CHAPTER 598. LAND SUBDIVISION REGULATIONS

ARTICLE I. GENERAL PROVISIONS

598.10. Title. Chapter 598 of the Minneapolis Code of Ordinances shall be known and may be cited as the Land Subdivision Regulations of the City of Minneapolis.

598.20. Authority. These land subdivision regulations are enacted pursuant to the authority granted to the municipality by Minnesota Statutes sections 462.351 through 462.365, Minnesota Statutes Chapter 505, Minnesota Statutes Chapter 508, and the Minneapolis City Charter, Chapter 13, Section 5.

598.30. Purpose. These land subdivision regulations are adopted for the following purposes:

(1) To implement the policies of the comprehensive plan.

(2) To promote and protect the public health, safety aesthetics, economic viability and general welfare of the city.

(3) To provide for the orderly, economic and safe development of land and the preservation of community character.

(4) To provide for the protection and conservation of natural features, including lakes, river, streams, floodplains, wetlands, steep slopes, shorelands, vegetation, soils and other natural features.

(5) To protect and conserve the value of land, buildings and other improvements throughout the city.

(6) To minimize conflicts among the uses of land and buildings by designating their location and nature and controlling the sequence of development.

(7) To provide for the safe and efficient circulation of all modes of transportation, including transit, pedestrian and bicycle traffic, with particular regard to the avoidance of congestion in the streets and highways.

(8) To provide for the proper installation and maintenance of adequate public services and facilities, including water, sewer, stormwater drainage and storage areas, streets, alleys, sidewalks, lighting, parks and open space and similar improvements.

(9) To provide for the administration of this chapter including procedures and standards for subdivision approval and the granting of variances from the requirements of this chapter.

598.40. Scope of regulations. These land subdivision regulations shall apply to all subdivision of land into two (2) or more parcels, by platting, lot division, registered land survey, conveyance or other means, except as otherwise provided by this chapter, including but not limited to Condominium Plats prepared pursuant to Minnesota Statutes, Chapter 515A and Common Interest Community Plats prepared pursuant to Minnesota Statutes, Chapter 515B, provided this chapter shall not apply to any condominium plat or common interest community plat that is prepared for the exclusive purpose of recording the subdivision of an existing building or an existing condominium unit and common areas not involving changes to the building area, site plan or use. These land subdivision regulations shall also apply to the assembly of two (2) or more contiguous parcels into a single lot by plat or registered land survey, pursuant to section 598.120(c).

598.50. Restrictions on subdivisions, conveyances and improvements. No person shall subdivide land, convey land or obtain a building permit without first obtaining subdivision approval as required by these land subdivision regulations.

598.60. Definitions. Words and terms not defined in this section shall have the same meaning as described in the zoning code. As used in this chapter, the following words shall mean:

City engineer. The director of the department of public works or their designee.

Lot line adjustment. Where platted lots share common boundaries and the common boundaries are being redrawn to create new legal descriptions, but no additional lots or parcels are created.

Minor subdivision. A subdivision of one or more lots or parcels that creates no more than two (2) lots or parcels.

~~*Outlot.* Any lot which is created by subdivision which will not be developed for any use other than open space, private or public park or common area within a condominium plat prepared pursuant to Minnesota Statutes, Chapter 515A or a common interest community plat prepared pursuant to Minnesota Statutes, Chapter 515B.~~

Outlot. Any lot which is created by subdivision which will not be developed for any use other than open space, private or public park, or common area within a condominium plat prepared pursuant to Minnesota Statutes, Chapter 515A or a common interest community plat prepared pursuant to Minnesota Statutes, Chapter 515B. Outlots prepared for common area may have parking, associated driveways and drive aisles, and other improvements associated with the project that are an integral feature of the common area as approved in conjunction with a cluster development or planned unit development site plan. Boundary changes to an outlot shall not be permitted except by replat.

Planning director. The director of the department of community planning and economic development or their designee.

Plat. The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statutes, Chapter 505.

Registered Land Survey. The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statutes, Chapter 508.

Subdivider. Any person with a legal or equitable interest in land who submits an application to the city for approval of the subdivision of that land.

~~*Subdivision.* The separation, including the resubdivision, of an area, parcel or tract of land under single or joint ownership into two (2) or more parcels, tracts, lots or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads or alleys, for residential, commercial, industrial or other use or any combination thereof, except those separations creating cemetery lots or resulting from acquisition by governmental agencies for public improvements or uses. Used as a verb, subdivision is the process of separating land. Used as a noun, a subdivision is the land itself after it has been subdivided.~~

Subdivision. The separation, including the resubdivision, of an area, parcel or tract of land under single or joint ownership into two (2) or more parcels, tracts, lots or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads or alleys, for residential, commercial, industrial or other use or any combination thereof, except those separations:

(1) Where all the resulting parcels, tracts, lots or interests will be twenty (20) acres or larger in size and five hundred (500) feet in width for residential uses, and five (5) acres or larger in size for commercial and industrial uses

(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 with, lot sides, or which does not have the required frontage on a public right-of-way is not a buildable lot, unless otherwise allowed by these regulations or the zoning ordinance;

(4) Resulting from acquisition by governmental agencies for public improvements or uses.

Used as a verb, subdivision is the process of separating land. Used as a noun, a subdivision is the land itself after it has been subdivided.

Subdivision approval. Approval of a subdivider's application for subdivision granted by the city evidenced by the city's signature on a final plat or registered land survey

or, in the case of minor subdivisions, evidenced by a resolution of the city recorded in the Office of the Hennepin County Recorder or Registrar of Titles.

Tax parcel combination. Where two (2) or more platted lots with separate tax or property identification numbers are combined under one tax or property identification number for the purpose of receiving a single-tax statement.

Tax parcel split. Where two (2) or more platted lots that were combined under one tax or property identification number for the purpose of receiving a single-tax statement are assigned new tax or property identification numbers for two (2) or more of the platted lots.

598.70. Development plan required. (a) *In general.* In order to accomplish the purposes of these land subdivision regulations, each subdivider shall submit as part of its application for subdivision approval a development plan consisting of a statement of the proposed use of all portions of the land to be subdivided and a site plan showing all existing and planned development including the location of structures, parking areas, easements, reservations of land, drainage, sewerage, fire protection, building elevations, landscaping, screening and bufferyards, and similar matters, as well as the location of existing public facilities and services.

(b) *Undeveloped outlots.* A subdivider may identify portions of the land to be subdivided which the subdivider intends to reserve for future development as an undeveloped outlot, rather than showing planned development, subject to the following:

(1) Before any further subdivision of the outlot, the subdivider shall submit a complete application for subdivision approval, subject to all requirements of this chapter, including the payment of application and submittal fees.

(2) Whether or not the proposed development requires further subdivision of the outlot, the subdivider shall submit a development plan to the city for review and approval pursuant to this chapter before developing any outlot created by subdivision for any use other than open space or private or public park. In the event the proposed development does not require further subdivision of the outlot, the city's review of the development plan shall be deemed a continuation of the subdivider's original subdivision application and the subdivider shall not be required to pay an additional subdivision application fee.

(3) Notwithstanding the provisions of subdivision b, the planning commission may waive the requirement to plat a lot or lots reserved for future development as an outlot or outlots where the subdivider can demonstrate the lots are of a sufficient width and area to allow future development without the need for variances, that there are no issues of access, grade or other hazards or issues that would make securing a building permit difficult. In no case shall the requirement be waived where a lot would not have frontage on a public street, would not meet the minimum requirements of the zoning ordinance and these regulations, or would

create a nonconformity to the zoning ordinance, building code, or these regulations.

(c) *Conditions and assurances.* In addition to other conditions of final subdivision approval that the city may require the subdivider to satisfy under this chapter, the city may require the subdivider to do one or more of the following:

(1) Revise the development plan to conform with the requirements of this chapter and any other laws affecting the design and improvement of the subdivision.

(2) Provide reasonable assurances that all improvements to the subdivision will be consistent with the development plan, as modified by the subdivider and approved by the city. The city may require such assurances to run with the land and be filed in the records of the Office of the Hennepin County Recorder or Registrar of Titles in a form reasonably acceptable to the city, including one or more of the following forms:

a. Resolution imposing conditions on the subdivision approval.
b. Restrictive covenants executed by the owners of the subdivided land.
c. An agreement between the city and the subdivider setting forth the improvements to be completed as a condition of subdivision approval and the party responsible for completion and maintenance of those improvements, which agreement shall bind the subdivider's successors and assigns.
d. An easement to the city or the public.
e. A conveyance of land to the city or other entity identified by the city.

598.80. Coordination of zoning and subdivision applications. The city shall carry out its subdivision review simultaneously with its review of required zoning applications and with its review of any applications for vacation of public right-of-way. The subdivider shall make separate application to the zoning administrator for all approvals related to the development of the subdivision together with the subdivision application.

~~**598.90. Phased development.** If a proposed subdivision includes phased development or components of development which, if taken together as proposed or completed would be regulated as a multiple family development, cluster development, supportive housing or similar development, conformance with such applicable zoning regulations shall be a condition of any subdivision approval.~~

598.90. Reserved.

598.100. Protection of natural features. (a) *In general*. All subdivision development shall be located so as to preserve the natural features of the site, to avoid

areas of environmental sensitivity, to minimize the creation of impervious surface area, to contribute to ecological function, and to minimize negative impacts on and the alteration of the natural environment. The following specific areas shall be preserved as undeveloped open space, to the extent consistent with the reasonable utilization of land, and in accordance with applicable federal, state or local regulations:

(1) Lands within fifty (50) feet of a protected water, as governed by the SH Shoreland and MR Mississippi River Critical Area Overlay Districts.

(2) Wetlands. It is in the public interest to achieve no net loss in the quantity, quality, and biological diversity of existing wetlands, and to increase the quantity, quality, and biological diversity of wetlands by restoring or enhancing diminished or drained wetlands. No development, grading, alteration of the natural character of the land, or construction of structures, roadways or other impervious surfaces, shall occur within fifty (50) feet of any vegetated wetland, including wetlands as defined in section 404, Federal Water Pollution Control Act Amendments of 1987 or the Minnesota Wetland Conservation Act of 1991, as governed by the SH Shoreland Overlay District.

(3) Significant trees or plant communities including remnant stands of native trees or remnant prairie grasses, trees or plant communities that are rare to the area or of particular horticultural or landscape value, or trees with a diameter at breast height of twelve (12) inches or larger.

(4) Steep slope areas. The applicable provisions of Chapter 551, Overlay Districts, shall apply to lands within the SH Shoreland and MR Mississippi River Critical Area Overlay District. Development outside the SH Shoreland and MR Mississippi River Critical Area Overlay District shall avoid placement of structures, parking lots or other impervious surfaces on slopes of eighteen (18) percent or greater, and the necessity to alter such slopes for purposes of construction. Where development does occur on such steep slope areas greater than ten (10) feet in height, such development shall be subject to the following conditions:

a. The foundation and underlying material shall be adequate for the slope condition and soil type.

b. The development shall present no danger of falling rock, mud, uprooted trees or other materials.

c. The development shall include adequate provision for stormwater runoff and temporary and permanent erosion and sedimentation control.

d. The developed slope shall be visually consistent with surrounding architectural and natural features.

(5) Habitats of threatened or endangered wildlife, as identified on federal or state lists, including the federal Endangered Species Act, and the Minnesota County Biological Survey.

(b) *Mitigation.* Where preservation is not consistent with the reasonable use of land, the city may require mitigation through replacement of the resource or similar resource on the site, restoration of former natural amenities to the site, or other reasonable measures to mitigate the effects of the subdivision and protect or enhance the natural features of the land.

598.110. Stormwater management. All development shall comply with all applicable regulations governing stormwater management, and shall employ best management practices to minimize off-site stormwater runoff, maximize overland flow and flow distances over surfaces covered with vegetation, increase on-site filtration, replicate predevelopment hydrologic conditions as nearly as possible, minimize off-site discharge of pollutants to ground and surface water, and encourage natural filtration function.

598.120. Subdivision by plat or registered land survey. (a) *In general.* As a condition of subdivision approval, the city shall require a subdivider to prepare and record a plat or registered land survey as described in section 598.200 of this chapter, when the proposed subdivision does one or more of the following:

(1) Creates three (3) or more lots or parcels.

(2) Involves development of the land which requires paved streets, alleys or the installation or extension of other public improvements or services.

(3) Involves previously unplatted land.

(4) Involves multilevel separation of land or improvements <u>through a registered land survey.</u>

(b) *Vacation of public right-of-way.* As a condition of approval of any street or alley vacation, as provided in Chapter 433 of the Minneapolis Code of Ordinances, Vacating, the city shall require the applicant to prepare and record a plat or registered land survey as described in section 598.200 of this chapter if the applicant intends to make improvements to an existing tax parcel which improvements require the dedication of public streets, alleys or other public right-of-way, provided, the city may accept a recordable easement deed from the applicant in form and substance acceptable to the city engineer in lieu of a plat or registered land survey.

(c) *Combination of parcels.* Any person with a legal or equitable interest in two (2) or more contiguous parcels of land may elect to combine those parcels into a single lot by plat or registered land survey by complying with all of the subdivision application procedures and requirements for plats and registered land surveys of this chapter.

598.130. Minor subdivisions. The city shall not require a subdivider to prepare and record a plat or registered land survey as a condition of approval of a minor subdivision provided the following conditions are met:

(1) The lot or lots created by the subdivision have frontage on an existing public street and development of the lot or lots does not require the installation or extension of other public improvements or services.

(2) The lot or lots to be subdivided are previously platted land.

(3) Conveyance of unplatted railroad right-of-way to adjacent property owners.

598.140. Minor Subdivision Exemptions. The following minor subdivisions shall be exempt from all provisions of this chapter:

(1) Minor subdivisions by the City of Minneapolis made to convey portions of lots owned by the ~~agency~~ city to adjacent property owners for creation of residential side yards.

(2) Minor subdivisions by the City of Minneapolis to convey portions of excess right-of-way owned by the city to adjacent property owners.

(3) Where the purpose is to adjust the common boundary between two parcels under separate ownership for the purpose of reconciling legal descriptions, resolving encroachments, or otherwise settling disputes between owners about the location of common boundaries, provided the following conditions are met:

(a) No new lots or parcels are created.

(b) The adjustment does not create split zoning on one or more of the parcels.

(c) The minimum lot width, lot area, and setbacks of the district in which the parcels are located are maintained.

(d) The adjustment does not eliminate street or alley access or frontage or create a land-locked lot or parcel.

(e) The adjustment does not create a nonconformity to the zoning ordinance or building code.

(f) The adjustment conforms to the design standards of the subdivision ordinance. The prohibition on creating a five-sided residential lot may be waived when done to remedy an existing minor encroachment and not to create area for a new development.

598.145. Tax Parcel Split or Combination. The city shall not require a property owner to prepare and record a plat or registered land survey or prepare a minor subdivision to combine tax parcels under one tax or property identification number for the sole purpose of receiving a single-tax statement. The city shall not require a property owner to prepare and record a plat or registered land survey or prepare a minor subdivision where two (2) or more platted lots that were combined under one tax or property identification number for the sole purpose of receiving a single-tax statement are assigned new tax or property identification numbers for two (2) or more of the platted lots. For tax parcel splits or combinations the following conditions shall be met:

(1) The split or combination does not create split zoning on one or more of the parcels.

(2) The minimum lot width, lot area, and setbacks of the district in which the parcels are located are maintained.

(3) The split or combination does not eliminate street or alley access or frontage or create a land-locked lot or parcel.

(4) The split or combination does not create a nonconformity to the zoning ordinance, subdivision ordinance design standards for large lots, or building code.

598.150. Effect of subdivision application and approval. (a) *Subdivision application*. After a subdivider makes application to the city for subdivision approval, the city may withhold any building permit, demolition permit, grading permit, utility connection, license or other approval related to the development of the subdivision and no action shall be taken by any person to otherwise develop, grade or alter the property until the subdivider has recorded a final subdivision approval and assurances as described in section 598.70.

(b) *Subdivision approval*. After final subdivision approval is recorded, the city shall withhold any building permit, demolition permit, grading permit, utility connection, license or other approval required for the improvement of the subdivided land if the proposed improvement is inconsistent with the final subdivision approval or the assurances as described in section 598.70.

598.160. More restrictive provisions. If a provision of this chapter conflicts with any other provision of the Minneapolis Code of Ordinances, or with any other provision of law, the more restrictive provision shall apply.

598.170. Amendments. The city council may from time to time amend these subdivision regulations. Public hearings on any proposed amendments shall be held by the planning commission in the manner prescribed by law.

ARTICLE II. APPLICATION FOR SUBDIVISION APPROVAL

598.180. Subdivision application. (a) *Preliminary conference*. In order to provide for the orderly and expeditious processing of subdivision applications, each subdivider of land is encouraged to confer with city staff before preparing the subdivision application to become familiar with the requirements of these land subdivision regulations and with the applicable regulations of the zoning ordinance and the policies of the comprehensive plan affecting the area in which the proposed subdivision lies.

(b) *Content of application*. All applications for subdivision and minor subdivision shall be processed by the zoning administrator and shall contain the following information:

(1) Location and legal description.

(2) Proposed name of subdivision.

(3) Name and address of owner or owners.

(4) Name, address and telephone number of representatives to be contacted relative to the proposed subdivision.

(5) Name of surveyor and state registration number.

(6) A development plan, as described in section 598.70 of this chapter.

(7) A contour map of the area, showing contours at a maximum of two (2) feet intervals of elevation above mean sea level, if applicable.

(8) An inventory of existing site conditions that identifies and maps wetlands, significant trees and native plant communities, floodway, flood fringe, and shoreland boundaries, wildlife habitats, areas containing slopes over twelve (12) percent grade and greater than ten (10) feet in height, and where applicable, the regulatory flood protection elevation and the required elevation of all access roads.

(9) Complete application(s) for all land use approvals related to the development of the subdivision, as submitted to the zoning administrator.

(10) A certified mailing list of all current owners of record of property located in whole or in part within three hundred fifty (350) feet of the boundaries of the subject property, as identified in the records of the Hennepin County Department of Property Taxation.

(11) ~~Five (5)~~ Three (3) copies of a survey of the area to be subdivided, in the case of a minor subdivision, or in the case of a plat or registered land survey, ~~five (5)~~ three (3) copies of a preliminary subdivision plat or

registered land survey. All surveys shall be made by a registered land surveyor and shall show existing and proposed boundaries and shall include a tabulation showing the land area and legal description of each new parcel.

(12) A plan for stormwater retention that meets with the approval of the city engineer and the appropriate watershed district or watershed management organization if the subdivision proposes to create one (1) or more acres of impervious surface.

(13) Fees due at the time of application, as follows:

a. Preliminary and final plat: One thousand thirty-five dollars ($1,035.00).

b. Preliminary and final registered land survey: One thousand thirty-five dollars ($1,035.00).

c. Minor subdivision: Three hundred sixty-five dollars ($365.00).

(14) All supporting information required by city ordinance, the zoning administrator, the planning director, the application forms or by law.

598.190. Determination of completeness of application. (a) *In general*. The zoning administrator shall review all applications and determine whether such applications are complete. An application shall be deemed complete upon proper submission of the contents in their entirety as required by this chapter.

(b) *Incomplete applications*. If after the application has been accepted, the zoning administrator determines that the application is not complete, the zoning administrator shall notify the applicant in writing within ten (10) business days of receipt, or within ten (10) business days of discovering the deficiency, specifying any deficiencies of the application, including any additional information which must be supplied, and that no further action shall be taken by the city on the application until the deficiencies are corrected.

(c) *Remedy of deficiencies*. If the applicant fails to correct the specified deficiencies with thirty (30) days of the notification of deficiency, the application shall be deemed withdrawn and will be returned to the applicant, including all application fees.

(d) *Extensions of time*. Upon written request by the applicant, the zoning administrator may, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an applicant by these application procedures.

598.200. Application procedure for plats and registered land surveys. (a) *Preliminary submission*. City ~~planning~~ staff shall review the complete application for conformance to Minnesota Statutes, the Minneapolis City Charter, the Hennepin County

Plat Manual, the Minneapolis Code of Ordinances and these land subdivision regulations. Staff will advise the subdivider of changes, if any, required to bring the application into conformance.

(b) *Public hearing*. The planning commission shall hold a public hearing on the application for preliminary subdivision plat or registered land survey, as revised by the subdivider, if at all, in response to staff review. Following the hearing, the planning commission shall make its findings and decision to approve or disapprove the preliminary plat or registered land survey.

(c) *Final submission*. After approval of the preliminary plat or registered land survey by the planning commission, five (5) copies of the final plat or registered land survey shall be prepared and submitted to the ~~city planning department~~ department of community planning and economic development; two (2) shall be mylars, three (3) shall be paper prints. The contents and size of final plat or registered land survey materials used in the preparation of the tracing and mounted copies shall conform to the requirements of Minnesota Statutes, the Minneapolis City Charter, the Hennepin County Plat Manual, the Minneapolis Code of Ordinances and these land subdivision regulations. A final plat or final registered land survey shall be submitted within ~~one (1) year~~ two (2) years after approval of the preliminary plat or registered land survey or a new application for subdivision approval shall be required. The zoning administrator, upon written request, may for good cause shown grant up to a one-year extension to this time limit. The following shall be included with the final plat or registered land survey:

(1) Proof of title for property included in the plat or registered land survey.

(2) Deed restrictions, if any.

(3) An affidavit signed by the surveyor preparing the plat that all monuments have been placed in the ground, or will be placed in the ground within one year of the recording of the final plat, which shall conform to the specifications for city survey monuments on file with the city engineer's office.

(d) *Final plat or registered land survey approval*. Upon satisfactory review of the final plat or registered land survey by the city attorney, the planning commission shall make its findings and decision to approve or disapprove the final plat or registered land survey.

(e) *Consolidation of preliminary and final plat or registered land survey*. The preliminary and final review and approval or disapproval may be consolidated into one application.

598.210. Application procedure for minor subdivisions. In applications for minor subdivision, the application procedure for plats and registered land surveys is waived and the requirements of this section shall apply.

(1) *Submission of application.* City ~~planning~~ staff shall review the complete application for conformance to Minnesota Statutes, the Minneapolis City Charter, the Minneapolis Code of Ordinances and these land subdivision regulations. Staff will advise the subdivider of changes, if any, required to bring the subdivision into conformance.

(2) *Public hearing*. The planning commission shall hold a public hearing on the application, as revised by the subdivider, if at all, in response to staff review. Following the hearing, the planning commission shall make its findings and decision to approve or disapprove the minor subdivision.

598.220. Notice of public hearing. Notice of the public hearing shall be given in the following manner. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings provided a bona fide attempt to comply with this section has been made.

(1) *Newspaper of general circulation.* The zoning administrator shall publish notice of the time, place and purpose of the public hearing at least once, not less than fifteen (15) days before the hearing, in a newspaper of general circulation.

(2) *Registered neighborhood groups.* The zoning administrator shall mail notice of time, place and purpose of the public hearing to the registered neighborhood group(s) for the neighborhood in which the subject property is located not less than twenty-one (21) days before the hearing.

(3) *Affected property owners.* The zoning administrator shall mail notice to all owners of record of property located in whole or in part within three hundred fifty (350) feet of the boundaries of the subject property, not less than fifteen (15) days before the hearing.

ARTICLE III. SUBDIVISION DESIGN

598.230. Design requirements. The following requirements shall apply to all subdivisions:

(1) *General standards*.

a. All lots shall have frontage on a public street as approved by the planning commission and sufficient to provide access to it for emergency vehicles as well as for those needing access to the property in its intended use, except where specifically exempted in section 598.260, planned unit development and cluster design, or where designated as an outlot.

b. A subdivision shall not result in more than one zoning classification on a single lot.

c. A subdivision shall not result in the creation of a nonconforming structure, ~~or~~ use~~.~~ or lot.

(2) *Streets*.

a. Streets shall conform to the comprehensive plan and official map, if any, and right-of-way map, if any. Streets shall be platted as designated in Table 598-1, Street, Alley and Sidewalk Design for Plats and Registered Land Surveys. The city engineer shall review and approve any street to be platted to ensure that it is adequate to provide appropriate access to the subdivision.

b. All new streets shall make connection to existing streets as approved by the city engineer. Streets shall intersect at right angles or radial to curved streets whenever practical.

c. Any street designated as a major street shall be platted to the width and alignment as approved by the city engineer, but in no case shall be less than as designated in Table 598-1, Street, Alley and Sidewalk

(3) *Alleys* Where proposed or required by the planning commission, alleys shall be platted as designated in Table 598-1, Street, Alley and Sidewalk Design for Plats and Registered Land Surveys. Dead end alleys shall be prohibited.

(4) *Sidewalks*. Sidewalks shall be provided within the dedicated non-pavement right-of-way of streets as shown in Table 598-1, Street, Alley and Sidewalk Design for Plats and Registered Land Surveys.

(5) *Utility easements*. ~~Utility easements shall be provided as~~ If required by the city engineer, utility easements ~~and~~ shall be shown on the preliminary and final plat or registered land survey. Where no alleys are provided, utility easements required by the city engineer shall be not less than five (5) feet on side lot lines and not less than ten (10) feet on rear lot lines., or based upon a utility plan approved by the city engineer.

(6) *Floodplains.* All lots within a floodplain district shall contain a building site at or above the regulatory flood protection elevation, and shall comply with the standards of the Floodplain Overlay District as specified in Chapter 551, Overlay Districts. No land shall be subdivided which is held unsuitable for development by the city planning commission for reason of flood hazard.

(7) *Outlots*. Any lot which due to the existing grade, physical conditions, hazard of flooding, or of a size, shape or in a location not conforming to these regulations and therefore not suitable for development, may be platted as an outlot.

Table 598-1 Street, Alley and Sidewalk Design for Plats and Registered Land Surveys

Category		Residential Development	Non-Residential Development
Streets			
Major	Minimum width/pavement	80 / 48 ft.	80 / 52 ft.
	Maximum grade*	5%	5%
Minor	Minimum width/pavement	60 / 32 ft.	66 / 54 ft.
	Maximum grade**	10%	10%
Cul-de-sac	Minimum diameter/pavement	90 / 70 ft.	100 / 80 ft.
	Maximum	500 ft.	500 ft.
Alleys	Minimum width/pavement	16 / 14 ft.	18 / 16 ft.
	Corner cut	10 ft.	20 ft.
Sidewalks	Minimum width	5 ft.	6 ft.

* Maximum run of 350 ft.
** Maximum run of 200 ft.

598.240. Residential development design. The following requirements shall apply to residential subdivisions:

(1) *Blocks*. Blocks shall be not less than six hundred (600) feet nor more than one thousand five hundred (1,500) feet long and shall be of a minimum width to provide two (2) tiers of lots. Through lots shall be avoided. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads or waterways. Sidewalks or pedestrianways, not less than ten (10) feet wide, may be required through the center of blocks more than eight hundred (800) feet long where deemed necessary to provide circulation or access to schools, parks, playgrounds, shopping areas, transportation or other community facilities.

(2) *Lot dimensions*.

a. *Single and two family dwellings*. Lot width shall be not less than the minimum requirements set forth by the zoning ordinance except where no alley is provided, in which case the required minimum lot width shall be increased by ten (10) feet. Lot area shall be not less than the greater of (1) the minimum requirements set forth by the zoning ordinance or (2) the average of the single family and two family zoning lots, <u>including the subject zoning lot,</u> located in whole or in part within three hundred fifty (350) feet or the average of the single family and two family zoning lots,

including the subject zoning lot, located in whole or in part within the same zoning district within three hundred fifty (350) feet, whichever is greater, where such average lot area exceeds the minimum zoning requirement by fifty (50) percent or more. No lot shall be created which has more than five (5) sides.

b. *Multiple family dwellings*. Lot width and lot area shall be not less than the minimum requirements set forth by the zoning ordinance except where no alley is provided, in which case the required minimum lot width shall be increased by ten (10) feet. No lot shall be created which has more than five (5) sides.

(3) *Solar access*. All lots in subdivisions of forty (40) acres or more shall be platted in an orientation to maximize solar exposure.

(4) *Reverse frontage lot(s).* Reverse frontage lots, those platted in reverse orientation to the rest of the block, shall be prohibited. Reverse corner lots are also reverse frontage lots.

(5) *Existing two family dwelling*. Notwithstanding the requirements of this chapter, lots with an existing side-by-side two family dwelling of one or more stories may be subdivided along the party wall to allow separate ownership of each side of the building provided that covenants are recorded that set forth the requirements for exterior maintenance of the building and grounds, the requirements for reconstruction if one or both sides of the building are damaged or destroyed, and state that the parcels may be used separately as long as the existing building is continued and that thereafter the lots shall be combined to make a single parcel or otherwise be enlarged to conform to the requirements of these land subdivision regulations. Evidence of proper filing of the covenants shall be submitted to the zoning administrator before the approval will be in effect.

598.250. Nonresidential development design. The following requirements shall apply to nonresidential subdivisions:

(1) *Blocks*. The size and shape of blocks shall fit the intended use, but in no case shall be less than six hundred (600) feet nor more than one thousand five hundred (1,500) feet long. Sidewalks or pedestrianways, not less than ten (10) feet wide, may be required through the center of blocks more than eight hundred (800) feet long where deemed necessary to provide circulation or access to schools, parks, playgrounds, shopping areas, transportation or other community facilities.

(2) *Lot dimensions*. Lot width and lot area shall be not less than the minimum requirements set forth by the zoning ordinance or of sufficient size and shape to fit the intended use and to provide for the off-street parking and

loading facilities, bufferyards and screening required for the use as established in the zoning ordinance or other applicable regulation, whichever is greater.

598.260. Planned unit development and cluster design. Individual lots within planned unit developments and cluster developments shall be exempt from the public street frontage requirement of section 598.230 and the design requirements of sections 598.240 and 598.250. The design of a subdivision for a planned unit development or cluster development shall implement the site plan as approved by the planning commission and shall include a deed restriction designating the following:

(1) The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).

(2) Provision for access to each lot that does not have frontage on a public street.

(3) A requirement that an owners' association be created. The duties and responsibilities of the owners' association shall include maintaining the elements of the planned unit development or cluster development as authorized under the zoning ordinance or other applicable regulations.

(4) A provision that the taxes, special assessments, and other charges and fees that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be occupied by buildings in direct proportion to the interest that is stated in the deed restriction and shall provide that such levies shall be a lien against the individual lots.

(5) A requirement that any disposition of any of the common property situated within the planned unit development or cluster development shall not be made without the prior approval of the planning commission.

ARTICLE IV. SUBDIVISION APPROVAL

598.270. Required findings. The planning commission, in its review of all subdivision applications, shall take into consideration the requirements of the city and the best use of the land being subdivided. Particular attention shall be given to the width and location of streets, sidewalks, suitable sanitary utilities, surface drainage, lot sizes and arrangements, and protection and conservation of natural features, as well as requirements such as parks and playgrounds, schools and other public uses. Each of the following findings shall be made prior to the approval of a subdivision or minor subdivision:

(1) The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.

(2) The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.

(3) All land intended for building sites can be used safely without endangering the residents or users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.

(4) The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.

(5) The subdivision makes adequate provision for stormwater runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.

598.280. Conditions and guarantees. The planning commission may impose such conditions on any proposed subdivision and require such guarantees as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this chapter and policies of the comprehensive plan.

598.290. Improvements required. Any required public improvements or dedicated public areas, including water, sewer, stormwater drainage and storage areas, roadways, alleys, sidewalks, lighting, curbing, gutters, landscaping, open space, or similar utilities and improvements that the planning commission deems reasonably necessary to support the proposed development, shall be provided by the subdivider as a condition of the acceptance and approval of the subdivision. The planning commission may choose to accept an equivalent amount in cash from the applicant for part or all of the area required to be dedicated to public uses or purposes based on the fair market value of the land no later than at the time of final approval and as otherwise provided by law.

598.300. Improvement guarantees. (a) *In general*. The planning commission may require, as a condition of subdivision approval, improvement guarantees to ensure the proper installation and maintenance of any required public improvement, pursuant to this section.

(1) Before issuing final subdivision approval, the planning commission may require the following guarantees:

a. A performance guarantee in an amount not to exceed one hundred twenty (120) percent of the cost of installation for improvements.

b. A maintenance guarantee for a period not to exceed two (2) years after final acceptance of the improvement, in an amount not to exceed fifteen (15) percent of the cost of the improvement. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed, or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required for such utilities or improvements.

(2) The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by resolution of the planning commission.

(3) Upon substantial completion of all required improvements, the subdivider may notify the ~~city planning department~~ department of community planning and economic development in writing, by certified mail, of the completion or substantial completion of improvements, and shall send a copy to the city engineer. The city engineer shall inspect all improvements and shall file a detailed report, in writing, with the city planning department indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection. The cost of the improvements as approved or rejected shall be set forth.

(4) The planning commission shall either approve, partially approve, or reject the improvements on the basis of the report of the city engineer, and shall notify the subdivider in writing, by certified mail, of the contents of the report and the action.

(5) Where partial approval is granted, the developer shall be released from all liability except for that portion of improvements not yet approved.

(b) *Forms of guarantees*. The subdivider shall provide performance and maintenance guarantees reasonably acceptable to the planning commission, including either of the following:

(1) Surety bond from a surety bonding company authorized to do business in the state.

(2) Irrevocable letter of credit, in a form reasonably acceptable to the planning commission, from a bank or other reputable institution.

(3) Escrow account. The applicant shall deposit cash, or other instruments readily convertible into cash at face value, either with the municipality, or in escrow with a bank.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. The planning commission shall consider input from applicable city departments and adopted city plans and policies. No variance shall be granted unless the planning commission makes the following findings:

(1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.

(2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

(3) The variance and alternatives proposed in lieu of design standards will be in keeping with the spirit and intent of the ordinance.

598.320. Appeal. All decisions of the planning commission shall be final subject to appeal to the city council and the right of subsequent judicial review. Appeals may be initiated by any affected person by filing the appeal with the zoning administrator on a form approved by the zoning administrator. All appeals must be filed within ten (10) calendar days of the date of decision by the planning commission and shall be accompanied at the time of filing with payment of a seventy-five dollars ($75.00) application fee. In the case of an appeal made by the original subdivider, the fee shall be waived. Timely filing of an appeal shall stay the decision of the planning commission until a decision is made by the city council. Not less than ten (10) days before the public hearing to be held by the zoning and planning committee of the city council to consider the appeal, the zoning administrator shall mail notice of the hearing to the property owners and the registered neighborhood group(s) who were sent notice of the public hearing held by the planning commission to consider the subdivision application. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings provided a bona fide attempt to comply with this section has been made. No subdivision approval shall be recorded nor any action taken by any person to develop, grade or otherwise alter the property until expiration of the ten (10) day appeal period and, if an appeal is filed pursuant to this section, until after a final decision has been made by the city council approving the subdivision.

598.330. Recording of subdivision approval. All final subdivision approvals shall be filed by the subdivider with the Office of the Hennepin County Recorder or

Registrar of Titles and evidence of proper filing shall be submitted to the zoning administrator prior to issuance of any building permits.