools, drainage basins, open marshlands or other public grounds or natural features.

(b) Storm Water Easement of Drainage Right-of-Way. Where a subdivision is traversed by a water course, drainage way, channel or stream, there must be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

(c) Easements to Provide Connection to Public Trails. In addition to other open space, dedication of easements to provide connection to public trails will be required where shown on a Comprehensive Plan.

Subd. 3. Lots

(a) Location. All lots shall abut and have driveway access on a publicly dedicated or private street.

(b) Block Lengths, Widths and Shapes. The lengths, widths and shapes of blocks will be determined with due regard to:

- (1) Provisions of adequate building sites suitable to the special needs of the type of use contemplated.
- (2) Needs for convenient access, circulation, control and safety of street traffic.
- (3) Limitations and opportunities of topography.

- (c) Block Lengths. Block lengths may not exceed 1800 feet or be less than 600 feet unless approved by the Planning Commission. Provisions for additional access ways to schools, parks and other public grounds may be required.
- (d) Appropriate Lot Size, Width, Etc. The lot size, width, depth, shape and orientation, and the minimum building setback lines should be appropriate for the location of the subdivision and for the type of development and use contemplated, all to conform to the requirements of the Zoning Code.
- (e) Dimension Requirements. Lot dimensions, in terms of width, depth and area, must conform to the requirements of the Zoning provisions of this Code.
- (f) Corner Lots. Corner lots for residential use must have a width to permit appropriate building setback from and orientation to both streets.
- (g) Street Access. Each lot must be provided with satisfactory access to an existing public street by means of a public or private street.
- (h) Block Corner Stakes. When finished, all subdivisions must have all block corner stakes replaced. Survey error may not be more than 1 in 7500.
- (i) Frontage. Double frontage, and reverse frontage lots, should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet and across which there may be no right of access, will be provided along the line of lots abutting such traffic artery or other disadvantageous use.
- (j) Side Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.

Subd. 4. General Development Standards

- (a) Public Use Requirement. Where a proposed park, playground, school or other public use shown in a Comprehensive Plan of the City is located in whole or in part in a subdivision, the Council may require the dedication or reservation of such area within the subdivision in cases in which the Council deems such requirement to be reasonable.
- (b) Reasonable Portion for Public Use. The Council may require a reasonable portion of each proposed subdivision to be dedicated to the public for public use as parks, playgrounds, public open space, or storm water holding areas or ponds, or, in the alternative, may require that the sub-divider contribute an equivalent amount in cash based on the fair market value of the land to be subdivided. As a general rule, it is deemed reasonable for the Council to require as a condition for subdivision approval dedication of 10% of the land to be subdivided or a cash contribution in an amount equal to 10% of the fair market value of the land to be subdivided. Cash payments will be placed in a special fund and will be used only for the acquisition of land, or development of existing land, for parks, playgrounds, public open space, or storm water holding areas

or ponds, and debt retirement in connection with land previously acquired for such public purposes.

(c) Sewer Connection Fee. The Council may charge a sewer connection fee of up to \$2,400 for each buildable lot or multiple family unit. This fee will be used to maintain and improve the existing sanitary sewer system when needed.

(d) Adequate Drainage Required. Areas within the jurisdiction of the City subject to flood conditions as established by the Council or the Watershed District having jurisdiction will not be considered for subdivision purposes until adequate drainage has been provided.

(e) Planting, Gateways, Entrances. The planting of trees, the type and the spacing on public property will be subject to the regulations of the Council. No planting, gateways, entrances and similar improvements may be made on public property except with permission and approval of the Council.

(f) Council Interprets Regulations. The varying size of lots, and the size of the subdivision will have a direct bearing on the desirability of and the necessity for dedication of public sites and open spaces as well as the size of the parcel to be dedicated. The Council will interpret these regulations in the light of the overall plan and pattern of park and open space development.

(g) Steep slopes Prone to Severe Erosion. No structure, including driveways, retaining walls and support systems shall be allowed on slopes prone to severe erosion. These slopes shall be maintained in a natural state with additional vegetative cover as needed to minimize erosion. Development controls shall be required to minimize erosion on slopes between 12-30%.

(h) Comprehensive Plan. All subdivision within the city must be done in compliance with the adopted Comprehensive Plan. If any portion of this ordinance is in conflict with the adopted Comprehensive Plan, the more restrictive provision shall be enforced.

(i) Zoning Code. All subdivisions must comply with the City's Zoning Code.

1200.11 Required Improvements.

Subd. 1. Bond. Prior to the granting of final approval the sub-divider must have installed or must have furnished adequate bond for development and installation of the following:

- (a) Monuments at all lot corners, block corners, angle points, points of curves and streets and at intermediate points as required by the City Engineer.
- (b) All streets surfaced in accordance with applicable standard specifications of the City, and subject to inspection and approval by the City Engineer.

- (c) Curbs, gutters, drainage, and drainage structures in accordance with standards of the City, and subject to the inspection and approval of the City Engineer.
- (d) Street name signs at all street intersections within or abutting the subdivision of a type approved by the City and placed in accordance with the standards of the City.
- (e) Connection of each lot to public sanitary sewer, subject to the approval of the City Engineer.

Subd. 2. Cash Deposit or Performance Contract. Instead of the completion of the improvements detailed in Subdivision 1, or any other act required in this Section, prior to the final approval of a plat, the Council may accept a cash deposit or contract for construction of the improvements at no expense to the City in accordance with approved plans and specifications and subject to supervision of construction by the City Engineer together with a bond or other security, in such amount, with such surety, conditions and time limitations as the Council deems necessary to secure to the City the performance of such contract. The performance contract will include a completion date on which all of the required improvements must be fully installed, completed and accepted by the City. The completion date will be determined by the Council after consultation with the City Engineer, and will be reasonable in relation to the construction to be performed, the seasons of the year and proper correlation with construction activities in the subdivision. The performance contract will provide that in the event the required improvements are not completed within the time allotted, the City will be allowed to exercise its power to recover on the bond or other security or utilize the deposit to complete the remaining construction to City standards and specifications. In the event the amount of funds recovered is insufficient to cover the cost of construction, the Council may assess the remaining cost to the lands within the subdivision.

Subd. 3. Cash Deposit or Bond. The cash deposit or bond will be in an amount equal to 110% of the total cost of the improvements as estimated by the City Engineer, including the estimated expense of the City for engineering and legal fees and other expenses incurred by the City in connection with the making of the improvements.

Subd. 4. Filing. On completion of all required improvements, the sub-divider must file with the Clerk a tracing and two copies of plans and specifications showing all improvements as finally constructed and installed.

1200.12. Variances.

Subd. 1. Authorization by Council. The Council may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Council may prescribe conditions that it deems necessary or desirable for the public interest. In making its findings, the Council will consider the nature of the proposed use of land and 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. No variance will be granted unless the Council finds:

- (a) Special circumstances or conditions affecting the property such that the strict application of the provisions of this Section would deprive the applicant of the reasonable use of the land.
- (b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (c) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

Subd. 2. Considerations. The Council may authorize a variance from these regulations in case of a plan for a complete community or neighborhood which, in the judgment of the Council, provides adequate public spaces and includes provisions for efficient circulation, light and air and other needs. In making its findings, as required below, the Council will consider 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. In order for a variance to be authorized, the Council must find that:

- (a) The proposed project will constitute a desirable and stable community development.
- (b) The proposed project will be in harmony with adjacent areas.

Subd. 3. Application. Application for any such variance may be submitted in writing at the time when the preliminary plat is filed for the consideration of the Council. The petition must state fully the grounds for the application and all the facts relied upon by the petitioner.

Subd. 4. Supplements. The application may be supplemented with maps, plans or other additional data which may aid the Council in the analysis of the proposed project. The plans for the development must include any covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.

1200.13 Subdivision Without Platting. The Council may waive compliance with the platting requirements of this Code by adoption of a resolution to that effect upon a finding by the Council that: (a) compliance with the platting requirements of this Section will create an unnecessary hardship and (b) failure to comply does not interfere with the purposes of this Section. The adoption of such resolution will constitute the City's consent to the filing and recording of such conveyance without subdivision by plat or registered land survey. If torrens property is to be divided and the Hennepin County Registrar of Titles will not accept such conveyance for filing, even though City approval has been given, the subdivision will be made by a plat or registered land survey approved by the Council in accordance with the appropriate provisions of this Section.

1200.14 Streets.

Subd. 1. Applications. This Subsection will apply to any land established, developed, repaired, or maintained as a road.

Subd. 2. Dedicated or Accepted Streets. Streets recognized by the Council as dedicated or accepted will be shown on a map retained in the City files. As additional dedications and acceptances occur, the Clerk will add the streets to the map. Failure to include a street on the map will not affect its dedication or acceptance.

Subd. 3. Conformance Specifications and Standards. Streets dedicated after the date of this Code must conform to width and drainage specifications and standards, not inconsistent with City ordinances, established by resolution of the Council. Dedication of a street along a common property line will not be recognized unless the portion dedicated by one of the owners of such abutting properties equals at least one-half of the minimum width requirement. Where less than one-half of the minimum width has been dedicated along a common property line, the property on the other side of the property line will not be deemed to abut the road for purposes of meeting the building site requirements of the City's zoning ordinances until a portion of the property sufficient to meet the width requirements is dedicated to the City.

Subd. 4. Conformance Guarantee. At the time of their acceptance, streets must conform to the width, grade, construction, surfacing, and drainage specifications and standards established by the Council unless the Council approves a deposit, letter of credit, bond, or other security to guarantee conformance within a specified period of not more than two years after acceptance.

Subd. 5. Street Names. For purposes of identification, all streets may be named and from time to time renamed by the Council pursuant to statute. Streets named by the Council will be known by the names specified or approved by the Council.