

**CHAPTER V**  
**PLANNING AND LAND USE REGULATIONS**

Section 500 - Subdivision Regulations

500.01. Definitions. Subdivision 1. For purposes of this section the terms defined in this subsection have the meanings given them.

Subd. 2. "Alley" means a public right-of-way which affords a secondary means of access to abutting property.

Subd. 3. "Block" means an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

Subd. 4. "Boulevard" means that portion of any public or private right-of-way which has not been constructed or otherwise designated for traffic.

Subd. 5. "Butt lot" means a lot at the end of a block and located between two corner lots.

Subd. 6. "Comprehensive municipal plan" that compilation of material, statements, goals, standards and maps adopted by the commission and used by the commission in making recommendations for guiding the orderly development of the private and public sectors of the city.

Subd. 7. "Commission" means the zoning and planning commission.

Subd. 8. "Design standards" means the specifications given by the city to landowners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.

Subd. 9. "Easement" is a grant by a property owner for the use of a strip of land, for the purpose of constructing and maintaining, utilities, including but not limited to, wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

Subd. 10. "Grade, slope, or gradient" means the vertical rise or drop from any fixed horizontal line or point.

Subd. 11. "Improvements" means the construction or installation of public or private utilities including, but not limited to, potable water, sanitary sewer system, storm sewer, roads and other thoroughfares, sidewalk, curb and gutter, paving, barricades, trees and other plantings, lighting, fuel or energy and the transmission thereof, power, transportation systems or facilities connected therewith, communication systems which are necessary, desirable or convenient in the maintenance of the health, safety and the general welfare.

Subd. 12. "Lot" means a parcel of land delineated upon and thereafter described by reference to a plat, registered land survey or auditor's subdivision, or other similar recorded dedicatory document.

Subd. 13. "Lot" (flag) means lots or parcels with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels which normally required street frontage.

Subd. 14. "Lot (through)" a lot, not a corner lot, which has a pair of opposite lot lines which abut upon streets other than alleys.

Subd. 15. "Outlot" a parcel of land, included in a plat, which is smaller than the minimum size permitted for lots and which is thereby declared unbuildable until combined through platting with additional land; or a parcel of land which is included in a plat and which is at least double the minimum size and which is thereby subject to future platting prior to development; or a parcel of land which is included in a plat and which is designated for public or private open space, right-of-way, utilities or other similar purposes. An outlot is unbuildable and no permits to construct upon or improve an outlot may be issued.

Subd. 16. "Parks" and "playgrounds" means public lands and open spaces in the city dedicated for and usable for recreation purposes.

Subd. 17. "Pedestrian way" means a public or private right-of-way within a block to provide access for pedestrians and which may be used for utilities.

Subd. 18. "Preliminary plat" means the temporary map, drawing or chart indicating the proposed layout of the subdivision to be submitted hereunder in compliance with the city plan and these regulations including required supporting data.

Subd. 19. "Public improvement" means conditional public improvements including sidewalks, boulevards, trees and other plantings on public property not required as a condition for the approval of any subdivision.

Subd. 20. "Required public improvements" means those improvements in any proposed subdivision, including streets, concrete curb and gutter, water and sewer systems and storm water drainage systems, which are required in connection with the approval of any plat or other subdivision.

Subd. 21. "Right-of-way" an area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

Subd. 22. "Street" means any category of a public right-of-way the width of which conforms to the standards set forth in the "minimum subdivision design standards" set forth in this section and includes the following classes:

- a) "alley" means any street the width of which does not exceed 25 feet;
- b) "collector street" means a street which carries traffic from minor streets to thoroughfares: the term includes the principal entrance streets of a residential development and streets for circulation within such a development;
- c) "cul-de-sac" means a street with only one outlet and having a turn around;
- d) "minor street" means a street used primarily for access to the abutting properties;

- e) "service street, lane or road" means a street which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic;
- f) "street width" means the shortest distance between the lines delineating the right-of-way of a street;
- g) "thoroughfare" means a street primarily designed to carry large volumes of traffic: a thoroughfare has considerable continuity and is used primarily as a major traffic artery for travel between large areas.

Subd. 23. "Subdivider" means a person having sufficient proprietary interest in land in order to subdivide the same under this section.

Subd. 24. "Subdivision" means any arrangement, revision, rearrangement, or other division of land by platting, registered land survey or conveyance, on the part of any subdivider, into two or more separate parcels, each of which has an area as defined and regulated in Minnesota Statutes, sections 462.351 through 462.365.

500.03. Data for preliminary plat. Subdivision 1. Scale. The preliminary plat shall be clearly and legibly drawn at 1" equals 100' or at some other scale approved by the city engineer.

Subd. 2. Identification and description. The preliminary plat shall contain or have attached thereto, the following information:

- a) the proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the county;
- b) the legal description of property according to the records in the office of the register of deeds;
- c) the names and addresses of the owner, owner's agent, subdivider, surveyor and designer of the plat;
- d) graphic scale;
- e) north point; and
- f) date of preparation.

Subd. 3. Existing conditions. The preliminary plat shall contain or have attached thereto, the following information:

- a) boundary line survey of proposed subdivision clearly indicated;
- b) existing zoning classifications;
- c) total acreage;
- d) location, widths and names of existing or previously platted streets or other public ways, parks and other public lands, permanent buildings and structures, easements and section and corporate lines within the preliminary plat and to a distance 150 feet beyond the boundary line;
- e) location and size of existing sewers, water mains, culverts or other underground facilities, both public and private, within the preliminary plat area and to a distance of 150 feet beyond. Such data as grades, invert elevations, and locations of catch basins, manholes, and hydrants shall also be shown;

- f) boundary lines of adjoining unsubdivided or subdivided land, within 150 feet, identifying by name and ownership;
- g) topographic data, including contours at vertical intervals of not more than two feet, except where the horizontal contour interval is 100 feet or more, a one foot vertical interval shall be shown: water courses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown; and
- h) soil borings as may be required by the city engineer.

Subd. 4. Subdivision design features. The preliminary plat shall contain or have attached thereto, the following information:

- 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 streets, in which event the name shall be used;
- b) location and widths of proposed alleys, pedestrian ways and utility easements;
- c) typical cross-sections of proposed improvements upon streets and alleys, together with an indication as to the method of disposing of the proposed storm water runoff in accordance with all applicable rules and regulations;
- d) approximate center line gradients of proposed streets and alleys;
- e) location, size and approximate gradient of proposed sewer lines and water mains;
- f) layout, numbers and preliminary dimensions of lots and blocks, and building set-back lines;
- g) areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres;

Subd. 5. Tentative plan required. Whenever a portion of a tract is proposed for platting and it is intended or large enough for future enlargement of such platted portion from time to time, a tentative plan for the future subdivision of the entire tract shall be submitted to the commission.

Subd. 6. Flood prone areas. No plan will be approved for a subdivision which covers an area subject to periodic flooding, or which contains extremely poor drainage facilities and which would make adequate drainage of the streets and lots impossible, unless the subdivider agrees to make improvements which will, in the opinion of the city engineer, make the area completely safe for occupancy, and provide adequate street and lot drainage.

Subd. 7. Other information. The preliminary plat shall also contain or have attached thereto, the following information:

- a) a statement and/or expert analysis of the proposed use of lots, type of business or industry so as to reveal the effect of the development on traffic, fire hazards or congestion of population;
- b) a source of water supply;
- c) provisions for sewage disposal, drainage and flood control;
- d) notation made as to present or projected installation of sidewalks, boulevard improvements, and the location of street trees;
- e) location of proposed street lights, electric, gas, telephone and other utilities;
- f) if any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
- g) a statement regarding the proposed access to the lot and how it will affect the adjoining property.

500.05. Procedure for preliminary plat, filing and fee. Before subdividing any tract of land, a subdivider shall file with the clerk:

- a) an application in writing together with such filing fee as may be established by this code; and
- b) four copies of the preliminary plat and accompanying data as set forth in subsection 500.03.

500.07. Preliminary plat, zoning administrator duties. The preliminary plat shall be submitted to the zoning administrator who shall ascertain whether said plat complies with this section and all regulations issued thereunder. When the administrator finds such compliance, the administrator shall:

- a) refer two copies of the preliminary plat to the zoning and planning commission for its examination and report and one copy to the city engineer for his examination and report. Copies of the City Engineer's report shall be given to the zoning and planning commission at least 15 days prior to the hearing required by 500.07b); and
- b) set a public hearing for the next regular meeting of the zoning and planning commission on the preliminary plat, such hearing to be held within 45 days of filing with notice of hearing published in the official newspaper at least ten days prior to the date of the hearing.

500.09. Preliminary plat; commission duties. The commission shall conduct the hearing on the preliminary plat, make its report, findings and recommendations to the council within 50 days from the filing of a completed application for a preliminary plat unless the city notifies the applicant of an extension for an additional 60 days or the applicant agrees to a continuance. (Amended: Ord. 97-797)

500.11. Preliminary plat; council action. The City Council shall hear the preliminary plat proposal at their regular meeting following the Planning Commission recommendation. The Council shall act on the preliminary plat within 60 days after the applicant files a completed application unless the city notifies the applicant of an extension for an additional 60 days or the applicant agrees to a continuance. (Amended: Ord. 97-797)

500.13. Preliminary plat; approval or disapproval. Approval of the preliminary plat shall not constitute final acceptance of the subdivision. Disapproval by the council shall be accompanied by findings, a copy of which shall be made available to the subdivider.

500.15. Data for final plat; general. The final plat shall be prepared and certified by a qualified person who is registered as a land surveyor in the State of Minnesota and shall conform to all state and county requirements and the requirements of this section.

500.17. Final plat; information to be shown. The final plat shall contain all the information and requirements necessary for recording with the county recorder, including accurate dimensions previously submitted and approved in the preliminary plat, which information accurately delineates and defines the

subdivision included in the final plat.

500.19. Procedure for final plat. Subdivision 1. Filing. The owner or subdivider shall file six copies of the final plat not later than six months after the date of the approval of the preliminary plat by the council; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the council. The approval of a final plat of any part of the premises contained in the preliminary plat shall preserve such preliminary plat in full force and effect until further action by the commission and the council. The owner or subdivider shall also submit to the zoning administrator at the same time, an up-to-date certified abstract of title or registered property report and such other evidence as the city attorney may require, showing title or control in the applicant.

Subd. 2. Changes. The final plat will have incorporated all changes or modifications required by the city council; in all other respects it shall conform to the preliminary plat. It may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided that such portion conforms with all the requirements of these regulations.

Subd. 3. Fee. The filing shall be accompanied by the fee set by City Council Resolution.

Subd. 4. Special fee. If the subdivider requests that any existing special assessments which have been levied against the land described in the subdivision, be divided and allocated to the respective lots in the plat, the city assessor shall estimate the clerical cost of preparing the revised assessment roll, filing the same with the county auditor, and making such divisions and allocation, and upon approval by the city council of such estimated cost, the same shall be paid to the city treasury in addition to the fee provided as the filing fee.

Subd. 5. Referrals. On the same date that he places the final plat on file, the zoning administrator shall refer tow copies of the final plat to the zoning and planning commission, one copy to the city engineer, and a copy each to the telephone, gas, power, and other utility companies. The abstract of title or registered property report shall be referred to the city attorney for his examination and report. The attorney's report shall be given to the city council within 15 days. The procedure and timing for the reports of the commission and engineer and action by the council are the same as for the preliminary plat, except that no public hearing is required in processing the final plat.

Subd. 6. Final plat; recording. If the final plat is approved by the council the subdivider shall record it with the county recorder within 100 days after the date of approval; otherwise, the approval of the final plat is void. The subdivider shall immediately upon recording, furnish the clerk with a tracing and four prints thereof. Three copies of the certified plan showing the improvements as built or as they are to be built within the subdivisions shall also be submitted with the final plat.

500.21. Minimum design standards. Subsection 500.21 through 500.55 are the minimum design standards for subdivisions in the city.

500.23. Conform to city plan. The proposed subdivision shall conform to the city plan.

500.25. Minimum standards; street arrangement. The arrangement of all streets shall conform to the city plan and provide a continuation of existing and planned streets within and adjacent to the city, provide for a reasonable circulation of traffic and shall be appropriately located in relation to topography, run-off of storm water and to proposed uses of the land to be served. Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets shall make provision for the proper projection of streets into adjoining areas.

500.27. Minimum standards; street requirements. Subdivision 1. Dimensions. Street widths and pavement widths shall conform to the following minimum dimensions:

<u>Classification</u>	<u>Right-of-Way</u>	<u>Roadway</u>
Major Thoroughfare and Arterials	As shown on city plan	
Collector Streets	74 feet	48-52 feet
Minor Streets	66 feet	36 feet
Marginal Access Streets	60 feet	32 feet
Cul-de-Sac	50 foot radius	40 foot radius

Subd. 2. Deflections. When connecting street lines deflect from each other at any one point by ten degrees or less, they shall be connected by a curve with a radius of not less than 100 feet.

Subd. 3. Grades. All centerline gradients shall be at least 0.3 percent and shall not exceed the following:

<u>Classification</u>	<u>Gradient (in percent)</u>
Major Thoroughfares, Major Streets, Collector Streets	4
Minor Streets, Service Streets	6

Subd. 4. Vertical curves. Different connecting street gradients shall be connected by vertical curves. Minimum length, in feet, of these curves shall be 20 times the algebraic difference in the percent of grade of the two adjacent slopes.

Subd. 5. Street Jogs. Street jogs shall have a centerline off-set of 150 feet or more when applied to minor streets or service streets; in all other cases they shall be avoided.

Subd. 6. Cul-de-Sacs. Maximum length cul-de-sac streets shall be 500 feet measured along the center line from the intersection of origin to end of right-of-way.

Subd. 7. Service Streets. Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, the city council may require a street approximately parallel to and on each side of such right-of-way for adequate protection of properties and to afford separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way 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.

Subd. 8. Half Streets. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this section or where the council finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever there is a half street adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract prior to the granting of access.

Subd. 9. Reserve strips. Reserve strips controlling access to rights-of-way are prohibited.

Subd. 10. Private rights-of-way. Private rights-of-way shall not be approved nor shall public improvements be installed in any private right-of-way.

500.29. Minimum standards; alleys. Subdivision 1. Locational requirements. A public alley may be required in any block where commercially or multiple family zoned property abuts only on one major thoroughfare or a major street. Alleys in residential areas other than those zoned for multiple family use shall be optional.

Subd. 2. Widths. All alley rights-of-way widths shall be 20 feet.

Subd. 3. Grades. All centerline gradients shall be at least 0.5 percent and shall not exceed six percent.

500.31. Minimum standards; intersections. Subdivision 1. Angle. The angle formed by the intersection of streets shall not be less than 60 degrees, with 90 degree intersections preferred.

Subd. 2. Corners. Intersections of more than four corners shall not be approved.

Subd. 3. Rounding. Roadways of street intersections shall be rounded by a radius of not less than 15 feet. Roadways of alley-street intersections shall be rounded by a radius of not less than six feet. Corners at the entrances to the turn-around portions of cul-de-sacs shall be rounded by a radius of not less than 15 feet.

500.33. Minimum standards; curb and gutter. Curb and gutter shall be included as a part of the required street surface improvement and shall thus be designed for the installation along both sides of all roadways in accordance with the standards of the city.

500.35. Minimum standards; boulevard sodding. Boulevard sodding shall be included as a part of the required street improvements.

500.37. Minimum standards; sidewalks. Subdivision 1. Width. Sidewalks required to be included as part of the required street improvement and widths shall conform to the following minimum standards. All sidewalks and curb openings shall conform to all applicable state and federal standards.

Classification	Width
Single family zone	6 feet
Multiple family zone and public building sites	6 feet
Commercial zone	10 feet
Industrial zone	6 feet

Subd. 2. Grades. Sidewalks shall slope one-fourth inch per foot downward away from the property line and the profile grade shall not exceed six percent.

500.39. Minimum standards; pedestrian ways. In blocks of over 900 feet in length, pedestrian crosswalks through the blocks, and at least ten feet wide, may be required by the city council in locations deemed necessary to public health, convenience and welfare. Pedestrian ways shall be suitably surfaced as determined by the City Engineer.

500.41. Minimum standards; water supply. Extensions of the public water supply system shall be designed so as to provide public water service to each lot. The design of said extensions shall be in accordance with the standards of the city. Private water systems and community well systems shall be constructed and maintained according to state laws and this code. the design and installation of any private water system shall be subject to approval of the council.

500.43. Minimum standards; sewage disposal. Extensions of the public sanitary sewer system shall be designed so as to provide sewer service to each lot. The design of said extensions shall be in accordance with the standards of the city and all applicable state codes. Private or group sewage systems shall be in accordance with state laws and this code and subject to approval by the council.

500.45. Minimum standards; drainage. A complete and adequate design drainage system will be required for the subdivision and which system or systems shall be designed in conformity with all applicable standards of the city and subject to the approval of the City Engineer and other appropriate governing agencies.

500.47. Minimum standards; easements. Subdivision 1. Provided for utilities. Easements at least 12 feet wide, centered on rear and other lot lines, shall be provided for utilities where necessary and shall be dedicated to the city by appropriate language in the owner's certificate. They shall have continuity of alignment from block to block, and at deflection point easements for pole-line anchors shall be provided where necessary. Easements shall be provided along property lines from utility easements on rear lot lines to rights-of-way so as to provide for a street light interval not to exceed 500 feet or as may be required.

Subd. 2. Provided for drainage. Easements shall be provided along each side of the center line of any water course or drainage channel whether or not shown in the city plan, to a width sufficient to provide proper maintenance and protection and to provide for storm water run-off and installation and maintenance of storm sewers, and they shall be dedicated to the city by appropriate language in the owner's certificate.

500.49. Minimum standards; street trees. Street trees when planted shall not be less than 60 feet apart with a minimum of one per lot. The minimum size and type to be planted shall conform to the provisions of this code.

500.51. Minimum standards; street names. Names of new 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 same name of the existing or platted street so in alignment.

500.53. Minimum standards; blocks. Subdivision 1. Length. Block lengths shall not exceed 1800 feet nor be less than 400 feet in length. In non-residential areas, block length and width shall be platted as may be determined to be the most suitable for the kind of occupancy intended.

Subd. 2. Arrangement. A block shall be so designed as to provide two tiers of lots, unless it adjoins a railroad, major thoroughfare, limited access highway, river or park where it may have a single tier of lots.

500.55. Minimum standards; lots. Subdivision 1. Location. All lots shall have frontage on a publicly dedicated street or a street that has received legal status as such.

Subd. 2. Size. The lot dimensions in subdivisions designed shall not be less than the minimum dimensions required to secure the minimum lot area specified in the zoning code. For the purposes of complying with the lot size requirements of the City's subdivision and zoning regulations, no portion of any wetlands in excess of 50% of the total area of a lot will be taken into account.

Subd. 3. Butt lots. Butt lots shall be platted at least five feet wider than the average width of interior lots in the block.

Subd. 4. Corner lots. Corner lots shall be platted in width to compensate for the increased side yard required over an interior lot for the district in which the land is located.

Subd. 5. Side lot lines. Side lines of lots shall be substantially at right angles to the street line.

Subd. 6. Water courses. Lots abutting upon a water course, drainage way, channel or stream shall have an additional depth or width, as required, to assure house sites that are not subject to flooding.

Subd. 7. Natural features. In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions, which if preserved will add attractiveness and stability to the proposed development.

Subd. 8. Lot remnants. All remnants of lots below minimum size after subdividing any tract must be added to adjacent lots, or a plan shown on the plat restricting the purpose and use thereof.

Subd. 9. Lot shape. Lots shall be substantially square, rectangle or triangular. Lots shall have a minimum of 3 sides and a maximum of 6 sides to allow for utilities and drainage easements. The shape of the lots shall generally conform to the lot shapes in the area.

Subd. 10. Flag lots. Flag lots are not permitted in any subdivisions.

500.57. Improvements; installations. Subdivision 1. General rule. Whenever a subdivision is intended for residential use, the subdivider shall at the subdivider's expense do or perform one or more of the actions specified in this subsection with relation to the preliminary plat.

Subd. 2. Plans and specifications. The subdivider shall submit detailed plans, data specifications and other information indicating the intended method of installation of all required public improvements, which shall first be approved by the engineer.

Subd. 3. Public improvements. In any such proposed subdivision which is intended or zoned for any residential use, the subdivider will at the subdivider's expense, under the supervisions and subject to the approval of the engineer, cause the extension, construction and installation of all required public improvements to every parcel resulting from such subdivision intended for present development. The subdivider may petition the council for such installation under the appropriate Minnesota Statutes or under the city charter and cause the land benefited thereby to be specially assessed therefor. In both cases the council will require such subdivider or developer to deposit with the city clerk, either a cash amount or a surety bond approved by the city attorney equal to at least 150% of the total cost of such required public utility improvements including all engineering, legal and other fees and expenses in connection therewith to guarantee the full payment of the installation of such improvements in such subdivision. The amount of cash or of the surety bond required hereunder shall be fixed by an estimate made by the city engineer in the same manner as the method provided by statute in such cases in the engineer's preliminary report necessary for the installation of such utilities by the city, pursuant to the statutes in such cases. The cash amount or surety bond will not be released until one (1) year after final acceptance as a means to provide a guaranteed one year maintenance period.

Subd. 4. Installation by subdivider. In all proposed subdivisions other than those intended for residential use, the subdivider may be permitted at the subdivider's expense to install, or cause to be installed, any or all such required public improvements in any part, or all of his subdivision, provided that such construction shall conform in all respects with the city standards, including applicable statutes and requirements of this code, and such plans are prepared at the expense of the subdivider by a competent engineer and thereafter submitted to and approved by the City Engineer. Thereafter prior to the issuance of any building permit upon any part, or parts, of such subdivision the subdivider or the developer shall deposit with the clerk either cash or a surety bond approved by the city attorney in the amount to be determined by the engineer by the same method as set forth in subdivision 2, such deposit to guarantee the payment of the entire cost of such proposed installation designed to serve that part of such subdivision covered by the application for such building permit, pursuant to the plans on file therefor. One (1) year after the completion of such installation of all such required public improvements, pursuant to such approved plan, such deposit or bond shall be returned or canceled by the city in accordance with subdivision 2 upon proof furnished by such subdivider or developer that the entire cost of such installation and construction as required by the city has been paid in full, and that such installation and construction was completed pursuant to plan and approved by the engineer.

500.59. Conflict with comprehensive municipal plan. Whenever a plan for any subdivision conflicts with an established comprehensive municipal plan which contemplates future acquisition of any part thereof by the city for public purposes, the city may do or require the following:

- a) the city may at once acquire such premises;
- b) the city may waive the present acquisition thereof and approve the plan submitted for subdivision; or
- c) if the city does not elect to acquire such premises within 90 days, such acquisition and conflict shall be deemed waived by the city.

500.61 Waiver of Plat. Subdivision 1. In certain circumstances a waiver of plat maybe more appropriate than a subdivision to divide a property. An applicant may apply for a waiver of plat if the following circumstances exist:

- a) the division requested is a substantially single line
- b) that the division will not create more than one additional lot
- c) that the division will not require the dedication of a public right of way or extension of utilities in a public right of way.

(Amended: Ord. 97-797)

Subd. 2. Application. All applications for a wavier of plat must include a survey of the property to be divided and the new legal descriptions of the property after the division. This survey will also include locating all existing utilities on the property. The owner of the property must grant easements for the utilities if needed. (Amended ord. 2006-977)

Subd. 3. Action by the Commission. Application for a waiver of plat shall be referred by the planing department to the Zoning and Planning Commission which shall hear the applicant, or representative thereof, at its next regular meeting, provided all necessary data has been submitted. The Commission shall recommend such conditions relating to the granting of the waiver as its deems necessary to so as to carry out the intent and purpose of this code and the standards in Subd. 1, or shall recommend denial of the request. The Commission's recommendation shall be forwarded to the City Council.

Subd. 4. Filing. Applications for a waiver of plat shall be filed with the zoning administrator with such filing fee as may be from time to time established by resolution of the council.

500.75 Park Dedication. Subdivision 1. In every plat, replat or subdivision of land allowing development or redevelopment for residential, commercial, industrial or other uses or combination thereof, or where a waiver of platting is granted (but excluding simple lot line adjustments which do not create additional lots), a reasonable portion of such land be set aside and dedicated by the owner or owners to the general public as open space for parks, playgrounds, trails, wetlands or open space and it is hereby is hereby declared that, as a general rule, it is reasonable to require dedication of land equal in area to that percentage of the land set forth in Subdivision 2. The park dedication requirements of this Section 500.75 shall apply to all plats, replats and subdivision of land, including waivers of platting (except simple lot line adjustment), and including plats, replats, subdivision and waivers of platting which combine previously subdivided or platted parcels of land into larger or fewer parcels of land. Said land shall be suitable for public use for one of the aforescribed purposes and the City shall not be required to accept land which will not be usable for parks and playgrounds or which would require extensive expenditure on the part of the public to make them usable. This dedication shall be in addition to the property dedicated for streets, alleys or other public ways. (Amended by Ord 2000-841)

Subd. 2 Dedication Formula:

## (A) Residential

Proposed Density (housing units/acre)	Percentage of land to be dedicated
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0-5.....	10%
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6-10.....	11%
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11-15.....	12%
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16 plus.....	13%
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(B) Commercial, Industrial and Other Subdivisions....	5%
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## (C) Cash in Lieu of Land Dedication- Residential

Cash in lieu of land dedication for Residential Subdivisions shall be in an amount set by City Council Resolution as per Section 1010.23 of the Hopkins City Code. (Added Ord. 2006-971)

## (D) Cash in Lieu of Land Dedication- Commercial, Industrial, and Other

Cash in lieu of land dedication for Commercial, Industrial, and Other Subdivisions shall be in an amount determined by the estimated fair market value of the property to be dedicated to the city (5%) as calculated by the County Assessor, as of the date of the approval of the final plat, replat, subdivision or waiver of plating. The estimate of fair market value shall include value added to the property by utilities, streets, and other public improvements serving the land, but shall exclude value added by other improvements to the land. (Added Ord. 2006-971)

Subd. 3. In establishing a reasonable portion to be dedicated, the City may give credit, for open space, park, recreational or common areas and facilities reserved for the subdivision.

Subd. 4. Land dedicated under this provision shall reasonably conform to the City's Comprehensive Plan. The Planning Commission and Park Board shall review proposed dedication of land or proposed payment of cash in lieu of land and shall recommend to the City Council appropriate action.

Subd. 5. Prior to the dedication of the required property, the subdivider shall provide the City with an acceptable title opinion or title insurance policy addressed to the City which insure the title and the City's proposed interest in the property. In any dedication of required land, the subdivider shall record all deeds for conveyance of the property to the City at the same time as the final plat or other appropriate division documents.

Subd. 6. The City shall have the option to require cash contributions in lieu of accepting dedication of land or the City may require a combination of land dedication and cash payment.

Subd. 7. Park Dedication contributions will be established in Chapter 10 of the Hopkins City Code and set from time to time by resolution of the City Council. (Amended by Ord 2003-899)

Subd. 8. The requirements of this Section shall apply at the time of the final approval of the plat, replat, subdivision or waiver of platting and shall apply to any plat, replat, subdivision or waiver of platting receiving final approval after the effective date of the ordinance.

Subd. 9. Any cash contribution received pursuant to Subdivision 7 of this Section shall be placed in a separate City fund and used only for park, playground, trail, open space, urban forestry purposes, or for public recreational or cultural facilities as defined and outlined on Minn Statute Section 471.191. (Amended by Ord 2000-841)

Subd. 10. Gifts of real or personal property dedicated for park, playground, trail, open space or urban forestry purposes, that are accepted in accordance with Minnesota Statute 465.03 be placed in the same fund established in Subdivision 9 of this section.

Subd. 11. The City Council, at its discretion, may waive or reduce the requirement of this section when the subdivision includes a City assisted development or redevelopment area or achieves some other public purpose and the requirements would create a financial hardship for the project.

(Section 500.75 was added by Ord. No. 91-694)

(Section 500 was amended by Ord. No. 94-742)