

**CHAPTER 8****LAND AND BUILDING REGULATIONS****820. SUBDIVISION REGULATIONS**

**Section 820.01. Intent and Purpose.** All subdivisions of land hereafter submitted for approval shall fully comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to:

- Subd. 1.** Encourage well planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.
- Subd. 2.** Provide for the health and safety of residents by requiring the necessary services such as properly designed streets and adequate sewage and water service.
- Subd. 3.** Place the cost of improvements against those benefiting from their construction.
- Subd. 4.** Secure the rights of the public with respect to public lands and water.

**Section 820.03. Exceptions To Platting Requirements.** A lot which is part of a recorded plat, or a tract which is part of a recorded Registered Land Survey, or a parcel described by metes and bounds descriptions, according to the U.S. Government Survey thereof, may be divided or consolidated into or together with another lot, tract, or parcel when the following five conditions have been met:

- Subd. 1.** The lot, tract, or parcel was, in its present form, recorded in the Office of the Register of Deeds, or was the subject of a written agreement to convey, on the 16th day of March, 1976;
- Subd. 2.** The proposed division or consolidation will not require additional streets;
- Subd. 3.** The proposed division or consolidation is served by public sanitary sewer and/or public water supply and arrangements have been made to guarantee a fair share payment of any indebtedness for said utilities by the subject lots, tracts, or parcels;
- Subd. 4.** None of the lands involved have previously been the subject of a land division under this section.
- Subd. 5.** The proposed subdivision shall result in no more than 3 lots.

**Section 820.05. Application for Exception.** The owner or owners of such lots, tracts, or parcels to be so divided or consolidated shall file in the office of the Zoning Administrator an application for such division or consolidation together with the following information:

**Subd. 1. Survey.** A survey of the proposed division showing the dimensions of all lands included therein, the boundaries of said lands, the locations of all buildings and other encroachments, and the location of all proposed construction. The Zoning Administrator may recommend, and the City Council may approve, waiver of the survey requirement in cases where the property previously was platted; where the property is to be combined with land that already meets criteria for a building site; or where a deed restriction is filed to prohibit future construction of a building on the property. In order to grant a waiver, the City Council shall find that the survey requirement would be unnecessary to any future use of the land; or would create a discrepancy in the title or be at variance with longstanding use of the land. If a survey is waived, then a scaled drawing may be required.

**Subd. 2. Soils.** Location of test holes, hydrological data, and soils information including the most current Hennepin County Soils Survey overlay designation of the types of soils and the amounts of each soil type for each lot, and any other information as recommended by the City Engineer, from which it can be determined that the proposed uses of the subject property area are feasible. In areas that are designated by the city as “rural,” soils calculations must be submitted for each parcel, including the existing parcel, and must designate each type of soil.

**Subd. 3. Legal Description.** A concise legal description of the subject property before and after the proposed division or consolidation is completed.

**Subd. 4. Easements.** Dedication and or utility easements, as recommended by City Engineer.

**Section 820.07. Procedure on Exception.** Upon receipt by the Zoning Administrator of the application and required documents and the payment of an administrative fee established by resolution of the City Council, the Zoning Administrator shall place the application on the agenda of the next regular Council meeting and shall present a recommendation for or against approval of the application, stating reasons therefor. Approval or disapproval by the City Council shall be by resolution, and resolutions of approval shall be filed in the office of the Register of Deeds for Hennepin County, the fees and other expenses of filing to be paid from the administrative fee.

**Section 820.09. Waiver of Fees on Exception.** On plats recorded before 1940, where a consolidation application is filed in order to form larger lots than those originally platted, the City Council may waive all or part of the administrative fee, and the Zoning Administrator need not collect said fee before placing the application on the Council agenda.

**Section 820.11. Scope and Legal Authority of Subdivision Regulations.** The rules and regulations governing plats and subdivisions of land contained herein shall apply within the community and other land as permitted by State Statutes. In the event of overlapping jurisdiction within the prescribed area, the extent of jurisdiction shall be determined and agreed upon between

this community and the other municipality or municipalities concerned. Except in the case of resubdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder prior to the effective date of this Ordinance, nor is it intended by this Ordinance to repeal, annul, or in any way impair or interfere with existing provisions or other laws or ordinances except those specifically repealed by, or in conflict with this Ordinance, or with restrictive covenants running with the land. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract, or deed, the provisions of this Ordinance shall control.

**Section 820.13. Administration.** This Ordinance shall be administered by the Zoning Administrator of the City of Medina.

**Section 820.15. Rules.**

**Subd. 1.** Words used in the present tense include the past and future tense; the singular number includes the plural and the plural includes the singular; the word "shall" is mandatory, and the words "should" and "may" are permissive.

**Subd. 2.** In the event of conflicting provisions in the text of this regulation, the more restrictive shall apply.

**Section 820.17. Definitions.** For the purpose of these regulations, certain terms and words are hereby defined as follows:

**Subd. 1. Attorney.** The attorney employed by the community unless otherwise stated.

**Subd. 2. Block.** The are enclosed within the perimeter of roads, or boundaries of the subdivision.

**Subd. 3. Boulevard.** The portion of the street right-of-way between the curb line and the property line.

**Subd. 4. Butt Lot.** A lot at the end of a block and located between two corner lots.

**Subd. 5. Cluster Development.** A subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas, and meeting the overall density regulations of this Ordinance and the Zoning Ordinance.

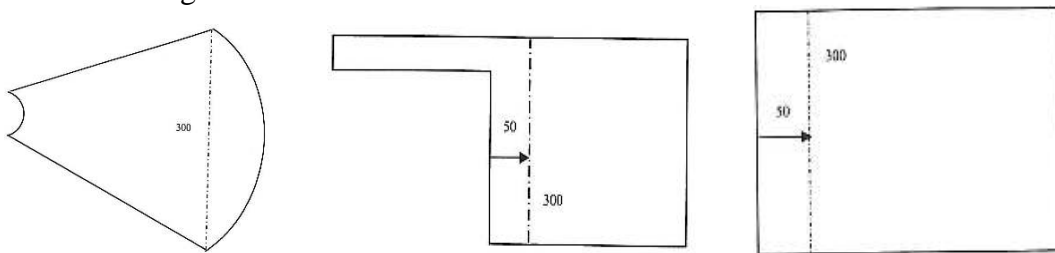
**Subd. 6. Community.** City of Medina.

**Subd. 7. Comprehensive Policies Plan.** A comprehensive policies plan prepared by the community including a compilation of policy statements, goals, standards and maps indicating the general locations recommended for the various functional classes of land use and for the general physical development of the community and includes any plan or parts thereof.

- Subd. 8. Contour (topographic) map overlay, preliminary plat.** A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.
- Subd. 9. Copy.** A print or reproduction made from a tracing.
- Subd. 10. Corner Lot.** A lot bordered on at least two (2) sides by streets.
- Subd. 11. County.** Hennepin County, Minnesota.
- Subd. 12. County Board.** Hennepin County Board of Commissioners.
- Subd. 13. Development.** The act of building structures and installing site improvements.
- Subd. 14. Division and Rearrangement.** The division of one or two lots for the purpose of combining a portion or portions thereof with other lots, without creating additional lots.
- Subd. 15. Double Frontage Lots.** Lots which have a front line abutting on one street and a back or rear line abutting on another street.
- Subd. 16. Drainage Course.** A water course or indenture for the drainage of surface water.
- Subd. 17. Easement.** A grant by an owner of land for a specific use by persons other than the owner.
- Subd. 18. Engineer.** The registered engineer employed by the community unless otherwise stated.
- Subd. 19. Final Plat.** The final map, drawing, or chart on which the subdivider's plan of subdivision is presented to the City Council for approval and which, if approved, will be submitted to the County Recorder.
- Subd. 19.1. Flag Lot.** A lot with a narrow appendage for the purpose of providing frontage on a public or private right-of-way.
- Subd. 20. Frontage.** The distance between the side lot lines measured along the right of way designated by the City Council to serve the lot.
- Subd. 21. Governing Body.** The City of Medina City Council.
- Subd. 22. Key Map.** A map drawn to comparatively small scale which definitely shows the area proposed to be platted and the areas surrounding it to a given distance.

**Subd. 23. Lot.** A parcel of land separated from other parcels by legal description and meeting the physical standards of this ordinance.

- (a) Lot Area. The horizontal plane bounded by the Lot Lines.
- (b) Lot Corner. A lot bounded by the intersecting boundaries of two or more streets.
- (c) Lot Depth. The average horizontal distance between the Front Lot Line and the Rear Lot Line.
- (d) Lot Line. A line defining the horizontal plane of a Lot.
- (e) Lot Line, Front. The line connecting the Side Lot Line of a Lot measured along the boundary of the Right-of-Way designated by the City Council to serve the Lot.
- (f) Lot Line, Rear. That Lot Line which is opposite the Front Lot Line. If the Rear Lot Line is less than ten (10) feet in length, or if the Lot forms a point at the rear, the Rear Lot Line shall be a line ten (10) feet in length within the Lot parallel to and at the maximum distance from the Front Lot Line.
- (g) Lot Line, Side. Any Lot Line which is not a Front Lot Line or a Rear Lot Line.
- (h) Lot Width. Lot width shall be measured as follows: (1) For lots located entirely on the turn-around portion of a cul-de-sac or for pie-shaped lots, lot width is the maximum horizontal distance between the side lot lines measured at any point in the lot. (2) For flag lots or lots not having frontage on a public or private right-of-way, lot width is the maximum horizontal distance between the side lot lines measured at the point equal in distance to the front yard setback from the first lot line generally parallel to the front lot line or to the right-of-way. (3) For all other lots, lot width is the maximum horizontal distance between the side lot lines measured at the front building setback line.



- (i) Outlot. A parcel of land in a platted subdivision, which is not part of a block and is identified by a capital letter which often contains common elements serving more than one property, such as stormwater ponds or private roads, and which are not buildable until replatted into platted lot(s) which can be shown to meet all development standards.
- (j) Property Line. The legal boundary of a Lot.

**Subd. 25. Metes and Bounds Description.** A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property.

**Subd. 26. Minimum Subdivision Design Standards.** The guides, principles and specifications for the preparation of subdivision plans indicating among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

**Subd. 27. Natural Waterway.** A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.

**Subd. 28. Owner.** Any person having an interest in land sought to be subdivided.

**Subd. 29. Pedestrian Way.** A right-of-way across or within a block, to be used by pedestrians.

**Subd. 30. Person.** Any individual, firm, association, syndicate or partnership, corporation, trust, or any other legal entity.

**Subd. 31. Plat.** A map or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all Minnesota State Laws.

**Subd. 32. Preliminary Plat.** The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and City Council for their consideration.

**Subd. 33. Private Street.** A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public but is owned by one or more private parties.

**Subd. 34. Protective Covenants.** Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

**Subd. 35. Recorder, County.** The County Recorder of the County of Hennepin.

**Subd. 36. Right-Of-Way.** The land designated by the City Council for public vehicular and pedestrian traffic by easements, dedication, statutory uses, common law dedication, or other instrument or legal right.

**Subd. 37. Service Area, Rural.** That land area according to the Medina Comprehensive Plan which is not scheduled for urban services such as sanitary sewer and water supply that is subsequently zoned rural.

**Subd. 38. Service Area, Urban.** That land area according to the Medina Comprehensive Plan which maintains or is scheduled for urban services such as sanitary sewer and water supply that is subsequently zoned urban.

**Subd. 39. Rural Section.** Roadway construction design standards as on file with the Medina City Engineer requiring in part ditch drainage construction.

**Subd. 40. Sketch Plan.** A drawing showing the proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.

**Subd. 41. Soils Map Overlay, Preliminary Plat.** The reproduction of soil series information designating the types of soils, the boundaries and amount of each type for each lot drawn to the scale of the preliminary plat as delineated in the most current Hennepin County Soil Survey.

**Subd. 42. Street and Alleys.**

- (a) Street. A right-of-way improved for vehicular and pedestrian traffic and accepted by the City Council for maintenance and public travel.
- (b) Collector Street. A street which carries traffic from local streets to arterials.
- (c) Cul-de-sac Street. A minor street with only one outlet and having a terminus with a right-of-way diameter of 125 feet.
- (d) Service Street. A minor street, which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.
- (e) Local Street. A street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.
- (f) Alley. A minor street which is used primarily for secondary vehicular service access to the back or the side of properties abutting on a street.
- (g) Arterial Street. A street or highway with access restrictions designed to carry large volumes of traffic between various sectors of the City and beyond.
- (h) Private Street. A street which is privately owned and maintained rather than being owned and maintained by the City.

**Subd. 43. Street Width.** The shortest distance between the lines delineating the right-of-way of a street.

**Subd. 44. Subdivider.** Any person commencing proceedings under the Ordinance to effect a subdivision of land hereunder for himself or for another.

**Subd. 45. Subdivision.** Relates to the process of subdividing and to the land subdivided and consists of the division of land into two or more lots.

(a) Platted Subdivision. A subdivision which has any of the following characteristics:

- (i) a lot area of less than 5 acres
- (ii) a lot width of less than 300 feet
- (iii) a lot which requires a new street.

(b) Unplatted Subdivision. A subdivision which has none of the characteristics in Subdivision 45(a).

**Subd. 46. Surveyor.** The Surveyor of the City of Medina.

**Subd. 47. Zoning Ordinance.** A Zoning Ordinance or resolution controlling the use of land as adopted by the City.

**Section 820.19. Pre-Application Meeting.** Prior to the preparation of a preliminary plat, the subdividers or owners may meet with the Zoning Administrator, and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations, and plans in the area to be subdivided. At this time, or at subsequent informal meetings, the subdivider may submit a general sketch plan of the proposed subdivision. The sketch plan can be presented in simple form but should show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and developments, to the topography of the site, and to the suitability of on-site sewage disposal systems. The subdivider is urged to avail himself of the advice and assistance of the Zoning Administrator and City Staff at this point in order to save time and effort, and to facilitate the approval of the preliminary plat.

**Section 820.21. Preliminary Plat Procedure.**

**Subd. 1.** After the pre-application meeting, the subdivider shall submit to the Zoning Administrator office seven (7) full size, thirty (30) reduced and one (1) electronic copies of a preliminary plat of the proposed subdivision, the requirements of which are as set forth in this Chapter. Said preliminary plat shall be submitted not less than four (4) weeks prior to the next scheduled Planning Commission meeting for which a public hearing may be set.

**Subd. 2.** At the time of submission of the Preliminary Plat, the subdivider shall pay fees and costs as set by City Council Resolution.

**Subd. 3.** The Zoning Administrator shall refer copies of the preliminary plat to applicable city staff persons, appropriate watershed district and other jurisdictional bodies as needed in order to receive written comment. A staff review will be made and a written report attached prior to forwarding to the planning commission.

**Subd. 4.** Within forty-five (45) days after the plat was filed and after reports and certifications



have been received as requested, the Planning Commission shall hold a public hearing on the preliminary plat after notice of the time and place thereof has been published once in the official newspaper at least ten days before the day of the hearing.

**Subd. 5.** The subdivider or a duly authorized representative must attend the Planning Commission meetings at which his proposal is scheduled for consideration.

**Subd. 6.** The Planning Commission shall study the Preliminary Plat, taking into consideration the requirements of the City. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes, arrangement and soils details with respect to rural areas, the future development of adjoining lands, the requirements of the Comprehensive Plan, and the Zoning Ordinance.

**Subd. 7.** At the public hearing, all persons present interested in the proposed plat shall be heard and the Planning Commission shall, within thirty (30) days of the closing of the hearing; approve, modify and approve, or disapprove the Preliminary Plat, and submit to the City Council, the subdivider, and Administrator, their findings and recommendations. The City Council shall act upon the Preliminary Plat and send written notification of their action to the Planning Commission, Administrator, and subdivider. Failure of the governing body to act within one hundred twenty (120) days following delivery of an application, deemed to be complete pursuant to the requirements of the City ordinances for a preliminary plat, is automatically approved. The grounds for any refusal to approve a plat shall be set forth in the Council minutes and reported to the subdivider in writing. Should the subdivider desire to amend the Preliminary Plat as approved by the Council, the amended plot shall be submitted following the original procedures set forth, except for the public hearing and fees unless the Planning Commission considers the scope of the revisions to constitute a new plat, in which event, the hearing and fees shall be required.

**Subd. 8.** The approval of a preliminary plat is an acceptance of the general layout as submitted, and indicates that the subdivider may proceed toward final plat in accordance with the terms of approval and provisions of the ordinance.

**Subd. 9.** During the intervening time between approval of the preliminary plat and the signing of the final plat, the subdivider shall submit acceptable engineering plans for all required improvements.

**Subd. 10.** In the case of all subdivisions, the City shall deny approval of a preliminary or final plat if one or a combination of the following finding are made:

- (a) That the proposed subdivision is in conflict with the general and specific plans of the city, or that the proposed subdivision is premature, as defined in Section 820.28.
- (b) That the physical characteristics of this site, including but not limited to topography, vegetation, soils, susceptibility to flooding, water storage, drainage and retention, are

such that the site is not suitable for the type of development or use contemplated.

- (c) That the site is not physically suitable for the proposed density of development or does not meet minimum lot size standards.
- (d) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage.
- (e) That the design of the subdivision or the type of improvements are likely to cause serious public health problems.
- (f) That the design of the subdivision or the type of improvements will conflict with public or private streets, easements or right-of-way.

**Section 820.23. Final Plat Procedure.**

**Subd. 1.** The owners or subdividers shall file seven (7) full size, thirty (30) reduced and one (1) electronic copies of the final plat with the Zoning Administrator. If this is not done within one hundred eighty (180) days, the preliminary plat will be considered void unless for good cause an extension is requested in writing by the subdivider and granted by the City Council. The owners or subdividers shall also submit at this time an up-to-date certified abstract of title or registered property report for City Attorney review.

**Subd. 2.** The final plat shall have incorporated all changes recommended by the City Council and the City Engineer, but in all other respects it shall conform to the preliminary plat as approved. The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop immediately, provided that such a portion conforms with all requirements of this Ordinance.

**Subd. 3.** The Zoning Administrator shall refer three copies of the final plat to the City Council and the City Council shall act on the Final Plat within sixty (60) days of submission of the plat.

**Subd. 4.** The City Council shall, if the Zoning Administrator indicates deviation in the Final Plat from the approved Preliminary Plat, determine if the submission shall represent a new plat. If the submission does represent a new plat, the City Council shall deny the Final Plat and direct the subdivider to resubmit his proposal following Preliminary Plat requirements.

**Subd. 5.** The City Council shall by resolution authorize the Mayor to sign the Final Plat.

**Subd. 6.** The subdivider shall file the Final Plat with the County Recorder after it has been signed by the Mayor. The Final Plat shall be filed within 60 days of the date of the City Council resolution granting final approval or, if the City Council fails to act, within 60 days of the date the Final Plat was filed with the Zoning Administrator. Any Final Plat which is not filed in a timely manner shall be considered null and void unless, prior to the expiration of the 60 days, the subdivider requests an extension of time in writing and the City Council

grants the request for good cause. Any extension so granted may be subject to such conditions or for such period of time not exceeding 180 days as the City Council deems reasonable.

**Subd. 7.** No changes, erasures, modifications or revisions shall be made in any Final Plat after approval has been given by the City Council and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the City Council and such body approves any modifications. In the event that any such Final Plat is recorded without complying with this requirement, the same shall be considered null and void and the City Council shall institute proceedings to have the Plat stricken from the records of the City.

**Section 820.25. Data for Preliminary Plat.** Each Preliminary Plat shall contain the following information.

**Subd. 1. Identification and Description.** Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation with the name of any plat recorded in the County.

- (a) Legal description of the subdivision and a survey prepared and certified by a surveyor registered in the State of Minnesota.
- (b) Key Map showing location of the subdivision and property for at least 660 feet adjacent.
- (c) Names and addresses of the owner, subdivider, surveyor and designer of the subdivision.
- (d) North point.
- (e) Date of preparation.
- (f) Approval by the subdivision owner.
- (g) Scale of one inch equals 100 feet or larger.

**Subd. 2. Existing Conditions.** The following existing conditions must be shown:

- (a) Boundary line of proposed subdivision, clearly indicated.
- (b) Existing zoning classification.
- (c) Total approximate area of each zoning classification.
- (d) Location, widths and names of all existing or previously platted streets or other public ways, showing type, width and condition of improvements, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements, and section and corporate lines both within the subdivision and to a distance of 100 feet beyond the subdivision.
- (e) Location and size of existing sewers, water mains, culverts or other underground facilities both within the subdivision and to a distance of 100 feet beyond the tract. Such data as grades, invert elevations and locations of catch basins, manholes and

hydrants, shall be shown only on request.

- (f) The boundary lines of adjoining unsubdivided or subdivided land, within 100 feet of the proposed subdivision and the record owner thereof.
- (g) Topographic data shall be required of the proposed subdivision and out to 50 feet beyond boundaries of the plat at contours at vertical intervals of not more than two feet. Additional topographic data up to 300 feet beyond the subdivision boundaries shall be furnished upon City Engineer recommendation.
- (h) The types, boundaries and the amount of suitable soils for each lot on the plat set forth by a soil series map that references designations made by the most current Hennepin County Soil Survey. In rural areas, suitable soils must be calculated for each parcel, including the existing parcel and for each type of soil.
- (i) Wetland data shall be required and must consist of a wetland delineation report which identifies all wetlands, ponds, lakes, waterways, floodplains and shorelines. The owners or subdividers shall submit to the Zoning Administrator office three (3) copies of the full wetland delineation report for consideration with the preliminary plat. Any area located in the areas set forth by this provision shall not be considered in the calculation for contiguous soils in rural areas.
- (j) Floodplain information shall be provided to the Zoning Administrator for consideration with the preliminary plat and delineated on the preliminary plat for review. The preliminary plat shall follow the regulations in section 826.86 subdivisions 1-3 with regard to floodplain management. All areas in the floodplain shall be established and those areas may not be included in the calculation for contiguous suitable soils in rural areas.
- (k) The primary and secondary septic sites shall be designated for rural areas and percolation tests shall be provided for both sites. The sites must be within the areas shown as having contiguous suitable soils. Two (2) copies of the percolation tests must be submitted to the Zoning Administrator for consideration with the preliminary plat for review and approval. The Zoning Administrator has the authority to accept or deny the results of the percolation tests and/or the septic locations on any lot. The septic system design and construction must follow section 720 Individual Sewage Treatment Standards.
- (l) Soils types information shall be provided by the owner or subdivider to the Zoning Administrator for consideration with the preliminary plat. This information shall consist of two (2) copies of the soil boring logs and the soils designations for the areas within the plat as set forth by the most current Hennepin County Soils Survey. In the event that the owner or subdivider is of the opinion that the soils types designated by the most current Hennepin County Soils Survey are inaccurate by type or location, he or she shall include information with respect to the inaccuracies in the submittal. The Zoning Administrator has the authority to accept or deny the results of the soil borings. Based on the information submitted and any other relevant

information, the Zoning Administrator shall calculate the final acreage amount of contiguous suitable soils for each lot.

**Subd. 3. Subdivision Design Features.** The following Subdivision Design Features shall be provided:

- (a) Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street heretofore used in the City or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event the same shall be used.
- (b) Locations and widths of proposed alleys, pedestrian ways and utility easements.
- (c) Proposed street and alley centerline profile grades showing approximately both existing and proposed centerline profile grade lines.
- (d) Proposed location and size of storm and sanitary sewer lines and water mains and proposed gradient of sewer lines.
- (e) Proposed storm and sanitary sewer point of discharge or connection to existing systems and water main connection or source of supply.
- (f) Layout, numbers and preliminary dimensions of lots and blocks.
- (g) Minimum front, side and rear building setback lines, indicating dimensions.
- (h) Areas, other than streets, alleys, pedestrian ways and utility easements intended to be dedicated or preserved for public use, including the size of such area or areas in acres.
- (i) A separate draft of all proposed restrictive covenants, if they are to be used, for the preliminary plat.

**Subd. 4. Other Information.** The following additional information shall be provided.

- (a) Provision for surface water disposal, drainage, and flood control.
- (b) If any zoning changes are contemplated, the proposed zoning plan for the areas.
- (c) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission shall require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be shown to relate well with existing or potential adjacent subdivisions.

- (d) Potential resubdivision and use of excessively deep or wide (over 200 feet) lots shall be indicated.
- (e) Such other information as may be requested by the Zoning Administrator or Planning Commission.

**Section 820.27. Data for Final Plat.** Each Final Plat shall contain the following information:

**Subd. 1. General.** The plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of Minnesota State Statutes and of this regulation.

**Subd. 2.** Survey shall meet the requirements of the Hennepin County Surveyor.

**Subd. 3.** The subdivider or owner shall provide a map showing location and size of existing sewers, water mains, culverts or other underground facilities within the preliminary plan area and to a distance of one hundred fifty (150) feet beyond. Such data as grades, invert elevations, and locations of catch basins, manholes, hydrants, and street pavement width and type, shall also be shown.

**Subd. 4.** The subdivider or owner shall provide a map showing all existing and proposed private restrictions.

**Subd. 5.** Title opinion by the City Attorney for the lands included within the subdivision and showing the names of the fee owner and other parties having an interest in the property. The date of continuation of the abstract examined or the date of the examination of the records shall be within thirty (30) days prior of the date the final plat is filed with the County Auditor. The person signing the final plat shall be the owners and encumbrances of record for the subdivision on the date the final plat is filed with the County Recorder.

**Subd. 6.** Execution by all owners of any interest in the land and any holders of a mortgage therein of the certificate required by Minnesota Statutes and which certificate shall include an accurate legal description of any area to be dedicated for public use and shall include a dedication to the City of sufficient easement to accommodate utility services in such forms as shall be approved by the City Attorney.

**Subd. 7.** Form for approval by signature of county officials concerned with the recording of the plat as follows:

Checked and approved as to compliance with Chapter 505, Minnesota Statutes.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_

\_\_\_\_\_  
(Name) Hennepin County Surveyor

No delinquent taxes and transfer entered this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20 \_\_\_\_

\_\_\_\_\_  
(Name) Hennepin County Auditor

Document Number \_\_\_\_\_. I hereby certify this instrument was filed in the office of the County Recorder for record on this \_\_\_ day of \_\_\_\_\_ A.D., 20\_\_ at \_\_\_ o'clock \_\_.M., and was duly recorded in Book \_\_\_\_\_ of \_\_\_\_\_ on page \_\_\_\_.

\_\_\_\_\_  
(Name) County Recorder, Hennepin County

**Section 820.28. Premature Subdivisions Prohibited.**

**Subd. 1.** Adequate Streets to Provide Access to the Subdivision Required. No subdivision shall be approved unless the area to be subdivided has adequate access as described below:

- (a) New streets constructed to provide access to the area to be subdivided shall be constructed consistent with the standards of Subd. 820.29 Subd. 2 and the engineering standards of the City.
- (b) If an existing street provides access to the area to be subdivided, such street shall, at a minimum, have a traveled surface of at least 20 feet in width and be otherwise of sufficient surface and stability to allow for adequate access of emergency vehicles, or shall be improved to meet such standards.
- (c) Additionally, all streets providing access to the area to be subdivided shall be suitably improved as required by the city, county, or state. Streets providing access to a subdivision resulting in a net increase of three or more lots shall, at a minimum, meet the design standards of Subd. 820.29 Subd 2. and the engineering standards of the City. In the event the street is not suitable to accommodate the proposed additional traffic from the subdivision because of factors of width, grade, stability, vertical or horizontal alignment, site distance, shoulders, base, right-of-way amount, surface condition, or other relevant factors, the subdivider shall be responsible for improving the street at its expense or otherwise funding the required improvements as may be required by the City.

**Subd. 2.** Adequate Water Supply Required. No subdivision shall be approved unless adequate sources of water supply are available to serve the proposed subdivision. In the event the subdivision is intended to be served by the municipal water supply system and the system is not extended to the area of the proposed subdivision or is not otherwise suitable to accommodate the proposed additional water use from the subdivision, the subdivider shall be responsible for extending the system at its expense or otherwise funding the required improvements as may be required by the City.

**Subd. 3.** Adequate Wastewater Disposal System Required. No subdivision shall be approved unless provisions are in place to dispose of wastewater from the proposed subdivision.

- (a) In the event the subdivision is intended to be served by the municipal sanitary sewer system and the system is not extended to the area of the proposed subdivision or is not otherwise suitable to accommodate the proposed additional wastewater from the subdivision, the subdivider shall be responsible for extending the system at its expense or otherwise funding the required improvements as may be required by the City.
- (b) In the event the subdivision is intended to be served by on-site sewage treatment, the

subdivider shall demonstrate that capacity exists for all lots in order to meet relevant codes of the City and other relevant jurisdictions related to sewage treatment.

**Subd. 4.** Consistency with the Comprehensive Plan Required. No subdivision shall be approved unless it is consistent with the Comprehensive Plan, including the Future Land Use Plan, the Urban Services Phasing Plan, and other relevant factors.

**Subd. 5.** No subdivision shall be approved unless the requirements of this section have been met to the satisfaction of the City. The City shall deem the subdivision to be premature if the subdivider does not agree to provide for the construction or funding of any improvements determined to be necessary by the City in order to meet these requirements. The construction or funding of the improvements shall meet any terms and conditions the City may require. The City Council shall deny any proposed subdivision deemed premature for development. The burden of proof shall be upon the subdivider to show that the proposed subdivision is not premature.

**Section 820.29. Subdivision Design Standards.** The following design standards shall be maintained.

**Subd. 1. General Requirements.** The Planning Commission, in its review of the preliminary plat, will take into consideration the requirements of the community and the best use of the land being subdivided. The subdivision shall conform to the comprehensive plan, zoning ordinance, and sewage disposal code. County, metropolitan, state, and special district plans shall also be considered.

- (a) The arrangement, character, extent, width, and location of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of stormwater, to public convenience and safety, and in relation to the proposed uses of the land to be served by such streets. Wherever possible, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. Where adjoining unsubdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.

**Subd. 2. Streets.** Streets shall conform to the following design:

- (a) Widths. Streets shall conform to the following minimum dimensions unless a narrower or wider dimension is determined to be appropriate by the City Council in order to accommodate the expected traffic, parking, pedestrian ways, and utilities:

<u>Street Type</u>	<u>Right-of-Way Width</u>	<u>Roadway Width</u>
Major Arterial	250 feet	---
Minor Arterial	150 feet	---



Collectors	70 feet	40 feet
Local	50-60 feet	24 feet
Local Rural Service Area	60 feet	24 feet
Private Townhome Streets	24-50 feet	20-28 feet
Marginal Access Roads	60 feet	24 feet
Cul-de-sac Streets	60 feet	24 feet
Cul-de-sac Turnaround Diameter	125 feet	50 feet
Commercial/Industrial Local	60 feet	28-36 feet

- (b) Street Intersections. Insofar as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of two streets be less than 80 degrees, with 90 degree intersections preferred. Intersections having more than four corners shall be prohibited. Adequate land for future intersection and interchange construction needs shall be dedicated.
- (c) Tangents. A tangent of at least three hundred (300) feet shall be introduced between reverse curves on arterial and collector streets.
- (d) Deflections. When connecting street lines deflect from each other at one point by more than ten (10) degrees they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than five hundred (500) feet for arterials, three hundred (300) feet for collectors, one hundred (100) feet for all other streets. The planning commission may allow greater or lesser sight distances at the recommendation of the engineer.
- (e) Street Jogs. Street jogs with centerline offsets of less than 150 feet shall be avoided for local streets.
- (f) Local Streets. Minor streets shall be laid out so that their use by through traffic is discouraged, where appropriate.
- (g) Cul-de-sac. The maximum length of a street terminating in a cul-de-sac shall be 750 feet, measured from the centerline of the street of origin to the end of the right-of-way, or a maximum of 20 lots, whichever is shorter. Lot lines abutting cul-de-sacs shall be radial.
- (h) Centerline Gradients. All centerline gradients shall be at least one percent and shall not exceed the following: arterials and collector streets - 5 percent, minor streets and marginal access streets - 8 percent.
- (i) Access to Arterial Streets. In the case where a proposed subdivision is adjacent to a limited access highway (arterial), there shall be no direct vehicular or pedestrian access from individual lots to such highways. As a general requirement, access arterials shall be at intervals of not less than 1/4 mile and through existing and

established crossroads where possible.

- (j) Subdividing Small Tracts. In the subdividing of small tracts of land fronting on arterial streets where there is no convenient access to existing entrances and where access from such subdivision would be closer than 1/4 mile from an existing access point, a temporary entrance permit may be granted. Provision shall be made in such subdivisions for the connection of roads to neighboring land. As the major land is subdivided and developed, the access becomes possible at a preferred location, such temporary entrance permits shall be discontinued.
- (k) Half Streets. Half streets shall be prohibited.
- (l) Hardship to Owners of Adjoining Property. The street arrangement shall not cause hardship to owners of adjoining property in subdividing their own land and providing convenient access to it.
- (m) Private Streets. Private Streets shall be located within an Outlot and shall be subject to a private road agreement in a form and of substance acceptable to the City. The Outlot shall be of the same width as the right-of-way which would be required if the Street were intended to be dedicated to the City. Private Streets shall be built to the standard required for Streets which are to be dedicated to the City.

**Subd. 3. Blocks.** The length, width and area of blocks shall be sufficient to provide for convenient access, circulation, control and safety of street design. Blocks may be longer than 1300 feet or shorter than 300 feet only if the City Council agrees that exceptions are warranted. Pedestrian ways may be required on blocks longer than 900 feet or in other areas to provide access to schools, parks and other destinations. Pedestrian ways shall be at least ten feet wide and shall be located so as to minimize intersections with streets.

**Subd. 4. Lots.**

- (a) Size and Dimension. Lot size and dimensions must be adequate to comply with the minimum standards specified in the zoning ordinances relating to minimum buildable lot area requirements and sufficient to accommodate sewage disposal requirements. All lots must contain buildable area at least equal to the minimum lot area requirements of the applicable zoning district excluding flood plains, wetlands, areas of excessive high water table, steep slopes, and areas within the lot that the City or other governmental entity has declared for right-of-way purposes. Rural service area lots must be adequate to comply with the minimum lot area requirements for contiguous soils as defined in this ordinance, and specifically in section 820.29 subd. 4(a) and subd. 5. Minimum lot area standards in rural residential areas include a requirement that the lot contains a primary and a secondary site for a standard on-site sewage disposal system.
- (b) Side Lot Lines. Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines.

- (c) Lots. Shall be graded so as to provide drainage away from building locations.
- (d) Natural Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, historic spots, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development.
- (e) Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.
- (f) Double Frontage Lots. Double frontage (lots with frontage on two parallel streets) or reverse frontage shall not be permitted except:
- (i) Where lots back on an arterial street in which case vehicular and pedestrian access between the lots and arterial street shall be prohibited. Such double-frontage lots shall have an additional depth of at least 20 feet in order to allow space for screen planting along the back lot line.
  - (ii) Where topographic or other conditions render subdividing otherwise unreasonable. Such double-frontage lots shall have an additional depth of at least 20 feet in order to allow space for screen planting along the back lot line.
- (g) Location. All lots shall have frontage upon a public or private right-of-way, except as follows:
- (i) Lots without frontage upon a public or private right-of-way may be permitted in the following rural zoning districts: agricultural preserve, rural residential, rural residential-urban reserve, rural residential-1, and rural residential-2.
  - (ii) Lots without frontage upon a public or private street shall only be permitted if provided access to a public or private street through an easement with a minimum width of 60 feet. The location, form and substance of the easement shall be acceptable to the City. Suitable soils within the area of the easement providing access to lots without frontage upon a public or private street shall be subtracted from the area of the lot on which they are located for the sake of meeting minimum lot size requirements.
  - (iii) The subdivider shall be required to demonstrate that adequate physical access can be provided within the proposed easement.
  - (iv) Notwithstanding the above, a lot which does not meet the requirements of this Subd. 4(g) shall be considered conforming with regards to these requirements if the lot was of record prior to June 13, 2013.
- (h) Flag Lots. The appendage of a flag lot which provides frontage on a public or private right-of-way shall be located appropriately, be of sufficient width, contain adequate upland area, and otherwise be adequate to accommodate a driveway

sufficient to provide access to the lot.

- (i) At a minimum, the appendage shall be a width equivalent to 25 feet plus the required setback for a driveway.
- (ii) Additional width may be required by the City depending on topography, sightlines, wetlands, soil conditions, and other relevant factors.
- (iii) Notwithstanding the above, a lot which does not meet the requirements of this Subd. 4(h) shall be considered conforming with regards to these requirements if the lot was of record prior to June 13, 2013.

**Subd. 5. Medina Suitable and Non-Suitable Soils List.** The following soils types and corresponding slopes shall be considered by the City in calculating the final acreage amount of continuous suitable soils for each lot.

Soils ACCEPTABLE for Septic Systems

Soil Type	Description	Slope
L23A	Cordova Loam	0-2%
L25A	Le Sueur Loam	1-3%
L26A	Shorewood Silty Clay Loam	0-3%
L35A	Lerdal Loam	1-3%
L44A	Nessel Loam	1-3%
L45A	Dundas-Cordova Complex	0-3%
L47A	Eden Prairie Sandy Loam	0-2%
L2B	Malardi-Hawick Complex	1-6%
L4B	Crowfork Loamy Sand	1-6%
L17B	Angus-Malardi Complex	2-6%
L19B	Moon Loamy Fine Sand	2-5%
L26B	Shorewood Silty Clay Loam	3-6%
L37B	Angus Loam Morainic	2-5%
L40B	Angus-Kilkenny Complex	2-6%
L47B	Eden Prairie Sandy Loam	2-6%
L60B	Angus-Moon Complex	2-5%
L71C	Metea Loamy Fine Sand	6-12%
L22C2	Lester Loam Morainic	6-12%
L41C2	Lester-Kilkenny Complex	6-12%
L61C2	Lester-Metea Complex	6-12%
L70C2	Lester-Malardi Complex	6-12%

**Section 820.31. Park Dedication and Open Spaces.**

**Subd. 1.** In every subdivision of land, a reasonable portion of the buildable land, not to exceed 10 percent, shall be dedicated by the owners to the City for parks, recreational facilities, playgrounds, trails or public open space. For purposes of this subdivision, 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. The land must be suitable for public use for one or more of the described 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 useable. In establishing the amount of land to be dedicated or the amount of the cash in lieu contribution, the city will give due consideration to the open space, recreational or common space and facilities open to the public that the developer proposes to reserve in the subdivision.

**Subd. 2.** 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 value of the land. Notwithstanding the above, the minimum cash contribution shall be \$3,500 per dwelling unit and the maximum shall be \$8,000 per dwelling unit. In the case of non-residential subdivisions, the contribution of cash in lieu shall be equal to eight percent of the value of the land. In the case of subdivisions allowing both residential and non-residential uses, the cash in lieu contribution shall be the total of the required residential and non-residential contributions. Cash in lieu contributions shall be calculated on the average value of the unsubdivided land for which park dedication fees have not already been paid based on fair market value no later than the time of final approval. If the land is being redeveloped, the cash in lieu contribution shall be based on fair market value of the land no later than the time of final approval.

**Subd. 3.** Any cash contribution so paid to the City shall be placed in a special fund. The money shall be used only for: a) the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands or open space based on the approved park systems plan; b) redevelopment or rehabilitation of existing facilities or sites; or c) debt service in connection with land previously acquired or improvements thereto previously constructed. No funds shall be used for ongoing operation or maintenance of existing parks or recreational facilities or sites.

**Subd. 4.** Previously subdivided property from which a park dedication or cash in lieu contribution has been received, upon resubdivision with the same number of lots, is exempt from park dedication requirements. If, as a result of the resubdivision of the property, the number of lots is increased, the park dedication or cash in lieu contribution shall be applied only to the net increase in the number of lots.

**Section 820.39. Easements.**

**Subd. 1.** All easements shall be dedicated by appropriate language on the plat as required by Section 505.02, Subdivision 2, M.S.A.

**Subd. 2. Provided for Utilities.** Easements at least twelve (12) feet wide shall be provided for utilities where necessary. They shall have continuity of alignment from block to block.

**Section 820.43. Land Abutting Railroad and Highway Right-of-Way.** Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

**Section 820.45. Street Naming.** Street names shall be subject to Planning Commission approval. Existing street names shall be used where the platted street is a logical extension of that particular street. Elsewhere street names should not duplicate nor resemble too closely names of existing streets. If possible, suggested names should not duplicate nor resemble too closely names of existing streets in the metropolitan area.

**Section 820.47. Rural Service Area Resubdivision Overlay Plat.** In certain rural service areas where the future expansion of urban services is programmed, the City may require the preparation of an overlay preliminary plat designed to reflect a resubdivision of the land with urban services, lot sizes and road circulation. The City may also require, at the time of final subdivision, approval that a covenant be recorded which requires the placement of future structures in accordance with approved preliminary plat design.

**Section 820.49. Improvements Required.** Prior to the approval of a final plat, the subdivider shall have agreed in the manner set forth below to install in conformity with construction plans approved by the City Engineer and in conformity with all applicable standards and ordinances, the following improvements on the site:

**Subd. 1. Monuments.** Monuments of a permanent character, as required by Section 505.02, M.S.A., shall be placed at each corner or angle on the outside boundary of the subdivision; and pipes or steel rods shall be placed at each corner of each lot.

**Subd. 2. Streets.** The full width of the right-of-way of each street and alley dedicated in the plat shall be graded. All streets and alleys shall have an adequate sub-base and shall be improved with an all-weather permanent surface in accordance with the design standards specified by the City.

**Subd. 3. Paving.** It is required that all streets be improved with bituminous surface according to City specifications.

**Subd. 4. Curb and Gutter.** Concrete curb and gutter is required in all urban service area subdivisions with rural section required in all rural service area subdivisions according to

City specifications.

**Subd. 5. Sidewalks.** Sidewalks may be required along both sides of all streets in areas extending from existing streets or in commercial areas.

**Subd. 6. Water Supply.** Where a municipal water supply is available within a reasonable distance, the subdivider may be required to provide a connection to the municipal system. The feasibility of this requirement shall be evaluated based on the cost of constructing the connection weighed against the cost of installing individual wells and the likelihood of an eventual municipal connection in the future.

- (a) Water mains shall be provided to serve the subdivision by extension of an existing community system wherever feasible. Service connections shall be stubbed into the property line and all necessary fire hydrants shall also be provided. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the standards of the City.
- (b) In areas being subdivided for rural service with large lots, as specified in the Zoning Ordinance, the location of individual wells shall be provided on each lot, property placed in relationship to the individual sewage disposal facilities on the same and adjoining lots. Well location plans must be submitted for the approval of the Zoning Administrator.

**Subd. 7. Sewage Disposal.** Within urban areas, sanitary sewer mains and service connections shall be installed to serve all the lots in the subdivision and shall be connected to the public sanitary sewer system. In rural areas being subdivided, location for two individual standard on-site sewage disposal facilities shall be provided for each lot. Each such system shall be properly located with reference to the wells on the same and adjoining lots, and the sewage disposal facilities on adjacent lots. Each system area shall comply with section 720 Individual Sewage Treatment Standards, be located within an area of suitable soils that complies with city ordinances, and be protected during construction.

**Subd. 8. Deleted (Ord. 401).**

**Subd. 9. Street Lighting.** Street lighting of a type approved by the City may be required at all intersections within the subdivision.

**Subd. 10. Street Signs.** Street signs of standard design approved by the City shall be installed at each street intersection.

**Subd. 11. Public Utilities.** All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

**Section 820.51. Payment for Installation of Improvements.** The required improvements are to be furnished and installed by the subdivider at the sole expense of the subdivider and at no expense to the public. However, in the case of an improvement the cost of which would be by city council

resolution paid in part from General Revenue, the subdivider will be assessed a fair share of the cost of the improvement and the remaining cost paid out of general revenue. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the City may make provision for causing a portion of the cost of the improvement representing the benefit to such lands to be assessed against the same; and in such case the subdivider will be required only to pay for such portions of the whole cost of said improvements as will represent the benefit to the property within the subdivision.

**Section 820.53. Required Agreement Providing for Proper Installment of Improvements.**

Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a development contract in writing with the City requiring the subdivider to furnish and construct said improvements at his sole cost in accordance with the plans and specifications which shall include provisions for observation of details of construction by the City Engineer. The agreement shall require the subdivider to furnish a performance bond or other financial guarantee approved by the City Attorney to guarantee performance of the development contract. The amount of the financial guarantee shall equal to 150% of the City's estimate of the total cost of the improvements to be furnished under the contract. The time for completion of work and the several parts thereof shall be determined by the City upon recommendation of the City Engineer after consultation with the subdivider and shall be reasonable in relation to the work to be done, the season of the year, and proper correlation with construction activity in the subdivision. The performance bond or financial guarantee shall be conditioned upon:

**Subd. 1.** The making and installing of the improvements required under the terms of the ordinance within the limit approved by the City Council.

**Subd. 2.** Completion of the work undertaken by the subdivider in accordance with the development contract.

**Subd. 3.** The payment by the owner or subdivider to the City of all expenses of the City for the approval of plans and specifications of the improvements required under the terms of this ordinance and the inspection of construction by the City Engineer.

**Section 820.55. Reimbursement to City for Fees Incurred.** The subdivider shall reimburse the City for all engineering, planning and legal consulting fees, together with inspection fees and other costs reasonably incurred by the City in processing the subdivision application.

**Section 820.57. Construction Plans.** Construction plans for the required improvements, conforming in all respects to the standards of the City and the applicable ordinances, shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota; and said plans shall contain his certification. Such plans, together with the quantity of construction items, shall be submitted to the City Engineer for his approval and for his estimate of total cost of the required improvements; upon approval they shall become a part of the contract. The tracings of the plans approved by the City, plus two prints, shall be furnished to the City to be filed.



**Section 820.59. Variances From this Ordinance**

**Subd. 1. Standards for Variances.** The planning commission may recommend and the city council may grant variances from the literal provisions of this ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. Any person requesting a variance may appear at planning commission and city council meetings where such application is considered and provide to the planning commission and the city council such maps, drawings, plans, records and other information necessary to make a determination on the application. It is the responsibility of the applicant to demonstrate that all of the following standards for variance have been met:

- (a) Because of the particular physical surroundings, shape or topographical conditions of the specific parcels of land involved, a particular hardship to the owner would result if the strict letter of this ordinance were carried out.
- (b) The conditions upon which the application for the variance is based are unique to the parcel of land for which the variance is sought and are not common to other properties within the City.
- (c) The hardship 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.
- (d) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located.

**Subd. 2.** In addition to the above requirements, a variance regarding an individual sewage disposal system may be granted only in compliance with the requirements of Medina's Individual Sewage Treatment and Disposal System ordinance.

**Subd. 3. Conditions and Restrictions.** The Planning Commission may recommend and the City Council may impose such conditions and restrictions in the granting of variances which will insure compliance with the provision of this Ordinance, will further and protect the spirit and intent of these Regulations and will provide protection to the public.

**Subd. 4. Application Required.** Application for any variance shall be made in writing by the subdivider at the time the Preliminary Plat is considered by the Planning Commission. Said application shall set forth all facts relied upon by the applicant in requesting the variance. Any variance granted shall be by resolution setting forth the reasons which justify the variance and entered on the Minutes of the City Council meeting.

**Section 820.61. Applicability.** Nothing herein shall be so construed as to direct or imply that these regulations apply only to residential subdivisions. All subdivisions, be they commercial, industrial, public land use, or otherwise, shall be a subdivision regardless of the proposed land use if falling within the definition of a subdivision as defined herein.

**Section 820.63. Easements.** The City Council shall determine the need and location of all easements for streets, utilities, drainage, flood plain protection, lakeshore access, recreational trails, and other public uses. This requirement shall apply to subdivisions, land divisions, large lot unplatted subdivisions, creation of three to five lots, simple lot splits, small platted subdivisions, and all subdivisions or divisions of real estate governed by these regulations. All easements so determined and located shall be dedicated or conveyed to the City without compensation to the owner, as a condition of the approval granted pursuant to this ordinance. However, all easements other than utility and drainage easements must be conveyed to and recorded by the County Recorder prior to plat approval. No plat shall be approved that may for any reason be detrimental to local, county or regional utility plans. Oversizing of utilities to provide future service for more intense development of the land or to provide future service to other areas may be required.

**Section 820.65. Division and Rearrangement.** For a division and rearrangement, certain requirements of these regulations may be waived if the City Council, following consideration by the Planning Commission, so determines. The process of subdividing may be filing a certificate of survey together with a City Council resolution of approval.

**Section 820.67. Simple Lot Split.** When one parcel or lot of record is divided to create two lots or parcels, the submission of topographic maps, soil tests and other data may be waived if approved by the City Council. The process of subdividing may be by filing.

**Section 820.69. Creation of 3 to 5 Lots.** When any parcel of land is divided in from three (3) to not more than five (5) lots, submission requirements such as soils tests and topography information shall be as required by the City Council. The process of subdivision may be by filing of a certificate of survey, together with a City Council resolution of approval. Additional information may, however, be required by the Planning Commission, or City Engineer following review of the preliminary plan.

**Section 820.71. Unplatted Subdivision.** The procedure for unplatted subdivisions is as follows:

- (a) **Administration.** The subdivider shall follow preliminary procedure set forth in Sections 820.19 through 820.21 of the subdivision regulations.
- (b) **Data for Unplatted Subdivision.** The subdivider shall submit the data required in Section 820.25, Subds. 1 and 2, with the exception of topographic data which shall be furnished upon request of the City Engineer.
- (c) **Subdivision Design Features.** The subdivider shall supply all information requested regarding layout and dimensions of lots; location and widths of all roadway easements; provision for surface water disposal, drainage, and flood control; and such other information as may be requested by the Zoning Administrator or Planning Commission.
- (d) **Streets.** All streets shall be private roadways subject to such public rights as may be required by the City.

- (e) Street Widths and Construction Specifications. Private roadway easements shall be 60 feet wide and roads shall conform to City construction specifications.
- (f) Lots. The lot dimensions shall be a minimum of 5 acres in size and conform to Section 820.29, Subd. 4 herein.
- (g) Drainage. The requirements of Section 828.29 shall apply.
- (h) Park Dedication. The requirements of Section 820.31 shall apply to unplatted subdivisions of 10 acres in size or smaller.

**Section 820.73 Building Permits**. No building permits will be issued for the construction of any building or structure on any lot in a subdivision as defined herein which has been approved for subdivision until all requirements of this Ordinance have been fully complied with. No building permit will be issued for parcels created through a statutory exception to the City subdivision requirement unless the applicant demonstrates, to the satisfaction of the City, that the property meets all minimum development standards of the City.

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#### **Amendment History of this Section**

*Amended November 5, 1985 (Ord. 225). Amended Subd. 6 of Subsection 820.23, replacing the previous language of that subdivision.*

*Amended March 5, 1991 (Ord. 251). Amended Subd. 4 of Subsection 820.29 regarding lot size.*

*Amended May 20, 1997 (Ord. 296). Sections 820.25, 820.29, 820.49 and 820.59 were amended regarding individual sewage treatment systems.*

*Amended May 20, 2003 (Ord. 355). Amended Subsection 820.31.*

*Amended September 20, 2005 (Ord. 393). Amended many subsections of Section 820 regarding soil requirements of subdivisions, the number of plat copies needed from subdividers, and the amount of time the governing bodies have to act on an application.*

*Amended March 6, 2006 (Ord. 400). Deleted subsection 820.35 regarding erosion and sediment control and subsection 820.37 regarding drainage. Amended subsection 820.71, clause g. referencing updated construction site runoff ordinance.*

*Amended March 21, 2006 (Ord. 401). Deleted entire subsection 820.41 regarding Steep Slopes. Deleted*

*Subd. 3 of subsection 820.39 regarding drainage easements. Deleted subd. 8 of subsection 820.49 regarding drainage improvements.*

***Amended April 24, 2006 (Ord. 403).*** Amended subd. 23(h), and subd. 19 of subsection 820.17, regarding lot width and flag lot definitions.

***Amended July 18, 2006 (Ord. 408).*** Amended subd. 2 of subsection 820.05, subd. 41 of subsection 820.17, subd. 2 of subsection 820.25, and subd. 5 of subsection 820.29, reclassifying the names of suitable soils and also referencing the “most current” Hennepin Soils Map.

***Amended August 2, 2006 (Ord. 409).*** Deleted subsection 820.33 regarding Tree Preservation (added new language to section 828.41)

***Amended October 3, 2006 (Ord. 414).*** Amended subs. 1, 2, 3, and 4 of subsection 820.31 relating to park dedication and open spaces.

***Amended February 3, 2010 (Ord. 475).*** Amended Section 820.31 regarding Park Dedication and Open Space.

***Amended July 19, 2011 (Ord. 508).*** Amended Section 820.29 regarding right-of-way width and roadway width.

***Amended December 18, 2012 (Ord. 543).*** Amended Sections 820.17, 820.21, 820.29, and 820.73. Added Section 820.28.

***Amended June 4, 2013 (Ord. 552).*** Amended 820.17, Subd. 19.1 Flag Lot definition, 820.29 Subd. 2(h) Streets, and 820.29, Subd. 4(g) & 4(h) Lots of Subdivision Design Standards.