

**CHAPTER 151: SUBDIVISIONS**

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**§ 151.01 PURPOSE AND INTENT.**

- (A) To provide for the orderly, economic and safe development of land, public facilities and services, and to facilitate and promote the public health, safety, morals and general welfare, the city adopts the regulations of this chapter by the authority granted to the city by M.S. § 462.358, as it may be amended from time to time.
- (B) The purpose of this chapter is to establish physical standards and subdivision design requirements as to land development, services and facilities and to establish procedures for plat approval.

(Prior Code, § 900.01)

**§ 151.02 RULES OF CONSTRUCTION, INTERPRETATION, AND APPLICATION.**

This chapter shall be interpreted using §§ 152.003 and 152.004 of this code.

(Prior Code, § 900.02)

**§ 151.03 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number.

**BOULEVARD.** The portion of the street right-of way between the curb line and the property line.

**BOUNDARY LINES.** The lines indicating the bounds or limits of any tract or parcel of land.

**BUILDABLE AREA.** The area of a lot exclusive of wetland, slopes over 18%, unbuildable easements (not including standard drainage and utility easements along lot lines) and floodplain.

**CITY.** The City of Greenfield in Hennepin County, Minnesota.

**CITY COUNCIL.** The City Council of the City of Greenfield.

**CUL-DE-SAC.** A permanent, terminal, local street with only 1 outlet and having a terminus with a right-of-way radius as provided for in this chapter.

**DOUBLE FRONTAGE LOT.** A lot which has a front line abutting on 1 street and a rear line abutting on another street.

**EASEMENT.** A grant by a property owner of land for a specific use of the land by the grantee.

**ENGINEER.** The person appointed by the City Council to advise the City Council on engineering matters.

**FINAL PLAT.** The final map, drawing or chart on which, if approved by the City Council, shall be filed with the Hennepin County Recorder.

**FRONTAGE.** The width of a lot of a building site measured on the line separating it from a public right-of-way or a private shared driveway easement as defined in § 152.006.

**FRONTAGE ROAD.** A minor street which is somewhat parallel and adjacent to a minor arterial or higher functional classification road and which provides access to abutting property and protection from traffic.

**GROSS DENSITY.** Total dwelling units divided by the overall area.

**JURISDICTIONAL WETLANDS.** As described in Minnesota Statutes.

**LOT.** A parcel of land in a subdivision separated from other parcels by description and meeting the physical standards of this chapter.

**LOT CONSOLIDATION.** The combining of 2 or more existing parcels into 1 parcel and recorded as 1 parcel with the Hennepin County Recorder's office.

**LOT LINE ADJUSTMENT.** The relocation of a boundary line between 2 abutting parcels that does not create a new parcel or parcels.

**LOT SPLIT.** The division of 1 parcel into 2 parcels to be recorded with the Hennepin County Recorder's office.

**MINIMUM SUBDIVISION DESIGN STANDARDS.** The guides, principles and specifications for the preparation of a subdivision plan indicating among other things, the minimum dimensions of the various elements set forth in the preliminary plat and the final plat.

**NON-BUILDABLE PARCEL.** Any resultant parcel of a subdivision, except in the case of any outlot, which meets the physical standards of this chapter but has no present possibilities of development or development rights in the current zoning district.

**OUTLOT.** An **OUTLOT** is deemed to be unbuildable. No building permit or grading permit will be issued for a parcel of land designated in a plat as an outlot unless specifically authorized by the Council or replatted. Council must approve the removal of outlot status prior to issuance of any building permit.

**PEDESTRIAN WAY.** The right-of-way across or within a block, for use by pedestrian traffic.

**PERSON.** Any individual, firm, association, syndicate or partnership, corporation, trust or any other legal entity.

**PLANNER.** The person appointed by the City Council to advise the City Council on planning and subdivision matters.

**PLANNING COMMISSION.** The Planning Commission of the city.

**PRELIMINARY PLAT.** The preliminary map, exhibits, drawings or chart indication the proposed plan of the subdivision to be submitted to the Planning Commission and City Council for their consideration.

**PRIVATE SHARED DRIVEWAY EASEMENT.** An easement dedicated to the City as a utility, drainage and right-of-way easement which is expressly for the purpose of providing access to lots.

**PRIVATE STREET.** A street serving as vehicular access to two or more parcels of land which is not dedicated to the public but is owned and maintained by one or more private parties.

**PROPERTY OWNER.** The fee title owner of property as recorded by Hennepin County or the contract for deed owner of property.

**REMNANT.** A parcel of land separated from other lots or parcels by description and being of substandard size or irregular shape to the extent that it is unusable for permitted uses in the zoning district.

**RESERVE STRIP.** A narrow strip of privately owned land which prevents access to a public street.

**RIGHT-OF-WAY.** Land designated for public vehicular traffic or pedestrian use by easement, dedication, statutory user, common law dedication, or other instrument or legal right.

**SETBACK LINE, BUILDING.** A line within a lot which establishes the minimum distance between the property and the nearest portion of an enclosed structure.

**SKETCH PLAN.** A plan showing the general layout of the lots, blocks and public streets drawn to a scale of 100 feet to the inch and showing contour intervals of not more than 10 feet.

**STREET.** The part of a right-of-way improved for vehicular traffic, whether designated as an “A” minor arterial, major collector, minor collector, or local street as those terms are defined by the City Council, or however, otherwise designated.

**STREET “A” MINOR ARTERIAL.** Minnesota Trunk Highway 55, County Road 50, and County Road 92 in Greenfield and any other street in the city meeting the definition of “A” **MINOR ARTERIAL** as set by the City Council.

**STREET, LOCAL STREET.** Those streets other than “A” minor arterials, major collectors and minor collectors in Greenfield.

**STREET, MAJOR COLLECTOR.** County Road 10 and County Road 123 in Greenfield, and any other street in the city meeting the definition of a **MAJOR COLLECTOR STREET** as defined by the City Council.

**STREET, MINOR COLLECTOR.** Greenfield Road, Vernon Road and Town Hall Road in Greenfield, and any other street in the city meeting the definition of **MINOR COLLECTOR STREET** as defined by the City Council.

**SUBDIVIDER.** Any person commencing proceedings under the provisions of this chapter to effect a subdivision of land for themselves or another individual, or business entity.

**SUBDIVISION.** The division of a parcel into 2 or more parcels, tracts or lots, land consolidation, or by plat, except those divisions resulting from court orders for the adjustment of a lot line by the relocation of a common boundary. A **SUBDIVISION** includes plats, and land consolidations.

**WETLAND.** As described in Minnesota Statutes.

**ZONING.** The regulation of the use of land within the city pursuant to M.S. Chapter 462, as it may be amended from time to time, and Chapter 152 of this code.

(Prior Code, § 900.03) (Am. Ord. O-8A-01, passed 11-7-2001; Am. Ord. 13-001, passed 6-18-2013)

**§ 151.04 TERRITORIAL LIMITS AND SCOPE.**

These regulations shall apply to all land within the boundaries of the city.

(Prior Code, § 900.04)

**§ 151.05 ENFORCEMENT.**

- (A) Approval required. It shall be unlawful and punishable as provided in this chapter to record any subdivision which shall include any plat or simple land division or land consolidation with the office of the Hennepin County Recorder unless the subdivision has received approval as provided for in this chapter.
- (B) Permits not issued. The Building Inspector shall not issue building permits for any structure on a lot or parcel in any unapproved subdivision.
- (C) Improvements prohibited. The City Council shall not permit any public improvements or services to be installed or performed in any subdivision, unless the subdivision is approved by the City Council as provided for in this chapter, and recorded with the Hennepin County Recorder.
- (D) Platting required. All subdivisions of property within the city shall be accomplished through the platting procedures except that a conveyance of land by means of a metes and bounds description may be made and recorded in the following cases.
  - (1) For any land consolidation as described and regulated in this section.
- (E) **Land consolidation.** All land consolidations shall conform to the requirements of Chapter 152. Any person requesting city approval of a land consolidation shall complete an application and submit it with the required filing fee and the following information to city hall:
  - (1) A current half-section map from Hennepin County outlining the parcels to be consolidated;
  - (2) Legal descriptions of each parcel of land;
  - (3) A written description stating the reasons and intention for the lot consolidation; and
  - (4) A certificate of survey prepared by a registered land surveyor showing the consolidated land.
- (F) Sales prohibited. It shall be unlawful and punishable as provided in this section to sell or offer for sale any parcel of land within the city until the requirements of these regulations have been met.
- (G) Administrative lot line adjustment. Administrative approval of lot line

adjustments, lot splits and lot consolidations are allowed within the General Business and Industrial Districts when all the proposed lots meet the zoning district requirements and the proposed lot change does not affect public safety, infrastructure or other public purpose. If in the judgment of the City Administrator-Clerk the proposed lot change may affect other adjoining property or the general public, a public hearing before the Planning Commission and City Council approval may be required. Fees for the administrative lot changes shall be based upon the fee schedule adopted by the City Council.

(Prior Code, § 900.05) (Am. Ord. O-6-02, passed 5-7-2002) Penalty, see § 10.99

**§ 151.06 PRELIMINARY PLAT.**

- (A) Procedure for preliminary plat.
- (1) Prior to preparation of a preliminary plat, the applicant shall present a sketch plan and have a preliminary discussion in regard to the requirements of this chapter with the City Planner for the city. The designated fee for this preliminary discussion is set in the fee schedule. After this preliminary discussion, if the proposed subdivision is four lots or less, the City Planner may recommend that the preliminary plat and final plat process for the proposed subdivision, run concurrently.
  - (2) To commence approval of a preliminary plat, the applicant shall file the following with the City Administrator-Clerk:
    - (a) An application signed by the applicant and/or owner(s), including day phone numbers for both applicant and owner;
    - (b) A current certificate of survey, ten copies of the preliminary plat drawn to scale and (1) copy 8 ½" x 11" or 11" x 17". All hard copy documents shall be provided in an electronic form compatible with City software programs.
    - (c) A cash fee and escrow;
    - (d) An executed agreement in which the applicant agrees to pay all costs of engineering, planning, inspection and legal expenses incurred by the city in reviewing the preliminary plat and final plat; and
    - (e) A certified list and two sets of labels from Hennepin County Property Division of all property owners within 350 feet of subject property will be required. Applicant will be responsible for the payment of any fees charged by Hennepin County for this service. Properties within 350 feet of Wright County are responsible for obtaining a certified list and two sets of labels in coordination with the City of Greenfield for all property owners within 350 feet of the subject property.
  - (3) The City Administrator-Clerk shall schedule a public hearing to be held by the Planning Commission on the proposed preliminary plat. Notice of the hearing shall be published in the official newspaper of the city not more than 30 days and at least 10 days prior to the Planning Commission public hearing. The City Administrator-Clerk shall mail notice of the hearing to all property owners of property within 350 feet of the property proposed to be platted. The City Administrator-Clerk shall also provide copies of the application to the appropriate persons as needed.
  - (4) The Planning Commission shall hold the public hearing and shall study the preliminary plat and the report of the Planner to determine whether the preliminary plat conforms to these regulations, to Chapter 152 and to sound planning principles. The Planning Commission shall prepare a written recommendation and submit it to the City Council.



- (B) Data required for preliminary plat. The preliminary plat shall be clearly and legibly drawn. The size of the map shall not be less than 12 inches by 18 inches. All preliminary plats shall be drawn at a scale of 1 inch equals 100 feet, unless otherwise required by the City Planner. The preliminary plat of the proposed subdivision shall contain or have attached thereto the following information:
- (1) Identification and description.
    - (a) Proposed name of plat, which name shall not duplicate or be alike in pronunciation of the name of any plat recorded in the county;
    - (b) Legal description of property according to the records in the County Recorder's office;
    - (c) Names, addresses, and telephone numbers of all property owners, the subdivider, surveyor and designer of the preliminary plat;
    - (d) Graphic scale;
    - (e) North point; and
    - (f) Date of preparation.
  - (2) Existing conditions.
    - (a) Boundary line of proposed plat clearly indicated;
    - (b) Existing (and proposed, when applicable) zoning classifications of the proposed plat and adjacent property;
    - (c) Total acreage exclusive of any existing right-of-way;
    - (d) Location, widths and names of all existing or previously platted streets and rights-of-way, showing types, width and condition of improvements, if any; railroad and utility rights-of-ways; parks and other public open spaces; permanent buildings and structures; easements; and section and corporate lines within the proposed plat and to a distance of 100 feet beyond the proposed plat;
    - (e) Location and size of existing sewers, water mains, culverts or other underground facilities within the proposed plat and to a distance of 100 feet beyond the proposed plat. The data as grades, invert elevations, and locations of catch basins, manholes and hydrants shall also be shown;
    - (f) Boundary lines of adjoining un-subdivided or subdivided land within 100 feet, identifying the ownership by name;
    - (g) Topographic data, including contours at vertical intervals of not more than 2 feet, except where the horizontal contour interval is 100 feet or more, a 1-foot vertical interval shall be shown. Water courses, marshes, jurisdictional wetlands, floodplains, wooded area rock outcrops, power transmission poles and lines and other significant features shall be shown; and

- (h) A detailed soil survey map including the particulate make-ups, permeability, slope and other morphological soil characteristics, together with classification and boundaries of all soils within the proposed plat.
- (3) Preliminary plat design features.
- (a) Layout of proposed rights-of-way, showing right-of-way widths and proposed names of streets. The name of any street shall conform to the city's street naming policy;
  - (b) Location and widths of all proposed easements;
  - (c) Typical street cross-sections of proposed improvements, which shall conform to the city's street specifications;
  - (d) Drainage plan for the disposal of surface and ground water, including storm sewers, rate control, and National Urban Runoff Program (NURP) ponds;
  - (e) Preliminary grading plan at 2-foot contour intervals for all public streets and unusual areas as determined by the City Planner. The plan shall be submitted to the Watershed Management Organization (WMO) for review and approval;
  - (f) Erosion control plan showing the area and location of erosion control devices. The plan shall conform to city policy, WMO requirements, and if more than 5 acres are being disturbed, shall conform to Minnesota Pollution Control Agency (M.P.C.A.) standards;
  - (g) Layout, numbers and preliminary dimensions of lots and blocks including setback, proposed building location and the location of 2 on-site sewer treatment systems, if required. The preliminary plat and detailed soil information shall be submitted to Hennepin County for review and approval;
  - (h) Where an applicant and/or property owner owns property adjacent to that which is being proposed for subdividing, the City Planner may require, where appropriate, the submission of a sketch plan or preliminary plat of the remainder of the property showing its relationship to the future development. Where the areas concerned are of major size, the Planner may limit the extent of this area to be included in the sketch plan or preliminary plat; and
  - (i) Areas, other than streets and utility easements, intended to be dedicated or reserved for public use, including the size of the areas in acres.
- (4) Other information.
- (a) Source of water supply;
  - (b) Provisions for sewage disposal, drainage and flood control; and

- (c) Soil tests.
- (C) Qualifications governing approval of preliminary plat.
  - (1) The Planning Commission may recommend and the City Council may require changes or revisions as deemed necessary for the health, safety, general welfare and convenience of the city, including, without limitations, changes in street and intersection alignment, configuration and location of proposed lots, and enlargement or reduction of the size of lots.
  - (2) Approval of a preliminary plat by the City Council shall be tentative only, involving merely the general acceptability of the layout. Subsequent approval shall be required of the final engineering plans pertaining to water supply, storm drainage and sewage disposal, gas and electric utilities, surface grading, gradients and roadways.
  - (3) Approval of a preliminary plat shall be null and void unless within 12 months after receiving the last required approval of the preliminary plat by the City Council there shall be submitted to the City Council a final plat or plats in accordance with the conditions upon which the approval of the preliminary plat was granted by the City Council. This time constraint shall not include those developments in which phases are provided for by the developer's agreement. These phases shall not exceed 2 years in length.
  - (4) No lot shall be approved for subdivision which is subject to periodic flooding or which contains drainage facilities for the streets or lots which are inadequate as measured by sound engineering standards.
  - (5) If the preliminary plat is not approved by the City Council, the reasons for the action shall be recorded in the proceedings of the City Council and transmitted to the applicant.

(Prior Code, § 900.06) Penalty, see § 10.99

**§ 151.07 FINAL PLAT.**

- (A) Procedure for final plat.
  - (1) The applicant shall within 12 months following approval of the preliminary plat submit to the City Administrator-Clerk:
    - (a) Ten copies of the final plat drawn to scale and (1) copy 8 ½" x 11" or 11" x 17". This final plat shall incorporate all changes required by the City Council and shall substantially conform to the preliminary plat.
    - (b) An up-to-date certified abstract of title or registered property abstract and any other evidence as the City Attorney may require showing title or control of the applicant.
    - (c) The final plat shall be evaluated for its conformance with the approved preliminary plat and one of the following actions taken:

- (d) If the final plat is in substantial conformance to the approved preliminary plat and City Council conditions of approval, the City Administrator-Clerk shall refer the final plat to the City Council for approval.
    - (e) If the final plat is not in substantial conformance to the approved preliminary plat and City Council conditions of approval, the City Administrator-Clerk shall refer it to the Planning Commission for recommendation to the City Council.
  - (2) If the final plat is approved by the City Council, the Council shall authorize the Mayor and City Administrator-Clerk to sign the plat. The applicant shall submit the approved reproducible final plat as required by the Hennepin County surveyor, all required fees and escrow's developer's agreement, final street plans approved by the City Engineer, revised preliminary plat showing any changes required by the City Council and other information required by this chapter to the City Administrator-Clerk. The applicant shall provide the plat and all required information to the City within ninety (90) days after the date of the City Council approval, otherwise the approval of the final plat shall be considered void. An extension to the ninety (90) day limit may be granted at the discretion of the City Council in response to a written request from the applicant. The City Administrator-Clerk and the Mayor shall sign the final plat after the City Administrator-Clerk has determined that all information and conditions of approval have been satisfied and received. The applicant shall record the final plat with the County Recorder within 30 days after the date the plat is signed by the City Administrator-Clerk and the Mayor; otherwise, the City Council approval of the final plat shall be null and void. No building permits shall be let for construction of any structure on any lot in said plat until the City has received evidence of the final plat being recorded by Hennepin County.
  - (3) The applicant shall, immediately upon recording, furnish the City Administrator-Clerk with 4 tracings and transparency print of the final plat showing evidence of the recording.
- (B) Data required with final plat.
  - (1) General.
    - (a) The final plat shall be prepared by a land surveyor who shall be registered in the State of Minnesota.
    - (b) The final plat shall conform to all state and Hennepin County requirements, these regulations, and the directives and conditions of the City Council.
  - (2) Information to be shown.
    - (a) Accurate angular and lineal dimensions for all lines, angles and curvatures used to describe lot boundaries, streets, easements and



**§ 151.08 MINIMUM SUBDIVISION DESIGN STANDARDS.**

- (A) Street and rights-of-way. The arrangement, character, extent, width, grade and location of all streets and rights-of-way shall conform to these regulations, and shall be considered in their relation to existing and planned streets and rights-of-way, to reasonable circulation of traffic, to topographical conditions, to run-off of stormwaters, to public convenience and safety and to their appropriate relation to the proposed uses of the land to be served by the streets.
- (1) Continuation of existing streets. The arrangement of rights-of-way and streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.
  - (2) Future projection of streets. Where adjoining areas are not subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of rights-of-way adjoining property by carrying the new right-of-way to the boundaries of the new subdivision at appropriate locations.
  - (3) Cul-de-sac easement required. If a street terminates at the boundary line or another point of the plat that could at a later date be extended into adjacent properties, a cul-de-sac shall be constructed and a cul-de-sac easement on a deed form shall accompany the final plats at the time of recording. Construction of the cul-de-sac shall be the same as the streets in the plat and shall conform to these regulations and the street construction specifications of the city in all respects.
- (B) Streets.
- (1) Widths. All right-of-way widths and street widths shall conform to the following minimum dimensions:

<b>Classifications</b>	<b>Right-of-way</b>	<b>Street</b>
"A" minor arterial	100 feet	As required by the state or county
Major collector	100 feet	As required by the county
Minor collector streets and streets in C/I Districts	66 feet	30 feet, plus 2-foot shoulders
Local streets	66 feet	24 feet, plus 2-foot shoulders, or 26 feet with bituminous curb
Cul-de-sac	25 feet (diameter)	100 feet (diameter)

- (2) Deflections. When connecting street lines deflect from each other at any one point by more than 10 degrees, they shall be connected by a curve with a radius of not less than 340 feet.
- (3) Grades. All center line gradients shall be at least 0.5% and shall not exceed the following:

<b>Classifications</b>	<b>Gradient (In Percent)</b>
"A" arterial streets	5
Major collector streets	5
Minor collector streets	6
Local streets	8
Cul-de-sac	6

- (4) Local streets. Local streets shall be so aligned that their use by through traffic shall be discouraged.
- (5) Frontage streets. Where a subdivision abuts or contains an existing or planned "A" arterial street or major collector street or a railroad right-of-way, the City Council may require a street approximately parallel to and on each side of the right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. The frontage streets shall be located at a distance from the "A" arterial or major collector street or railroad right-of-way suitable for the appropriate use of the intervening land, as for commercial or industrial purposes in appropriate districts. The distances shall also be determined with due regard for the requirements of approach grades and future grade separation.
- (6) Half streets. Half streets shall be prohibited.
- (7) Reserve strips. Reserve strips controlling access to streets shall be prohibited.
- (8) Hardship to owners of adjoining property avoided. The street arrangements shall not be as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- (C) Intersections.
- (1) Angle of intersection. The angle formed by the intersecting of streets shall be 90 degrees.
- (2) Size of intersection. Intersections of more than 4 corners shall be prohibited.
- (3) Corner radii. Street intersections shall be rounded by a radius of not less

than 50 feet. Corners at the entrances to cul-de-sac shall be rounded by a radius of not less than 25 feet.

- (D) Drainage. A complete and adequate drainage system for the preliminary plat and final engineering plans shall be designed, and shall include a storm sewer system or a system of open ditches, culverts, pipes, and catch basins, or both systems, or an erosion and sedimentation control plan. The system or systems shall be approved by the Planner and designed in conformity and standards as may from time to time be adopted by resolution of the City Council.
- (E) Easements.
  - (1) Provided for utilities.
    - (a) Drainage and utility easements at least 10 feet wide, shall be provided on rear and side lot lines and an easement at least 15 feet wide shall be provided adjacent to the front lot line and shall be so dedicated to the public by appropriate language in the owner's certificate.
    - (b) They shall have continuity of alignment from block to block, and at deflection point's easements for pole-line anchors shall be provided where necessary. The location of all easements shall be subject to the approval of the planner or engineer.
  - (2) Provided for drainage.
    - (a) Drainage and utility easements shall be provided along each water course, drainage channel, or wetlands to a width sufficient to provide proper maintenance and protection and to provide for stormwater run-off and storage and the installation and maintenance of storm sewers as required by sound engineering principles.
    - (b) The easement shall be dedicated to the city by appropriate language in the owner's certificate.
- (F) Street names. Names of streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street, in which event it shall bear the name of the existing or platted street so in alignment. All streets shall be named to conform to the city's street naming policy.
- (G) Blocks.
  - (1) Factors governing dimensions. Block length and width or acreage within bounding streets shall be as to accommodate the size of lots required in the area pursuant to the terms of this chapter or the terms of Chapter 152 and to provide for convenient access, circulation control and safety of street traffic.
  - (2) Arrangement. A block shall be so designed as to provide 2 tiers of lots, unless it adjoins a railroad, "A" arterial street, jurisdictional wetland, lake water course and/or unless topographic conditions necessitate a single tier



of lots.

(H) Lots.

- (1) Location. The location and size of lots within the city shall conform to the zoning requirements as specified in Chapter 152 of this code.
- (2) Long lots. Lots platted with length greater than 4 times the width shall be prohibited.
- (3) Cul-de-sac. The front dimension of any lot fronting on a cul-de-sac may be less than the required minimum, if, at the building setback line, there is a width equal to the required minimum frontage and the lot has the required area.
- (4) Natural features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, marshes, jurisdictional wetlands, historic areas or similar conditions, which if preserved, shall add attractiveness and stability to the proposed development.
- (5) Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract shall be added to adjacent lots.
- (6) Outlots. Outlots as defined in this chapter may be created through the platting process and in all cases shall be deemed unbuildable. Any outlot to be used for the common use of property owners within the plat shall be owned by the property owners. The ownership shall be governed by a homeowner's association.
- (7) Non-buildable parcel. Non-buildable parcels, as defined in this section, shall be prohibited.
- (8) Subdivision review criteria or the General Floodplain District. No land shall be subdivided which is unsuitable for the reasons of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the General Floodplain District shall contain a building site at or above the regulatory flood protection elevation. All subdivision shall have water or sewage treatment facilities that comply with the provisions of this section and have road access both to the subdivision and to the individual building sites no lower than 2 feet below the regulatory flood protection elevation. For all subdivisions in the General Floodplain, the Floodway and Flood Fringe boundaries, the regulatory flood protection elevation, and the required elevation of all access shall be clearly shown on all required subdivision drawings and platting documents.

(I) Private shared driveway. Not more than 2 lots may be platted on a private shared driveway and then only with the following conditions:

- (1) The applicant shall make application for development on a private shared

driveway and shall enter into a private driveway agreement between the city and applicant, agreeing by its terms to limit development on the private driveway to no more than 2 lots.

- (2) The easement or legal description over which the driveway agreement is to exist shall be a minimum of 66 feet wide. This easement shall be owned jointly by all property owners.
- (3) Each lot shall have 200 feet of frontage on the private driveway and meet all city standards for setbacks of the appropriate zoning district, as if the private driveway were a public street. All construction, care and maintenance of the driveway shall be the responsibility of the owner and not the city.
- (4) Before the city shall take over any private driveway for use as a public street, the driveway shall be brought up to the then existing city street standards at the expense of the adjacent owners, and shall be dedicated to the public for street and utility purposes. Any city takeover of a private driveway as a public street shall be at the sole discretion of the City Council.
- (5) The driveway agreement entered into between the city and the applicant shall be filed with the County Recorder's office and shall run with the land and shall be binding on all successors in title to the real property involved.
- (6) Applicant agrees that the city may erect and maintain, at the expense of applicant and future owner, appropriate signs at all entrances to the private drive, confirming that the road is private and not constructed, maintained, repaired or kept free from ice and snow by the city.
- (7) All provisions to the code shall be met in addition to the requirements of this section.
- (8) Each private driveway shall be constructed in accordance with the life safety code, shall be a minimum of 20 feet wide, and shall be constructed and maintained as an all-weather driveway.

(Prior Code, § 900.08) Penalty, see § 10.99

### **§ 151.09 PUBLIC SITES AND OPEN SPACES.**

Where a proposed park, playground, school site or other public site is embraced in part or in whole by the boundary of a proposed plat and the public sites are not dedicated to the city or Board of Education, the public ground shall be reserved and no action taken towards approval of preliminary or final plat for a period not to exceed 6 months after final action as required, in this section, to allow the City Council or Board of Education the opportunity to consider and take action towards acquisition of the public ground or park by purchase or other means.

(Prior Code, § 900.09) Penalty, see § 10.99

**§ 151.10 MAINTENANCE OF COMMON AREAS AND FACILITIES.**

- (A) Generally. In order that the purposes of the Zoning Code may be achieved, property must be in single ownership or under the management and supervision of a central authority or ownership control as many be necessary to carry out provisions of the code and to properly maintain property and facilities.
- (B) Maintenance requirements.
  - (1) If common open space, common stormwater ponds or other service facilities are proposed as part of a subdivision, the subdivision agreement and/or development agreement must contain provisions to assure continued operation and maintenance of the open space and service facilities to a predetermined standard, such as through approval of a maintenance plan as part of a subdivision development agreement.
  - (2) Common open space and facilities shall be placed under the ownership of one of the following, as approved by the City Council:
    - (a) Dedicated to the public, where a community-wide use is anticipated and the City Council agrees to accept the dedication;
    - (b) Landlord control, where only tenants are anticipated; or
    - (c) Property owner associations, provided all of the following conditions are met.
    - (d) Prior to the use or occupancy of individual buildings, lots, parcels, tracts or common areas, a declaration of covenants, conditions and restrictions or an equivalent document must be filed with the city.
    - (e) Filing with the city is to be made prior to filings of the declaration or document with recording officers of the county.
    - (f) The declaration of covenants, conditions and restrictions or equivalent document to the satisfaction of the City Attorney shall specify that deeds, leases or documents of conveyance affecting building units, lots, parcels, or tracts shall subject the properties to the terms of the declaration.
    - (g) The declaration of covenants, conditions and restrictions shall provide that an owners association or corporation shall be formed and that all owners shall be members of the association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing adequate private control and to protect the public by assuring proper maintenance of private facilities that may affect the general public.
    - (h) The declaration shall additionally, among other things, provide that in

the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the city or fails to pay taxes or assessments on properties as they become due and in the event the city incurs any expenses in enforcing its rules and regulations, which expenses are not immediately reimbursed by the association or corporation, then the city has the right to assess each property its prorated share of the expenses. These assessments, together with interest and cost for collection, may be a lien on each property against which each assessment is made.

- (i) Membership is mandatory for each owner and successive buyer.
- (j) The open space restrictions are permanent and not for a limited period of years, unless specifically approved by the city.
- (k) The association is responsible for liability insurance, local taxes and the maintenance of the open space facilities to be deeded to it.
- (l) A property owner must pay his or her prorated share of the cost of the association by means of an assessment to be levied by the association which meets the requirements for becoming a lien on the property in accordance with Minnesota Statutes.
- (m) The association must be able to adjust the assessment to meet changing needs.
- (n) The by-laws and rules of the association and all covenants and restrictions to be recorded must be approved by the City Council prior to the approval of the subdivision agreement or development agreement of the property.

(Prior Code, § 900.095) (Am. Ord. O-11-01, passed 12-4-2001) Penalty, see § 10.99

#### **§ 151.11 REQUIRED IMPROVEMENTS ON THE SITE.**

- (A) Improvements listed and described. Prior to the Mayor and City Administrator-Clerk signing the final plat and releasing it to the applicant, the applicant shall have agreed, in the manner set forth in this section, to install, in conformity with construction plans approved by the Engineer and in conformity with all applicable standards, code provisions, and ordinances of the city, the following improvements on the site.
  - (1) Monuments. Monuments of a permanent character, approved by the county surveyor, shall be placed in locations on the boundary of the subdivision and within it as required.
  - (2) Street improvements. All streets within the plat shall be constructed to the property line with adequate grading, base and bituminous surfacing in accordance with the Greenfield street specifications.
  - (3) Street name signs. Street name signs which conform to current municipal,

county or State of Minnesota highway standards, shall be placed at all street intersections and at intersecting public streets and private shared drives within or abutting the subdivision.

- (4) Stop signs. Stop signs, which conform to current State of Minnesota highway standards, shall be placed on all streets intersecting an "A" arterial street, a major collector street or a minor collector street.
- (5) Sewage disposal. The applicant shall provide the necessary information showing that each lot is capable of accommodating 2 on-site sewer treatment systems. Soil borings and percolation tests together with a soils survey map showing the location of each test shall be provided for each lot. The borings and map shall show that private on-site sanitary sewer systems, which conform to Minnesota Pollution Control Agency's (M.P.C.A.) Rule 7080, can be placed on each lot.
- (6) Drainage facilities. The storm sewers and drainage facilities shall be constructed upon dedicated easements and shall conform to the drainage plans required by the City Council upon recommendations of the engineer for the drainage of surface and excess ground waters.
- (7) Mailboxes.
  - (a) Curbside mailboxes in new subdivisions shall be clustered in fours/sixes at the base of a cul-de-sac along the left-hand side of the street (instead of along the right-hand side of the street as one enters the cul-de-sac) in order to provide for ease of snowplowing and for efficient mail delivery. These locations shall be indicated on the final plat application with approval by the local postmaster.
  - (b) Mailboxes shall be the breakaway model.
- (B) Payment for installation of improvements. The required improvements to be furnished and installed by the applicant which are listed and described in this section shall be furnished and installed at the sole expense of the applicant and at no expense to the city.
- (C) Required agreements and surety. Before a final plat shall be signed by the Mayor and City Administrator-Clerk the applicant (and owner if different from the applicant) of the plat shall execute and submit to the city a developer's agreement approved by the City Attorney, to make and install all improvements required to be installed under the provisions of this chapter, in accordance with the plans and specifications, therefore to be approved by the City Engineer. The agreement shall be accompanied by a cash escrow agreement, or letter of credit, to be approved by the City Attorney.
  - (1) The making and installing of the improvements required under the terms of this code shall be made within the time limit required by the developer's agreement.
  - (2) Completion of the work undertaken by the applicant shall be performed in

accordance with the developer's agreement.

- (3) The payment by the owner and/or applicant to the city of all expenses of the city for the approval of plans and specifications of the improvements shall be required under the terms of this chapter and the inspection of construction by the City Engineer.
  - (4) All required improvements to be installed under the provisions of this chapter shall be inspected by the City Engineer and/or the City Public Works Director at the applicant's expense during the course of construction.
- (D) Construction plans. Construction plans for the required improvements conforming in all respects with the standards of the city and this code, shall be prepared at the applicant's expense by a professional engineer who shall be registered in the State of Minnesota, and the construction items, shall be submitted to the City Engineer for his or her approval and for his or her estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required in this chapter. One original reproducible set of the plans as constructed and approved by the City Engineer (with the City Engineer's signature approving the plans, plus 2 prints) shall be furnished to the city to be filed by the City Administrator-Clerk as a city record.
- (E) Improvements completed prior to approval of final plat. Improvements within a subdivision which have been completed prior to approval of the final plat by the City Council or execution and acceptance of the developer's agreement for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of this chapter only if the City Engineer shall certify in writing that he or she is satisfied that the existing improvements conform to applicable city standards.
- (F) Reimbursement to city for expenses incurred. The applicant shall reimburse the city for all engineering consulting fees, planning consulting fees, inspection fees and fees for legal services incurred by the city in processing a subdivision application under the terms of these regulations. Except for inspection fees, the reimbursement for city expenses incurred shall be made prior to the release of the final plat or in the case of a consolidation, before the resolution for the division or consolidation is released.

(Prior Code, § 900.010) (Am. Ord. O-2-99, passed 8-30-1999; Am. Ord. O-8A-01, passed 11-7-2001) Penalty, see § 10.99

## **§ 151.12 MODIFICATIONS, EXCEPTIONS AND VARIANCES.**

- (A) Standards for variances.
  - (1) The Planning Commission may recommend and the City Council may grant variances from the regulations contained in this chapter following a finding that all of the following conditions exist:

- (a) There are special circumstances affecting said property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of their land.
  - (b) The grant of the variance would not be contrary to the intent of the applicable ordinance.
  - (c) The practical difficulty is related to the requirements of these regulations and has not been created by any persons presently or formerly having an interest in the parcel of land; and
  - (d) The granting of the variance shall not be detrimental to the public welfare or injurious to other land or improvements to the adjacent properties to which the parcel of land is located and will not have an adverse effect upon traffic or traffic safety.
- (B) Conditions and restrictions. The Planning Commission may recommend, and the City Council may impose the conditions and restrictions in the granting of variances which shall insure compliance with the provisions of this chapter, and with the language and intent of the comprehensive plan, and to protect adjacent properties by promoting the health, safety and general welfare.
- (C) Application required.
- (1) Application for any variance shall be made in writing by the applicant at the time the preliminary plat is considered by the Planning Commission.
  - (2) The application shall set forth all facts relied upon by the applicant in requesting the variance.
  - (3) Any variance granted by the City Council, shall be passed in resolution form setting forth the reasons which justify the variance and entered in the minutes of the City Council meeting.

(Prior Code, § 900.011)

### **§ 151.13 COPIES OF PLATS.**

Copies of all the plats of the subdivision, after the same have been submitted and approved as provided in this chapter, shall be filed with the County Recorder and kept by the City Administrator-Clerk among the city records.

(Prior Code, § 900.012) Penalty, see § 10.99

**§ 151.14 PARK DEDICATION AND OPEN SPACES**

- (A) Lands for public use. Pursuant to Minnesota Statutes 462.358, the city requires that all persons, corporations or other legal entities that subdivide land into residential or commercial/industrial lots within the city convey to the city and dedicate to the public, for use as park, playground, certain utilities, open space, not to exceed 10% of the buildable land being platted or subdivided or an equivalent payment as indicated below. In the case of a residential subdivision, the city must approve any land so dedicated. For purposes of this section, buildable land means the gross acreage of the subdivision excluding designated wetlands and land set aside as open space in a manner approved by the City. This conveyance or dedication shall be done as a prerequisite to approval of a final plat, or development of any land previously divided by plat, metes and bounds, or any other means. Any land to be dedicated as a requirement of this section shall be reasonably adaptable for the above public purposes. The City shall not be required to accept land which is not suitable for one or more of the described purposes or which would require extensive public expenditures to be made usable. Factors used in evaluating the adequacy of proposed dedicated areas shall include size, shape, topography, drainage, geology, tree cover, access and location. Jurisdictional wetlands or public waters cannot be dedicated to meet this requirement.
- (B) Cash in lieu of lands. The City may choose to accept a cash fee from the applicant for all of the new lots created in the subdivision, based on the average fair market value of the unplatted land for which park fees have not already been paid. For purposes of redevelopment on developed land, the City may choose to accept a cash fee based on fair market value of the land no later than the time of final approval. Fair market value for the purposes of this section shall be the fair market value as determined by the City Assessor. The City may, at its option, require a cash contribution in lieu of dedication or require a portion of the required dedication to be in land and a cash contribution in lieu for the balance thereof. In the case of residential subdivisions, the contribution of cash in lieu shall be equal to eight percent of the average value of the land. Notwithstanding the above, the minimum cash contribution shall be \$3500 per lot, and when there is a combination of land and cash, the contribution value shall be a minimum of \$3500 per lot. Commercial subdivisions shall pay \$5,000 for the first acre of portion, plus \$1,000/acre or portion thereafter.
- (C) Future subdivisions. Any land which is further subdivided, divided, or replatted subsequent to the imposition of this section shall be subject to the requirements of the chapter then in effect concerning dedication of land for public purposes and credit shall be given for any charges previously imposed upon that land if the applicant can prove that fees were previously paid. In no event shall the city be liable for any payment which may be due because of a subsequent reduction in the applicable percentage of land or equivalent market value in cash to be dedicated.



- (D) Funding, accounting, budgeting, expenditure of cash in lieu of lands. The City Council shall establish a separate fund into which all cash contributions received from applicants in lieu of conveyance of dedication of land for park, playground and other public purposes shall be deposited. The City Council shall establish separate budgeting and accounting procedures for the fund and shall make, from time to time, appropriations from the fund or acquisitions of land for park, playground purposes and other public purposes, for developing existing park and playground sites or for debt retirement in connection with land previously acquired for these purposes.

(Prior Code, § 900.013) (Am. Ord. O-5-00, passed 11-20-2000; Ord. 2014-08, 6/3/14)

### **§ 151.15 ADMINISTRATIVE PROCEDURES.**

The City Council shall establish the administrative procedures as they may deem necessary and required to implement the provisions of this chapter of this code.

(Prior Code, § 900.014)

(Chapter 151 was repealed in its entirety and a new Chapter passed on February 16, 2016. Ord. # 2016-01.)