

CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA

ORDINANCE 617

AMENDING SHOREWOOD CITY CODE TITLE 900 PUBLIC RIGHT-OF-WAY AND PROPERTY AND
TITLE 1200 ZONING AND SUBDIVISION REGULATIONS

Section 1. City Code Chapter 1202 SUBDIVISION REGULATIONS is hereby repealed in its entirety and replaced as shown on Exhibit A.

Section 2. City Code 903.15 MANDATORY HOOK UP, COMMERCIAL AND MULTIPLE FAMILY RESIDENTIAL USESRS AND CERTAIN RESIDENTIAL DEVELOPMENTS is hereby amended as follows. Text proposed to be added is underlined; text proposed to be removed is ~~stricken~~.

903.15 MANDATORY HOOK UP

The owner of an existing property used for commercial purposes or for multiple-family residential purposes, involving four or more units, situated within the city and abutting on any street, alley or right-of-way in which there is located a municipal water truck or lateral facility, is hereby required at its expense to connect to the facility in accordance with the provisions of this chapter within 90 days after the date of official written notice by the City Council to so connect. All subdivision applications received after the effective date of this ordinance shall be required to connect to the municipal water system, at the applicant's expense, pursuant to the requirements of City Code 1202.47 Utilities. If municipal water is not available to a proposed subdivision, it shall be deemed premature for development and the proposed subdivision shall be denied by the City Council pursuant to the requirements of City Code 1202.20 Premature Subdivision Prohibited.

Section 3. City Code 1201.03 GENERAL PROVISIONS is hereby amended as follows. Text proposed to be added is underlined; text proposed to be removed is ~~stricken~~.

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Subd. 16. (Reserved for future use).

Section 4: References. The City Clerk is authorized to correct any numeric references to the requirements of this ordinance located elsewhere in the City Code that may have been altered as a result of the amendments.

Section 5: Effective Date. This Ordinance 617 shall take effect upon publication in the City's official newspaper.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA this 14th day of July, 2025.

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JENNIFER LABADIE, MAYOR

ATTEST:



SANDIE THONE, CITY CLERK

EXHIBIT A

Chapter 1202 Subdivision Regulation

1202.00 Introductory Provisions

1202.01 Title

Subd. 1 This chapter shall be known as "City of Shorewood Subdivision Ordinance," except as referred to herein, where it shall be known as "this chapter."

1202.02 Purpose and Scope

Subd. 1 It is the purpose of this chapter to safeguard the best interests of the city and to assist property owners and subdividers of land in harmonizing their interests with those of the city and its residents.

Subd. 2 It is the purpose of this chapter to make certain regulations and requirements for the subdivision of land within the city, pursuant to the authority contained in Minnesota State Statutes, which regulations the City Council deems necessary for the health, safety and general welfare of this community.

Subd. 3 This chapter is intended to promote good planning practice and to ensure orderly growth and development and shall supplement and implement the provisions of the Shorewood Comprehensive Plan, the Shorewood Zoning Regulations, and City Code.

Subd. 4 In order that new subdivisions will contribute toward an orderly, stable community environment, adequate municipal services, and efficient movement of traffic, all land subdivisions hereafter within the city shall in all respects fully comply or exceed the regulations set forth in this chapter.

1202.03 Authority and Effective Date

Authority. This chapter is enacted pursuant to the authority granted by M.S. § 462.358. This chapter shall become effective upon publication of its text, or a summary ordinance, in the City's official newspaper.

Comprehensive revision. The City Council intends this chapter to be a comprehensive revision to the Shorewood Subdivision Ordinance, as amended. Except as otherwise provided herein, the provisions of this chapter are not intended to alter, diminish, increase or otherwise modify any rights or liabilities existing on its effective date. Any act done, offense committed or rights accruing or accrued or liability or penalty incurred or imposed prior to the effective date of this chapter is not affected by its enactment.

Whenever other applicable city, state or federal laws or rules referenced in this chapter have been amended or superseded, this chapter shall also be considered amended accordingly.

1202.04 Administration

Subd. 1 This chapter shall be administered by the Zoning Administrator who is appointed by the City Council. The Zoning Administrator may delegate specific responsibility to any individual city employee, but shall remain responsible for all decisions made by those employees.

Subd. 2 Approvals necessary for acceptance of subdivision plats. Before any subdivision shall be recorded or be of legal effect, it shall be approved by the city as having fulfilled the requirements of this chapter.

Subd. 3 Conditions for recording. No plat of any subdivision shall be entitled to be recorded in the Hennepin County Recorder's Office or have any validity until the plat thereof has been prepared, approved and acknowledged in the manner prescribed by this chapter and all conditions of approval satisfied.

Subd. 4 Permits. No building permits shall be granted by the city for the construction of any building, structure or improvement to the land or to any lot in a subdivision as defined herein, until all requirements of this chapter have been fully complied with and the subdivision recorded.

Subd. 5 Exceptions. Except in the case of resubdivision, this chapter shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Hennepin County Register of Deeds for Registrar of Titles prior to the effective date of this chapter.

1202.05 Applicability

Subd. 1 The requirements of this chapter shall apply to all subdivision applications and procedures subject to development review under this Code unless otherwise stated.

Subd. 2 Subdivisions which meet the following circumstances are exempt from the regulations of this chapter:

- a. Where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for agricultural or residential uses;
- b. Where all the resulting parcels, tracts, lots, or interests will be five acres or larger in size for commercial and industrial uses;
- c. Creating cemetery lots; or
- d. Subdivisions resulting from court orders or the adjustment of a lot line by the relocation of a common boundary.

Subd. 3 Building Permits.

- a. Outlots are deemed unbuildable, and no building permit shall be issued for such properties, except in the case of public park facilities and essential services.

1202.06 Interpretation

Subd. 1 Conflicting Regulations or Provisions.

- a. In the interpretation of this chapter, its provisions shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.
- b. In the event of a conflict or inconsistency between the provisions contained in this chapter and the state statutes or rules, state statutes and rules shall govern, unless such state statutes or rules provide otherwise.
- c. Where the conditions imposed by any provision of this chapter are either more or less restrictive than comparable conditions imposed by any other ordinance, rule or regulation of the city, the ordinance, rule or regulation that imposes the more restrictive condition, standard or requirement shall prevail. The Zoning Administrator shall determine which is more restrictive, and appeals from the determination may be made in the manner provided herein.
- d. This chapter is not intended to abrogate, annul, impair or interfere with any existing easement, covenant or any other private agreement. However, where the regulations of this chapter are more restrictive or impose higher standards or requirements on such

easements, covenants or other private agreements, the requirements of this chapter shall govern.

Subd. 2 Relationship to Comprehensive Plan.

- a. The City Council recognizes the Comprehensive Plan as the Policy Guide responsible for regulation of land use and development in accordance with the policies and purpose herein set forth.
- b. It is the policy of the city that the enforcement, amendment and administration of this chapter be accomplished with due consideration of the direction contained in the Shorewood Comprehensive Plan as developed and amended from time to time by the City Council.

Subd. 3 Use of Cross-References. In some instances, cross-references between chapters, sections and subsections are provided that include the chapter, section or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.

Subd. 4 Rules. The language set forth in the text of this chapter shall be interpreted in accordance with the following rules of construction:

- a. The singular number shall include the plural and the plural the singular.
- b. The present tense includes the past and future tenses and the future the present.
- c. The word SHALL is mandatory while the word MAY is permissive.
- d. Whenever a word or term defined hereinafter appears in the text of this chapter, its meaning shall be construed as set forth in the definition thereof.
- e. All measured distances expressed in feet shall be to the nearest tenth of a foot.

Subd. 5 Separability. It is declared to be the intention of the city that the several provisions of this chapter are separable in accordance with the following:

- a. Other parts of this chapter. If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, the judgment shall not affect any other provisions of this chapter not specifically included in the judgment.
- b. Application to other party or property. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular property, building or structure, the judgment shall not affect the application of the provision to any other property, building or structure not specifically included in the judgment.

1202.10 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

APPLICANT. The owner of land proposed to be subdivided or the owner's representative. Consent shall be required from the legal owner of the premises.

BLOCK. An area of land within a subdivision containing one or more lots that is entirely bounded by streets, or by streets and the entire boundary or boundaries of the subdivision, or a combination of the above with a river, lake or other physical barrier.

BOULEVARD. The portion of the street right-of-way not occupied by pavement or other traveled surface.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

COMPREHENSIVE PLAN. The long range goals, objectives, policies, concepts and plans of the city as stated in a group of maps, charts and text.

DESIGN STANDARDS. The specifications to land owners or applicants for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of the items as rights-of-way, blocks, easements and lots.

DEVELOPMENT AGREEMENT. A written contract between the city and applicant in conjunction with the approval by the city of a subdivision.

EASEMENT. A grant by a property owner for the use of land for the purpose of constructing and maintaining drives and utilities, including, but not limited to wetlands, ponding areas, sanitary sewers, watermains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

FINAL PLAT. A drawing, suitable for recording, showing the layout of a subdivision that has received preliminary plat approval pursuant to City Code § 1202.35 and M.S. Chapter 505.

IMPERVIOUS SURFACE. A constructed hard surface that prevents or hinders entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops, decks, sidewalks, patios, swimming pools, parking lots, concrete, asphalt, gravel driveways, permeable pavers, artificial turf, and other similar surfaces. The following shall not be considered impervious surfaces: cantilevers no greater than two feet from the side of the structure and at least four feet above the adjacent grade; and, overhangs no greater than two feet from the side of the structure.

LOT. A parcel of land in a subdivision or plat of land, separated from other parcels or portions by descriptions or by metes and bounds, for the purpose of sales or lease or separate use thereof.

LOT, BASE. A lot meeting all the lot specifications in the zoning district in which it is located prior to being subdivided into a two-family or townhouse subdivision.

LOT, CORNER. A lot situated at the intersection of two streets, or a lot at the point of deflection of a single street, the interior angle of which 135 degrees or less.

LOT, UNIT. A lot created from the subdivision of a two-family dwelling or townhouse, having different minimum lot size requirements than the conventional base lots within the zoning district in which it is located.

LOT IMPROVEMENT. Any building, structure, place, work of art or other object which constitutes a physical betterment of the real property on which it is situated or any part of the betterment.

LOT WIDTH. The shortest horizontal distance between the side lot lines measured at right angles to the lot depth measured at the required minimum building setback line as set forth in the Shorewood Zoning Code.

ORDINARY HIGH WATER LEVEL (OHWL). The boundary of public waters and wetlands that is described as an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses the ORDINARY HIGH WATER LEVEL is the elevation of the top of the bank or channel.

OUTLOT. A lot remnant or parcel of land left over after platting, which is intended as open space or other use, or which is reserved for future development and for which no building permit shall be issued.

OWNER. Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided or commercially used to commence and maintain proceedings under this chapter.

PARKS AND PLAYGROUNDS. Public land and open spaces in the city dedicated or reserved for recreation purposes.

PEDESTRIAN WAY. A public right-of-way or private easement that provides access for pedestrians and which may be used for the installation of utility lines.

PERCENTAGE OF GRADE. The ratio of the distance vertically from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.

PRELIMINARY PLAT. A drawing or set of drawings describing the existing physical characteristics of a parcel of land and illustrating a proposed layout for subdividing the land into lots, blocks, streets and easements for purposes of obtaining preliminary approval of a subdivision, pursuant to City Code § 1202.35 and M.S. § 462.358 and Chapter 505.

PROTECTIVE COVENANTS. Contracts made between private parties relating to the manner in which land may be used in order to protect and preserve the physical and economic integrity of any given area.

PUBLIC IMPROVEMENT. Any drainage facilities, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, utility or other facility for which the city may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

REGISTERED LAND SURVEYOR. A surveyor whom is registered and licensed in accordance to M.S. § 326.02, Subd. 4.

REGISTERED PROFESSIONAL ENGINEER. A REGISTERED PROFESSIONAL ENGINEER licensed in accordance to M.S. § 326.02, Subd. 3.

RIGHT-OF-WAY, PUBLIC. Any property established for the use of the public for street or highway purposes by any federal, state, county or local government by dedication, easement, gift or statutory user, whether developed or undeveloped, paved or unpaved.

SETBACK. The minimum horizontal distance between building and street, lot line or ordinary high water level. Distances are to be measured at ground level from the most outwardly extended portion of the structure. In the case of a private street or street acquired by statutory user as defined by Minnesota Statutes, the setback shall be measured from a line 15 feet from the edge of the traveled surface.

STREET. A public right-of-way or private way serving three or more properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, lane, place or however otherwise designated, which is used or can be used for travel.

STREETS, ARTERIAL. Those streets, as identified in the Shorewood Comprehensive Plan, carrying larger volumes of traffic and serving as links between various subareas of the community. Arterial streets are intended to provide for collection and distribution of traffic between highways and collector streets; hence regulations of direct access to property is critical.

STREETS, COLLECTOR. Those streets, as identified in the Shorewood Comprehensive Plan, that carry traffic from local streets to the major system of arterials and highways. COLLECTOR STREETS primarily provide principal access to residential neighborhoods, including, to a lesser degree direct land access.

STREETS, LOCAL. Those streets, as identified in the Shorewood Comprehensive Plan, that are used primarily for access to abutting properties and for local traffic movement.

STREETS, MARGINAL ACCESS. Those local streets that are parallel and adjacent to thoroughfares and highways and that provide access to abutting properties and protection from through traffic.

STREETS, CUL-DE-SAC. Those local streets with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

STREET WIDTH. The shortest distance between lines of lots delineating the streets right-of-way.

SUBDIVISION. The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or of building developments. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

SUBJECT PROPERTY. The property that is the subject of the subdivision application.

WATERCOURSE. Watercourse means any channel having definable beds and banks and capable of conducting generally confined runoff from adjacent lands. During floods water may leave the confining beds and banks but under low and normal flows water is confined within the channel. A watercourse may be perennial or intermittent.

1202.20 Premature Subdivision Prohibited

Subd. 1 Premature Subdivisions.

- a. Any proposed subdivision deemed premature for development shall be denied by the City Council.
- b. The burden shall be upon the applicant to show that the proposed subdivision is not premature.
- c. A subdivision may be deemed premature should any of the following conditions exist:
 - (1) Inconsistency with Comprehensive Plan. The proposed subdivision is inconsistent with the purposes, objectives, and recommendations of the duly adopted Comprehensive Plan of Shorewood, as may be amended.
 - (2) Lack of Adequate Water Supply. A proposed subdivision shall be deemed to lack an adequate water supply if municipal water is not available to the plat. With the extension of municipal water, all private drinking water supply wells must be capped in accordance with State Statutes.
 - (3) Lack of Adequate Roads to Serve the Subdivision. A proposed subdivision shall be deemed to lack adequate roads if direct access to a public road is not possible or if the roads which serve the proposed subdivision are deemed inadequate by the City Engineer.
 - (4) Lack of Adequate Waste Disposal Systems. A proposed subdivision shall be deemed to lack adequate waste disposal systems if municipal sanitary sewer is not available to the plat or if in subdivisions for which sewer lines are proposed, there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density indicated in the Shorewood Comprehensive Plan, as may be amended. With the extension of municipal sewer, all private waste disposal systems shall be removed in accordance with State Statutes.
 - (5) Lack of Adequate Drainage: A condition of inadequate drainage shall be deemed to exist if:

- (a) Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structures and/or adjacent properties.
- (b) The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.
- (c) The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downstream land.
- (d) Factors to be considered in making these determinations may include:
 - 1. Average rainfall for the area.
 - 2. The relation of the land to floodplains.
 - 3. The nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems.
 - 4. The slope of the land and its effect on effluents.
 - 5. The presence of streams as related to effluent disposal.

1202.30 Procedures and Enforcement

1202.31 Common Procedures

Subd. 1 Authority to File Applications.

- a. Subdivision applications for Subject Property may be initiated by:
 - (1) The owner of the Subject Property that is the subject of the application.
 - (2) An agent authorized by the owner of the Subject Property that is the subject of the application, may include a lessee of the Subject Property. Evidence of such authorization shall be the signature of the Subject Property owner.
 - (3) If the property subject to an application is under more than one ownership, all owners or their authorized agents shall join in filing the application.

Subd. 2 Application and Fees.

- a. A complete application shall be made in writing, submitted in a format prescribed by the city.
- b. All applications for subdivision approval shall be accompanied by a fee established by chapter 1301 of the City Code to pay for costs associated with the application processing and review. Said fee ordinance will be annually reviewed and updated.
- c. An escrow amount shall be required by the city to pay for actual costs incurred by the city during the review process.
- d. No application shall be deemed complete for processing until the necessary fee has been paid.

Subd. 3 Pre-Application Meeting.

- a. Applicants are encouraged to meet with city staff prior to filing a subdivision application.
- b. A pre-application meeting is an informal discussion between a potential applicant and city staff regarding a possible project subject to this chapter. The purpose of the meeting is to inform applicants of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other city ordinances or plans prior to the development of a subdivision.
- c. For discussion purposes, applicants shall provide a sketch or concept of the proposed subdivision to the Zoning Administrator. This plan shall contain, at a minimum, plat

boundary, north arrow, graphic scale, street layout on and adjacent to plat, designation of land use and current or proposed zoning, significant topographical or physical features and general lot locations and layout.

- d. Discussions that occur during pre-application meetings are not binding on the city and do not constitute official assurances or representations of the city.

Subd. 4 Coordination of Applications.

- a. Depending on the requirements of this Code, multiple applications may be required for a single development. Each application filed requires a fee and escrow as described in this Code.
- b. City staff shall determine the order of application review based on the City Code, including this chapter, and state requirements. Where possible, applications will be reviewed simultaneously.
- c. When submitting multiple applications of different review periods, the applicant is encouraged to agree to an extension of the shorter review period to match that of the application with the longest review period.

Subd. 5 Deadline for Action.

- a. In compliance with M.S. § 462.358, the city shall take action to preliminarily approve or deny a subdivision application within 120 days following delivery of an application completed in compliance with this Code, unless an extension for the review period has been agreed to by the applicant.
- b. In compliance with M.S. § 462.358, the city shall certify final approval of a subdivision application within 60 days if the applicant has complied with all conditions and requirements of applicable regulations and the preliminary approval.

Subd. 6 Withdrawal of Applications.

- a. Any request for withdrawal of an application shall be submitted in writing to city staff.
- b. In all cases where the applicant has requested withdrawal of an application, the associated fee paid and any costs incurred by the city in the processing of the application shall not be refunded.

Subd. 7 Successive Applications.

- a. No application which has been denied wholly or in part may be resubmitted for at least one year from the date of its submittal, unless substantial changes have been made which warrant reconsideration, as determined by city staff.

Subd. 8 Appeals of Decisions.

- a. The City Council shall serve as the Board of Adjustment and Appeals and hear and decide any appeals of the Zoning Administrator's interpretation of this chapter.
- b. All decisions made by the City Council regarding subdivision shall be final, except that any aggrieved person shall have the right to appeal to the District Court in Hennepin County within 30 days after delivery of the city decision to the appellant. Any person seeking judicial review under this chapter must serve the city and all necessary parties, including any landowners, within the 30-day period defined above.

1202.32 Registered Land Surveys

Subd. 1 All registered land surveys in the city shall be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards and procedures set forth in this chapter for preliminary plats.

Subd. 2 The Planning Commission shall first recommend the arrangement, sizes and the relationships of proposed tracts in the registered land surveys, and tracts to be used as easements or roads should be so dedicated.

Subd. 3 Building permits will be withheld for buildings on tracts that have been so subdivided by registered land surveys unless a recommendation and approval have been obtained from the Planning Commission and City Council respectively, in accordance with the standards and procedures set forth in this chapter. The city may refuse to take over tracts as streets or roads or to improve, repair or maintain any tracts unless so approved.

1202.33 Administrative Adjustment

Subd. 1 Applicability. An application for an administrative adjustment shall be submitted to the city when any of the following apply:

- a. Requests to relocate property line(s) without increasing or decreasing the number of parcels and where all parcels meet Code requirements meet Code requirements.
- b. Requests to divide a base lot, upon which has been constructed a twinhome that is directly accessible to a public street, where the division is to permit individual private ownership of a single dwelling unit within the structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of this chapter, the Zoning Regulations, or the State Building Code.

Subd. 2 Submittal Requirements.

- a. Complete application, fee and escrow as specified in city's fee schedule
- b. Proof of ownership of the Subject Property
- c. Existing and proposed legal descriptions for the Subject Property provided as Word document(s)
- d. One large-scale paper copy and one digital submission of a survey prepared and signed by a registered land surveyor which includes:
 - (1) North arrow, scale and date of preparation
 - (2) Proposed name of subdivision
 - (3) Original and proposed lot boundaries and dimensions
 - (4) Acreage of site
 - (5) Existing and proposed lot areas
 - (6) Layout, numbers and dimensions of parcels
 - (7) Location and dimensions of existing structures on the site
 - (8) Location and dimensions of curb cuts and driveways
 - (9) Street layout on and adjacent to subdivision
 - (10) Existing and proposed easement locations, including legal descriptions and graphic depictions of all easements
 - (11) Significant topographical or physical features
- e. Additional information as determined necessary by the Zoning Administrator.

Subd. 3 Procedure.

- a. The Zoning Administrator shall review the application to determine conformance with the Comprehensive Plan and the Zoning and Subdivision ordinances.
- b. The Zoning Administrator shall have the authority to make a final decision on the application.

- c. Following the approval or denial of the application, the Zoning Administrator shall provide the applicant with written notice of the decision and reasons for approval or denial.

Subd. 4 Criteria for Approval. In considering the administrative adjustment application, the Zoning Administrator shall consider the following factors:

- a. Conformance with City Code and all other applicable ordinances, rules and regulations.
- b. Consistency with the Comprehensive Plan.
- c. In addition to the criteria above, subdivisions of base lots shall meet the following criteria:
 - (1) Prior to a base lot subdivision, the base lot must meet all the requirements of the zoning district.
 - (2) In any residential district, there shall be no more than one principal structure on the base lot. The principal structure on unit lots created in a base lot subdivision will be the portion of the attached dwelling existing or constructed on the platted unit lots.
 - (3) A property maintenance agreement must be arranged by the applicant and submitted to the City Attorney for their review and subject to approval. The agreement shall ensure the maintenance and upkeep of the structure and the lots to meet minimum city standards. The agreement is to be filed with the Hennepin County Recorder's office as a deed restriction against the title of each unit lot.
 - (4) Separate public utility service shall be provided to each subdivided unit and shall be subject to the review and approval of the City Engineer.

Subd. 5 Post-Approval Actions

- a. City approval for an administrative adjustment shall become null and void if, within one year after such approval, the administrative adjustment has not been duly filed and recorded with the Hennepin County Recorder's Office.

1202.34 Minor Subdivision

Subd. 1 Applicability. An application for a minor subdivision shall be submitted to the city when all of the following apply:

- a. The request to subdivide would create no more than two lots or building sites, neither of which is capable of being further subdivided in the future;
- b. The land has been previously subdivided by plat or registered land survey and is on file and of record in the County Register of Deeds or Registrar of Titles;
- c. The application will not cause the parcel or any structure on the parcel to be in violation of this chapter, the Zoning Regulations, or the building code;
- d. With the exception of sidewalks or trails, the application will not involve the construction of any new street or road, the extension of municipal facilities, or the creation of any public improvements; and
- e. The application does not involve an outlot.

Subd. 2 Submittal Requirements.

- a. Complete application, fee and escrow as specified in city's fee schedule
- b. Proof of ownership of the Subject Property
- c. Existing and proposed legal descriptions for the Subject Property and any easements provided as Word document(s)Certificate of survey prepared by a registered land surveyor.

- d. The data and supportive information detailing the proposed subdivision shall be the same as required for a preliminary plat as set forth in City Code § 1202.35, Subd. 2. of this chapter. The Zoning Administrator may exempt the applicant from certain informational requirements.
- e. Additional information as determined necessary by the Zoning Administrator.

Subd. 3 Procedure.

- a. A pre-application meeting pursuant to City Code § 1202.31 of this chapter is suggested prior to submitting a minor subdivision application.
- b. The owner or applicant shall submit an application for minor subdivision, together with all necessary supplementary information listed above.
- c. The Zoning Administrator shall refer the application to all appropriate city staff for review and comment.
- d. The Zoning Administrator shall distribute the request to other jurisdictions as appropriate.
- e. City Council Action.
 - (1) The City Council shall act upon the minor subdivision and may impose conditions and restrictions which are deemed necessary for compliance with City Code. Approval of the application requires a simple majority vote of the full City Council.
 - (2) The reasons for the City Council's action shall be recorded in the proceedings of the Council and transmitted in writing to the applicant.

Subd. 4 Criteria for Approval. In considering the minor subdivision application, the City Council shall consider the following factors:

- a. Conformance with this chapter, the Zoning Regulations, and all other applicable ordinances, rules and regulations; and
- b. Consistency with the Comprehensive Plan's vision, mission, values and policies.

Subd. 5 Post-Approval Actions.

- a. Prior to release of a Council resolution approving a minor subdivision for recording, the applicant shall submit the following:
 - (1) An up-to-date title opinion from within the last 30 days for review and approval by the City Attorney.
 - (2) Deeds in favor of the city for any easements or public right-of-way that may be required as part of the minor subdivision.
- b. The applicant must record the minor subdivision, and any required deeds for easements or street right-of-way, with the Hennepin County Recorder within one year of the date it receives the resolution approving the subdivision. Failure to record the subdivision within one year shall void the approval. No building permits shall be issued for new lots until the applicant has provided proof of recording.
- c. Prior to the expiration of a minor subdivision approval, an extension of the approval may be granted by the City Council upon the city's receipt of a request for extension. A request for an extension shall be in writing and filed with the city. The request for extension shall state facts showing a good faith attempt was made to meet the recording requirement.

1202.35 Preliminary Plat

Subd. 1 Applicability. A preliminary plat application shall be submitted to the city when any of the following apply:

- a. The applicant is proposing to create three or more lots as part of a subdivision.
- b. The applicant is proposing to change the exterior boundaries of an existing plat.
- c. The proposed subdivision includes the creation or installation of any public improvements as identified in City Code § 1202.50 Improvements.
- d. The Subject Property to be subdivided has a current metes and bounds legal description rather than a lot and block legal description.
- e. The proposed subdivision does not qualify to be processed as an administrative adjustment or minor subdivision.

Subd. 2 Submittal Requirements.

- a. The required number and format of the preliminary plat and application materials shall be determined by and submitted to the Zoning Administrator. The required filing fee as established by City Code § 1301.03 shall be paid and any necessary applications for variances from the provisions of this chapter shall be submitted with the required fee.
- b. The applicant shall prepare and submit a preliminary plat, together with any necessary supplementary information as described below. All plans shall include a graphic scale not to exceed 1 inch equal to 50 feet, north arrow, and date of preparation.
 - (1) Complete application and fee as specified in the city's fee schedule.
 - (2) Proof of ownership of the Subject Property
 - (3) Existing and proposed legal descriptions for the Subject Property and any easements provided as Word document(s)
 - (4) Existing Conditions Survey prepared by a registered land surveyor.
 - (a) Topographic map with contour interval of two feet or less.
 - (b) Total acreage of proposed plat.
 - (c) Boundary lines of proposed plat and of adjoining property within 300 feet.
 - (d) Ownership of adjoining property within 300 feet, including all contiguous land owned or controlled by the applicant.
 - (e) Existing zoning classifications for land within and abutting the subdivision.
 - (f) Location, right-of-way widths and names of all existing or previously platted streets or other public or private ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and 300 feet beyond the tract.
 - (g) Location, width and names of all existing power transmission poles and lines.
 - (h) Calculations showing all impervious surface coverage with the total expressed in a percentage of the lot area.
 - (5) Preliminary Plat.
 - (a) Proposed name of subdivision. Names shall not duplicate or too closely resemble names of existing subdivisions within Hennepin County.
 - (b) Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the Subject Property.

- (c) Names and addresses of all persons having property interest, the applicant, designer and surveyor, together with the surveyor's registration number.
 - (d) Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross sections and proposed names of streets in conformance with City and County street identification policies.
 - (e) Locations and size of proposed sewer lines and watermains or water wells.
 - (f) Locations and widths of proposed curb cuts, driveways, access roads, alleys and pedestrian ways and trails.
 - (g) Location, dimension and purpose of all easements.
 - (h) Layout, numbers, lot areas and preliminary dimensions of lots and blocks. All lots shall be numbered clockwise in each block and blocks shall be numbered consecutively.
 - (i) Minimum front, side and rear building setback lines.
 - (j) When lots are located on a curve, the width of the lot at the building setback line.
 - (k) Areas, other than streets, alleys, pedestrian ways and utility easements, dedicated or reserved for public use, including the size of the area or areas in square feet and acres.
 - (l) A statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business, so as to reveal the effect of the development on traffic, fire hazards and congestion of population.
- (6) Grading and Erosion Control Plan prepared and signed by licensed Civil Engineer.
- (a) Location and size of existing sewers, water mains, stormwater pipes, culverts, drainage tiles or other underground facilities within the tract and to a distance of 100 feet beyond the tract. The data as grades, invert elevations, locations of catch basins, manholes and hydrants shall also be shown.
 - (b) Topographic data, including contours at vertical intervals of not more than two feet. Watercourses, wetlands, woodland areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown.
 - (c) 100-year flood elevations, the regulatory flood protection, and boundaries of flood way and flood fringe areas, if known taking into consideration the Flood Insurance Study and Flood Insurance Rate Map.
 - (d) On a separate plan sheet provide proposed grading, including existing and proposed contours at vertical intervals of not more than two feet, proposed cut and fill areas, proposed building pads showing type of house (full basement, walkout, split entry and the like), elevations of lowest floor and garage floor, ordinary high water level, proposed storm water treatment devices with rate and volume control, and emergency overflow elevation and route.
 - (e) Layout of the proposed streets showing right-of-way widths, centerline gradients, and typical cross sections.
 - (f) Proposed fill, levees, channel modifications, and other methods to overcome flood or erosion hazard areas in acceptance with the Zoning Ordinance and by use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study.

- (g) A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, design of sediment control measures and landscaping of the erosion and sediment control system.
- (7) Wetlands delineation report.
- (8) Landscape plan addressing the requirements of the Zoning Code.
- (9) Utility plan showing public utilities, including water, sanitary sewer mains and service connections to be installed in accordance with the standards of the city.
- (10) Stormwater management plan with drainage calculations and map.
- (11) Tree preservation plan addressing the requirements of the Zoning Code.
- (12) Supplementary Information. Any or all of the supplementary information requirements set forth in this subdivision shall be submitted, when deemed necessary by the city staff, consultants, advisory bodies or City Council.
 - (a) A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain and the types and locations of trees and other vegetation that are to be planted
 - (b) Proposed protective covenants.
 - (c) An accurate soils report of the subdivision prepared by a registered professional engineer qualified to perform and analyze soil materials under the laws of Minnesota.
 1. The soils report shall consist of test holes to a depth necessary to determine the various types of soils to be encountered before reaching a stable base and the static water table elevation. The test holes, when ordered by city authorities, shall be drilled at the expense of the owner or applicant and the information disclosed shall be furnished to the city, together with a copy of the proposed plat showing the location of each test hole.
 2. The information required by the city shall include a report as to the various types of soils encountered and their depths, the level of the ground water, a percolation test and may include additional information. The number of test holes to be drilled and their location on the Subject Property, which is proposed to be platted, will be as directed by the city or their authorized representative.
 3. The owner shall be required to furnish to the city a report from a recognized engineering laboratory as to the safety and practicability of the use of the area for building construction.
 - (d) A survey prepared by a qualified landscape architect, forester or arborist identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density and spacing.
 - (e) Where the applicant owns property adjacent to that which is being proposed for the subdivision, it shall be required that the applicant submit a sketch plan of the remainder of the Subject Property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing or potential adjacent subdivision.

- (f) Where structures are to be placed on large or excessively deep lots that are subject to potential replat, the preliminary plat shall indicate a logical way in which the lots could potentially be subdivided in the future.
- (g) Additional information as may be required.

Subd. 3 Procedure.

- a. A pre-application meeting pursuant to City Code § 1202.31 is suggested prior to submitting a preliminary plat application.
- b. The owner or applicant shall submit an application for preliminary plat, together with all necessary supplementary information listed above. The plan shall be considered as being officially submitted when all the information requirements have been complied with.
- c. Technical assistance reports. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports and provide general assistance in preparing a recommendation to the Planning Commission and City Council.
- d. Review by other commissions or jurisdictions. The Zoning Administrator shall refer copies of the preliminary plat to the Park Commission, county, metropolitan, state or other public jurisdictions for their review and comment, where appropriate and when required.
- e. Public Hearing.
 - (1) Upon receipt of a complete application, the Zoning Administrator shall set a public hearing for public review of the preliminary plat.
 - (2) Notice of the hearing shall contain a legal property description, description of request detailing property location and be published in the official newspaper no more than 30 and no less than 10 days prior to the hearing. Written notification of the hearing shall be mailed no more than 30 and no less than 10 days prior to the hearing to all owners of land within 750 feet of the boundary of the property in question.
 - (3) The city shall post a sign on the Subject Property indicating that the property is under development review.
 - (4) The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
- f. Planning Commission Action. The Planning Commission shall make a recommendation on the application to the City Council following the close of the public hearing.
- g. City Council Action.
 - (1) Upon receiving a recommendation from the Planning Commission, the City Council shall act upon the preliminary plat and may impose conditions and restrictions that are deemed necessary for compliance with City Code.
 - (2) If a recommendation has not been received from the Planning Commission in a timely manner to meet the requirements of M.S. § 462.358, the City Council may act on an application without receiving a Planning Commission recommendation.
 - (3) A request for a time extension of the City Council's review process may be granted by the City Council, if requested in writing by the applicant. Applications granted a time extension shall be subject to new or amended requirements of the City Code since the application was originally submitted.

- (4) The reasons for the City Council's action shall be recorded in the proceedings of the Council and transmitted in writing to the applicant.
- (5) Approval of the preliminary plat shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this chapter to be indicated on the final plat. The City Council may require revisions in the preliminary plat and final plat as it deems necessary for the health, safety and general welfare of those living in and near the City.

Subd. 4 Criteria for Approval. In considering the preliminary plat application, the City Council shall consider the following factors:

- a. Conformance with this chapter and all other applicable ordinances, rules, and regulations including the city's Zoning Regulations; and
- b. Consistency with the Comprehensive Plan's vision, mission, values and policies.

Subd. 5 Post-Approval Actions.

- a. If the preliminary plat is approved by the City Council, the applicant must submit the final plat within one year after the approval or approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council prior to expiration of the one year period.
- b. A reasonable time extension will be considered by the City Council, if circumstances requiring the extension are beyond the control of the applicant.

1202.36 Final Plat

Subd. 1 Submittal Requirements.

- a. The required number and format of the final plat and following required documents, together with any necessary supplementary application materials shall be determined by and submitted to the Zoning Administrator. The required filing fee as established by City Code § 1301.03 shall be paid.
- b. Final Plat. The Final Plat shall be prepared in accordance with provisions of Minnesota State Statutes and Hennepin County regulations, and the final plat shall contain the information listed below. All plans shall include a graphic scale not to exceed 1 inch equal to 50 feet, north arrow, and date of preparation.
 - (1) Subdivision name.
 - (2) Existing and proposed legal descriptions of the Subject Property.
 - (3) Name, address and signature of surveyor making the plat.
 - (4) The location of monuments shall be shown and described in reference to existing official monuments on the nearest established street lines, including true angles and distances to the reference points or monuments.
 - (5) Location of lots, streets, public highways, alleys, parks and other features with accurate dimensions in feet and decimals of feet, with the length of radii and arcs of all curves and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points of curve to lot lines.
 - (6) Blocks and lots, clearly numbered.
 - (7) The exact locations, widths and names of all streets to be dedicated.

- (8) Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: streets, alleys and other public areas shown on this plat and not as yet dedicated to public use are hereby so dedicated.
- (9) The exact locations and widths of all easements to be dedicated.
- (10) Statement dedicating all easements as follows: easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "utility easements"
- (11) Comply with rules and regulations of the Minnehaha Creek Watershed District, or Riley-Purgatory-Bluff Creek Watershed District, whichever District has jurisdiction or statement from the District indicating that it has no interest in the plat;
- (12) Any supplementary engineering data required by the city.
- c. Final Grading, Erosion Control, and Stormwater Drainage Plan approved by the City Engineer. Provide evidence that ground water controls are provided at least ten feet below level of finished grades of plan.
- d. Final Utility Plan in accordance with the City of Shorewood Standard Specifications for Construction of Public Utilities and approved by the City Engineer.
- e. Final Tree Preservation Plan.
- f. Final Landscape plan.
- g. Specification book for construction of public improvements.
- h. Cost estimates for grading and all public and private improvements.
- i. Homeowners association documents, private covenants, of deed restrictions as applicable.
- j. Additional application materials as deemed necessary.
- k. Certification required.
 - (1) Certification by registered surveyor in the form required by M.S. § 505.03, as amended.
 - (2) Execution by all owners of any interest in the land or any holders of a mortgage thereon of the certificates required by M.S. § 505.03, as amended, and which certificate shall include a dedication of the utility easement and other public areas in the form as approved by the City Council.
 - (3) Space for certificates of approval and review, including the date of approval and spaces to be filled in by the signature of the Mayor and City Administrator/Clerk.

Subd. 2 Procedure.

- a. Submittal.
 - (1) Within one year after approval of the preliminary plat, the owner or applicant shall submit an application for final plat, together with all necessary supplementary information listed above.
 - (2) The final plat may constitute only that portion of the preliminary plat which the applicant proposes to record and develop at the time.
 - (3) The city may agree to review the preliminary and final plat simultaneously.
 - (4) The final plat shall incorporate all changes, modifications, and revisions required by the city in its approval of the preliminary plat. Otherwise, it shall strictly conform to the approved preliminary plat.
- b. Approval of the City Council.

- (1) If accepted and all fees for processing the application have been paid, the final plat shall be approved by resolution, which shall provide for the acceptance of all agreements for basic improvements, public dedication, and other requirements as indicated by the City Council.
 - (2) If denied, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the person or persons applying for the approval.
 - c. Development Agreement.
 - (1) If needed due to the subdivision, final plat approval shall be contingent upon the applicant's entrance into a development agreement with the city. Said agreement will require all improvements and approval conditions to comply with approved engineering standards and applicable regulations.
 - (2) The agreement shall be prepared by the city and shall ensure development performance based on approvals.
 - (3) The agreement shall address, but not be limited to, the following:
 - (a) Financial securities
 - (b) Warranties
 - (c) Development time lines
 - (d) Remedies for default
 - (e) Iron monuments
 - (f) Improvements
 - (g) City administration and construction observation
 - (h) Permits
 - (i) Erosion and sediment control
 - (j) Maintenance
 - (k) Park dedication
 - (l) Sewer and water trunk utility charges
 - d. Prior to recording or registering a final plat, the applicant shall have executed the development agreement with the city.
 - e. As part of approval of the final plat, minor subdivision, registered land survey or any other subdivision application, the City Administrator, or their designee, is authorized to and shall execute the development agreement, stormwater management agreement, or other agreement noted in the City Council's resolution on the City Council's behalf.
- Subd. 3 Criteria for Approval. In considering the final plat application, the City Council shall consider the following factors:
- a. Conformance with the approved preliminary plat and all conditions of approval.
 - b. Conformance with this chapter and the City Code, and all other applicable city policies, ordinances, rules, and regulations.
 - c. Consistency with the Comprehensive Plan's vision, mission, values, and policies.
- Subd. 4 Post-Approval Actions.
- a. If the final plat is approved by the City Council, the applicant shall record the final plat and development agreement, if required, with the Hennepin County Recorder within one year after the approval or approval of the final plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council.

- b. Prior to recording, the applicant shall furnish the Zoning Administrator with two blackline prints and a reproducible mylar of the final plat.
- c. Upon recording the plat, the applicant shall provide the Zoning Administrator with evidence of the recording.
- d. No building permits shall be issued for construction of any structure on any lot in the plat until the city has received evidence of the plat and development agreement being recorded by Hennepin County and the provisions of the development agreement have been satisfactorily met.

1202.37 Subdivision Variance

Subd. 1 Applicability. Subdivisions which do not meet the requirements of this chapter may request a subdivision variance.

Subd. 2 Submittal Requirements.

- a. Complete application, fee and escrow as specified in city's fee schedule
- b. Legal description of the Subject Property
- c. Detailed written and graphic materials fully explaining the proposed variance request with the number of copies and format as specified by the Zoning Administrator.
- d. Explanation of practical difficulties
- e. Additional information as determined necessary by the Zoning Administrator

Subd. 3 Procedure.

- a. Upon receipt of a subdivision variance application, the Zoning Administrator shall refer the application to all appropriate city staff for review and comment.
- b. Public Hearing
 - (1) Upon receipt of a complete application, the Zoning Administrator shall set a public hearing for public review of the minor subdivision.
 - (2) Notice of the hearing shall contain a legal property description, description of request detailing Subject Property location and be published in the official newspaper no more than 30 and no less than 10 days prior to the hearing. Written notification of the hearing shall be mailed no more than 30 and no less than 10 days prior to the hearing to all owners of land within 500 feet of the boundary of the Subject Property.
- c. Planning Commission action.
 - (1) The Planning Commission shall review the application and consider possible adverse effects of the variance request. The Planning Commission's judgment shall be based upon (but not limited to) the conditions set forth in Subd. 4 below.
 - (2) The Planning Commission and city staff shall have the authority to request any additional information from the applicant deemed necessary to establish performance conditions pertaining to the request.
 - (3) The Planning Commission shall make a finding of fact and recommend the actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this chapter. The recommendation shall be in writing and accompanied by any report and recommendation of the city staff. The written recommendation of the Planning Commission shall be forwarded to the City Council.

- d. City Council action. Upon receiving the request and any report of the city staff, the city Council shall review and take action on the variance application and make a recorded finding(s) of fact.
 - (1) Approval of a request shall require passage by a simple majority vote of the full City Council.
 - (2) The Council may impose any condition it considers necessary to protect the public health, safety and welfare.

Subd. 4 Criteria for Approval.

- a. The City Council may grant a variance from strict compliance with the subdivision regulations contained in this chapter when it finds that all of the following exist:
 - (1) That the requested subdivision variance is consistent with the Comprehensive Plan and all other applicable city plans.
 - (2) That the requested variance is in harmony with the general purposes and intent of this chapter.
 - (3) There are special and highly unique circumstances or conditions affecting the property Subject Property that are not common to other properties in the city and that the strict application of the provisions of this chapter would deprive the applicant of the reasonable and minimum use of its land.
 - (4) That the granting of the variance will not be detrimental to the public health or welfare or injurious to other property in the vicinity in which the Subject Property is situated.
 - (5) That the applicant has established that there are special circumstances or highly unique conditions affecting the Subject Property not resulting from the actions of the applicant, such as exceptional topographic or water conditions or inadequate access to direct sunlight for solar energy systems, such that an unusual hardship to the owner would result if the strict letter of these regulations was to be carried out.

Subd. 5 Post-Approval Actions.

- a. City approval for a subdivision variance shall become null and void if, within one year after such approval, the subdivision variance has not been duly filed and recorded with the Hennepin County Recorder's Office.
- b. Upon recording, the applicant shall provide the Zoning Administrator with evidence of the recording.
- c. Violations of the conditions of a subdivision variance shall void the variance.

1202.38 Amendments

Subd. 1 From time to time, the Planning Commission may, of its own motion, upon petition, or at the direction of the City Council, cause to be prepared amendments supplementing or changing regulations herein established.

Subd. 2 Before any proposed amendment can be acted on, a public hearing shall be held by the Planning Commission with notice given in the official newspaper at least 10 days prior to the hearing.

Subd. 3 Upon receiving the recommendation of the Planning Commission, the City Council shall study the Planning Commission's recommendation and approve or deny the amendment.

1202.39 Violations and Penalty

Subd. 1 Violations.

- a. Sale of lots from unrecorded plats. It shall be a misdemeanor to sell, trade or otherwise convey any lot or parcel of land as a part of, or in conformity with, any plan, plat or replat of any subdivision or area located within the jurisdiction of this chapter unless the plan, plat or replat shall have first been recorded in the office of the County Recorder.
- b. Receiving or recording unapproved plats. It shall be unlawful for a private individual to receive or record in any public office any plans or plats of land laid out in building lots and streets, alleys or other portions of the same intended to be dedicated to public or private use or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this chapter, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.
- c. Misrepresentation as to authority to file or for the construction, supervision or inspection of improvements.
 - (1) It shall be unlawful for any person, firm or corporation to misrepresent their authority to file an application.
 - (2) It shall be unlawful for any person, firm or corporation owning an addition or subdivision of land within the city to represent that any improvement upon any of the streets, alleys or avenues of the addition or subdivision or any sewer in the addition or subdivision has been constructed according to the plans and specifications approved by the City Council or has been supervised or inspected by the city, when the improvements have not been so constructed, supervised, or inspected.

Subd. 2 Penalty. Anyone violating any of the provisions of this chapter shall be guilty of a misdemeanor punishable by a fine and imprisonment as provided in State Statutes.

1202.40 Design Standards

1202.41 General

Subd. 1 The design features of the subdivision shall meet the requirements set forth by the City Engineering Guidelines. The city may impose additional or more stringent requirements as deemed appropriate in furtherance of health, safety and well-being of the community considering the property being subdivided.

Subd. 2 Political boundaries. No singular plat shall extend over a political boundary without legal notification to and approval by affected units of government.

Subd. 3 Provisions for resubdivision of large lots and parcels.

- a. All contiguous land owned by the same property owner shall be included in the plat.
- b. When a tract is subdivided into larger than required building lots or parcels, the lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision with provision for adequate utility connections for the resubdivision.
- c. Streets and utilities shall be extended to the boundary of the plat.
- d. Watercourses.
 - (1) Watercourses shall be contained within abutting lots.

- (2) Watercourses shall be protected by easement to the anticipated high water level (as determined by the city. Lots with easements protecting watercourses shall have sufficient dimensions and area above the high water level.
- e. Monuments.
- (1) Official monuments, as designated and adopted by the Hennepin County Surveyor's Office and approved by the Hennepin County District Court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the City Engineer. The boundary line of the Subject Property to be included within the plat shall be fully dimensioned on the plat. All angles of the boundary, excepting the closing angle, are to be indicated on the plat and all monuments and surveyor's irons are to be indicated on the plat. Each angle point of the boundary perimeter shall be so monumented.
 - (2) Location of monuments within the plat. Pipes or steel rods shall be placed at each lot and at each intersection of street right-of-way lines. All United States, state, county or other official bench marks, monuments or triangular stations in or adjacent to the Subject Property shall be preserved in precise position and shall be recorded on the plat.
 - (3) Second monumentation. To ensure that all irons and monuments are correctly in place following the final grading of a plat, a second monumentation shall be required. Proof of the second monumentation shall be in the form of a surveyor's certificate and this requirement shall additionally be a condition of certificate of occupancy as provided for in the Shorewood Zoning Ordinance. As an alternative the applicant's surveyor may, upon approval by the City Engineer, place official monuments within the plat after the site grading has been completed, but no later than one year after the recording of the plat. In such cases a letter of credit or cash escrow in form and dollar amount acceptable to the city shall be submitted to guarantee that the monumentation will be completed.

1202.42 Protected Areas

- Subd. 1 Where land proposed for subdivision is deemed environmentally sensitive by the city because of the existence of wetlands, drainage ways, water courses, flood prone areas or steep slopes, the design of the subdivision shall clearly reflect all necessary measures of protection to insure against adverse environmental impact.
- Subd. 2 Based upon the necessity to control and maintain certain sensitive areas, the city shall determine whether the protection will be accomplished through lot enlargement, redesign, conservation easement, dedication of those sensitive areas in the form of outlots or through the use of protective covenants in Planned Unit Developments.
- Subd. 3 Measures of protection shall include design solutions that allow for construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the applicant shall be required to demonstrate that the proposed design will not require construction on slopes that exceed 12% or result in significant alteration to the natural drainage system, such that adverse impacts cannot be confined within the plat boundary.

Subd. 4 Tree preservation and reforestation. Natural vegetation shall be protected in accordance with the Shorewood Tree Preservation and Reforestation Policy.

1202.43 Lots and Blocks

Subd. 1 All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys shall be shown on the plat.

Subd. 2 Blocks.

- a. Block length. In general, intersecting streets determining block lengths shall be provided at intervals so as to serve cross-traffic adequately and to meet existing streets. In blocks longer than 1,000 feet, pedestrian ways or easements through the block may be required in locations deemed necessary for convenient pedestrian circulation.
- b. Block width. The width of the block shall normally be sufficient to allow two tiers of lots of appropriate depth unless it adjoins a railroad, arterial or collector street, lake, wetland, park street or other natural feature where it may have a single tier of lots. Blocks intended for commercial use shall be of the width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

Subd. 3 Lots.

- a. Size.
 - (1) The minimum lot area, width and depth shall not be less than that established by the Shorewood Zoning Ordinance in effect at the time of adoption of the final plat.
 - (2) To eliminate any doubt as to the interpretation of lot size, the minimum lot square footage shall not include arterial right-of-way, public waters, public waters wetlands, city designated wetlands, areas protected through a publicly held conservation easement, and portions of Subject Property protected by regulations, including bluffs and historic sites.
 - (3) No lots less than the minimum square footage provided by the Shorewood Zoning Ordinance for the area involved shall be authorized by this chapter except upon the granting of a variance in accordance with the Shorewood Zoning Ordinance.
- b. Corner lots. Corner lots for residential use shall have additional width to permit appropriate building setbacks from both streets as required in the Zoning Ordinance.
- c. Flag lots. Flag lots shall not be permitted.
- d. Double-frontage lots.
 - (1) Double-frontage lots that have frontage on two parallel streets shall not be permitted, except where lots back on arterial streets or highways or where topographic or other conditions render subdividing otherwise unreasonable.
 - (2) Double-frontage lots shall have an additional depth of at least 20 feet in order to provide space screening along the rear lot line.
- e. Irregularly shaped lots are discouraged. Where such lots are proposed, the development shall demonstrate to the city an ability to properly place principal buildings and accessory structures on the site in a manner which is compatible in size and character to the surrounding area.
- f. Side Lot Lines.

- (1) In general, side lot lines shall be at right angles to street lines or radial to curving street lines unless a variation from the rule will give a better street or lot plan, or unless topographic conditions necessitate a different arrangement.
- (2) Lots which have a side lot line along an arterial street shall include an additional 15 feet of lot width to provide screening.
- g. Lot frontage. Every lot must have adequate frontage on a city-approved street to accommodate a driveway and required driveway setbacks, as required in the Shorewood Zoning Ordinance.
- h. Setback lines. Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the Shorewood Zoning Ordinance, as may be amended.
- i. Access.
 - (1) Each lot shall directly access a public street unless a subdivision has received approval from the City Council for a private street or access easement.
 - (2) Where proposed residential lots abut a collector or arterial street, they should be platted in such a manner as to encourage turn-around access - and egress on each lot.
 - (3) In new subdivisions, there shall be no direct vehicular access from residential lots to arterial streets.
 - (4) In cases where a proposed plat is adjacent to a county or state highway, the plat shall be subject to county and/or state approval.
- j. Drainage. Lots shall be graded so as to provide drainage away from building locations, subject to City Engineering Guidelines and the approval of the City Engineer. A grading plan shall be submitted showing all lot grading and drainage provisions.
- k. Features. In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, watercourses, historic sites or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- l. Lot remnants. Remnants of land below minimum lot size, except in instances of cluster zoning, shall be added to adjacent lots rather than remaining as unusable parcels. Building permits shall not be issued for remnants.
- m. Outlots.
 - (1) An outlot is not buildable. A building permit shall not be issued for an outlot.
 - (2) An outlot may be used to set aside land to be platted at a later time. At the time of the platting, a resubdivision sketch for the outlot shall be required.
 - (3) An outlot may be used to preserve open space with an easement in favor of the City.

1202.44 Street and Alley Design

Subd. 1 General Requirements

- a. Streets shall be designed to comply with the standards set forth in the City's Engineering Guidelines.
- b. Minimum design standards for major collector streets shall comply with Minnesota Department of Transportation State Aid Standards.
- c. All proposed streets shall conform to city, county and state plans and standards and be offered for dedication as public streets unless:

- (1) The streets are part of a planned unit development (PUD) for two-family dwellings or townhouses.
 - (a) The private street shall be located on a separate outlot and encumbered with an easement.
 - (b) A homeowners association shall be established to oversee ownership and operation private street.
 - (c) The private street is established within an easement at least 50 feet wide from the public street up to and including the lot(s) being created.
 - (d) The shared driveway improvements are deemed adequate for their intended use and comply with fire code requirements.
- (2) Otherwise determined by the City Council after a recommendation from the City Engineer.
- d. Street plans for future subdivisions. Where the plat to be submitted includes only part of the tract owned or intended for development by the applicant, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the applicant and a temporary turnaround shall be provided.

Subd. 2 Street Layout.

- a. Continuous streets.
 - (1) Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, provide for future connections to adjoining unsubdivided tracts or shall be a reasonable projection of streets in the nearest subdivided tracts.
 - (2) Dead-end streets are prohibited, except for cul-de-sac streets as specified in this subsection.
 - (3) The arrangement of arterials and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to run-off of storm water, to public convenience and safety and in their appropriate relation to the proposed uses of the area to be served.
- b. Local streets. Local streets should be planned as to discourage their use by non-local traffic.
- c. Cul-de-sac Streets.
 - (1) Cul- de-sac streets shall be permitted where topography or other physical conditions justify their use.
 - (2) Cul-de-sac streets shall not be longer than 700 feet including a terminal turn-around which shall be provided at the closed end. The cul-de-sac shall have a right-of-way radius of not less than 100 feet.
 - (3) Temporary cul-de-sac. In those instances where a street is terminated pending future extension in conjunction with future subdivision, a temporary turn-around facility shall be provided at the closed end in conformance with cul-de-sac requirements.
- d. Frontage roads.
 - (1) Wherever the proposed subdivision contains or is adjacent to the right-of-way of a state highway or an arterial street, provision may be made for a marginal access street approximately parallel and adjacent to the boundary of the right-of-way or for

a street at a distance suitable for the appropriate use of land between the street and right-of-way.

(2) The distance shall be determined with due consideration of the minimum distance required for lot depths.

- e. Half-streets. Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision and adjoining unsubdivided areas.
- f. Private streets shall be designed to meet fire lane standards from Chapter 607 Uniform Fire Code.
- g. Street intersections.
 - (1) Streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations.
 - (2) Angles formed by the intersection of two streets shall comply with the provisions of the City Engineering Guidelines.
 - (3) Under no conditions shall the minimum angle of intersection of streets be less than 80 degrees.
 - (4) Street intersection jogs with an offset of less than 125 feet shall be avoided.
- h. Street right-of-way width.
 - (1) Street right-of-way widths shall conform with following standards and be dedicated on the final plat, or by easement in the case of minor subdivisions:
 - (a) Arterial street: 100 feet.
 - (b) Collector street: 60 feet.
 - (c) Local street: 50 feet.
 - (2) All subdivisions incorporating streets which are identified in the Hennepin County Thoroughfare Plan shall comply with the minimum right-of-way, surfaced width and design standards as outlined in the plan.
- i. Street grades.
 - (1) Except upon the recommendation of the City Engineer, and the topography warrants a greater maximum, the grades in all streets, thoroughfares, collector streets, local streets and alleys in any subdivision shall not be greater than 8%.
 - (2) In addition, there shall be a minimum center line grade on all streets and thoroughfares of not less than 1%.
- j. Reverse curves. Minimum design standards for collector and arterial streets shall comply with Minnesota State Aid Standards.
- k. Curbs and gutters. Concrete curbs and gutters shall be required on all streets.
- l. Hardship to owners of adjoining property. The arrangement of streets in a new subdivision shall make provision for the continuation and proper intersection of streets into the adjoining, undeveloped property.
- m. Boulevards. Boulevards shall be uniformly finished to match the top of the curb and sodded or seeded to present a finished appearance.

Subd. 3 Street dedications.

- a. All streets within the subdivision shall be dedicated as public streets on the plat unless it is a private street that is located within an easement or is otherwise allowed under this Chapter.

- b. Steets in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half streets.
 - (1) Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be dedicated and improved by the applicant.
 - (2) The City Council may authorize a new perimeter street if the applicant dedicates and agrees to improve the entire required street right-of-way width within the subdivision boundaries.
- c. When a subdivision borders an existing substandard street or street needing improved, the applicant shall be required to dedicate and improve as its expense those areas for widening or improvement. Such streets shall be dedicated and improved to the full width as required by the subdivision regulations when the applicant's application contribute to the need for the street expansion.

Subd. 4 Street naming.

- a. The name of any existing street in the City or a neighboring city shall not be used in naming a new street unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.

1202.45 Non-Motorized Connections

Subd. 1 Non-motorized connections shall be established in accordance with the City's Comprehensive Plan, along natural features, such as lakes and wetlands, and in other areas where trails will serve an important transportation or recreational purpose as recommended and approved by the City Council.

Subd. 2 Land to be used for non-motorized corridors shall be dedicated to the City as a parcel or as an easement for public purposes.

Subd. 3 Any trail constructed by the applicant shall be constructed in accordance with the City Engineer's Guidelines.

Subd. 4 Any new sidewalk constructed by the applicant shall be similar in width and design to existing trails but no narrower than what is recommended in the City Engineer's Guidelines.

1202.46 Easements

Subd. 1 Easements.

- a. Easements shall be dedicated on the plat instrument for the required use.
- b. Width and location.
 - (1) An easement for utilities at least 10 feet wide shall be provided on the complete perimeter of the lot.
 - (2) An easement at least 7.5 feet in width on either side of a utility main shall be provided. The width of the easement may be increased by the City Engineer due to the depth of the utility main or the complexity of the utility main design.
 - (3) If necessary for the extension of City water or sewer lines or similar utilities, drainage purposes or to incorporate wetlands, easements of greater width may be required along lot lines or across lots.
- c. Continuous utility easement locations. Utility easements shall connect with easements established in adjoining properties.
- d. Easements, when approved, shall not thereafter be changed without the approval of the City Council following the process required in M.S. § 462.358 and M.S. § 412.851.

adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

1202.48 Drainage and Erosion Control

Subd. 1 Storm drainage. All subdivision design shall incorporate adequate provisions for storm water runoff consistent with the Shorewood Comprehensive Water Resource Management Plan, Minnesota Pollution Control Agency (MPCA), and National Pollutant Discharge Elimination System (NPDES) permit. Storm water design shall be subject to review and approval of the City Engineer. An agreement for maintenance and inspection for the private storm water system must be in place before construction can commence.

Subd. 2 Existing topography. The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.

Subd. 3 Limitations on exposed ground. Land shall be developed in increments of workable size that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time. When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the development agreement.

Subd. 4 Staging. Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control erosion.

Subd. 5 Commencement of work. No filling, grading or clearing of vegetation shall occur on the site during the processing of the plat until the final plat has been approved by the City Council. Violation of this provision shall make the application null and void.

Subd. 6 Removal/replacement of topsoil. Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. Topsoil shall be restored or provided to a depth of four inches and shall be of a quality at least equal to the soil quality prior to development.

1202.50 Improvements

1202.51 Improvements Required

Subd. 1 All of the required improvements specified in this chapter shall be constructed in accordance with the State Building Code and all other applicable city, county and state regulations.

Subd. 2 If public improvements are required for a subdivision, or if impacts to public improvements are proposed as part of a subdivision, the applicant shall execute a development agreement in accordance with the requirements of § 1202.36 Final Plat.

Subd. 3 Community facilities improvements.

- a. Sanitary sewer system. Municipal sanitary sewer facilities shall be provided for all proposed subdivisions and all lots within the subdivision shall be served by the municipal sanitary sewer system.
- b. Water system. Municipal water facilities shall be provided for all proposed subdivisions and all lots within the subdivision shall be served by the municipal water system.

Subd. 4 Semi-public utilities. Telephone, cable television, internet, electric and gas service shall be installed underground in accordance with the provisions of all applicable City ordinances.

Subd. 5 Street Improvements.

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- Subd. 4 Semi-public utilities. Telephone, cable television, internet, electric and gas service shall be installed underground in accordance with the provisions of all applicable City ordinances.
- Subd. 5 Street Improvements.
- a. Conformance with city standards. All street improvements shall be designed and conform to the Minnesota Department of Transportation Road Design Manual, Section 5-291.523, and the City of Shorewood Department of Public Works Standard Specifications and Detail Plates. Design and construction specifications shall be subject to the review and approval of the City Engineer.
 - b. Acceptance of streets. No street within the city will be accepted as a public street, except under the following conditions:
 - (1) The final bituminous wear course shall not be placed until the time as the approved bituminous base course has been placed and has sustained one full winter and spring season. Prior to placement of the wearing surface, the applicant shall obtain written approval by the City Engineer. Failure to obtain the approval shall result in removal and replacement of the wearing surface at no expense to the City.
 - (2) The applicant shall be responsible for all snowplowing, sanding and maintenance of all roadways within a proposed subdivision until the time as the final lift of bituminous wearing course has been placed, the City Engineer has reviewed and recommended acceptance by the city, and City Council has accepted the project, pursuant to inspections.
 - (3) The street will not be accepted until the City Council has received a recommendation from the City Engineer that this street is in good condition and not breaking up or deteriorating in any way. Upon receipt of the recommendation, the City Council will consider a resolution accepting the street as a public street for snowplowing and maintenance.
 - c. Street lighting fixtures as may be required by the City Council shall be installed.
 - d. The City Council may require the provision of sidewalks on arterials, collectors and other streets in proximity to public service areas such as parks, schools or shopping facilities or

in other appropriate locations of a similar nature. The design of the sidewalks shall be considered in their relation to existing and planned sidewalks, reasonable circulation of traffic, topographic conditions, run-off of stormwater and the proposed uses of the area to be served.

Subd. 6 Utility Improvements.

- a. All required utility improvements shall be inspected during the course of construction by the City Engineer at the applicant's expense and acceptance shall be subject to the City Engineer's determination.

Subd. 7 Election by city to install improvements. It is the applicant's responsibility to install all required improvements. Pursuant to city policy, the applicant may petition the city for the installation of required improvements. The city also reserves the right to elect to install all or any part of the improvements required under the provisions of this chapter in lieu of requiring the applicant to install the improvements, pursuant to M.S. Chapter 429.

1202.52 Financial Guarantee

Subd. 1 Financial guarantee. Prior to the delivery of the approved final plat, the applicant shall deposit with the city financial security in an amount of 150% of the City Engineer's estimated cost of the required improvements within the plat, either in a cash escrow or letter of credit. The surety involved in the financial guarantees shall be approved by the city. Release of the cash escrow or letter of credit shall be conditioned upon:

- a. The making and installing of all of the improvements required by the terms and conditions set forth by the city within one year.
- b. Satisfactory completion of the work and payment therefore, which was undertaken by the applicant in accordance with the developer's agreement referred to above.
- c. The payment by the applicant to the city of all expenses incurred by the city, which expenses shall include, but not be limited to, expenses for engineering, planning, fiscal, legal, construction and administration. In instances where a letter of credit is used in lieu of a cash escrow, the letter of credit shall be in a form satisfactory to the city.

Subd. 2 Maintenance guarantee. The city shall require an applicant to submit a warranty/maintenance guarantee in the form of a letter of credit or cash deposit in the amount of 25% of the original cost of the improvements, or as approved by the city Engineer, which shall be in force for two years following the final acceptance of any required improvements and shall guarantee satisfactory performance of the improvement.

1202.53 Inspection

Subd. 1 As-built drawings. "As-built" drawings of all required improvements as required by the City Engineer shall be furnished to the City by the applicant in the format and quantity indicated by the City Engineer at no cost to the City. The "as-built" drawings and files shall meet format requirements of the City Engineer. The "as-built" drawings shall be certified to be true and accurate by the registered professional engineer responsible for the installation of the improvements.

Subd. 2 Inspection/reimbursement of city expenses. All of the required improvements to be installed under the provisions of this chapter shall be approved by and subject to the inspection of the City Engineer or designees. The City Engineer shall assign a field representative to observe the project from initial construction through completion and acceptance by the city.

All of the city's expenses incurred as the result of the requirement improvements shall be paid to the city by the applicant.

1202.60 Park Dedication

1202.61 Dedication Required

Subd. 1 Because a new subdivision creates a need for parks, playgrounds and open space, it is hereby found and declared, that pursuant to M.S. § 462.358, a reasonable portion of such land shall be dedicated to the public or preserved for conservation purposes or for public use as parks, playgrounds, trails, wetlands, or open space.

Subd. 2 At the time of subdivision, the applicant shall dedicate 8 percent of the total area of each new subdivision for public use as parks, playgrounds, recreation facilities, trails, or public open space.

Subd. 3 If the City Council determines that land is not needed in the area of the proposed subdivision, the city may alternatively require payment of a sum of money equivalent to 8 percent of the value of the raw land required.

Subd. 4 If the City Council determines that land is needed in the development, but in a lesser amount than the required amount, the City Council may require payment of cash in lieu of land dedication based on a pro-rata share of the land dedication that otherwise would be required.

Subd. 5 This dedication shall be in addition to the land dedicated for streets, alleys, trails or sidewalks along streets, storm water ponds or other public purposes.

Subd. 6 Credit for previous park dedication.

- a. Previously subdivided property from which a park dedication has been received, being re-subdivided with the same number of lots, is exempt from park dedication requirements.
- b. If, as a result of re-subdividing the Subject Property, the number of lots is increased, then the park dedication or per-lot cash fee must apply only to the net increase of lots.
- c. If a property being subdivided has existing homes and there is no documentation of previous dedication or payment of park dedication, then no credit for park dedication shall be given.

1202.62 Land Suitability

Subd. 1 The area intended to be dedicated must be suitable for parks and playgrounds and shall conform to city plans for parks, trails or open space within the city.

Subd. 2 The city shall not be required to accept land which will not be usable for parks, trails or open space or which would require extensive expenditures on the part of the city to make them usable.

Subd. 3 The city will not give park dedication credit for floodplains, wetlands, stormwater ponding areas, land encumbered by gas pipeline or other utility easements, slopes of more than 20% grade or for required sidewalks or trails within road rights of way.

Subd. 4 All land dedicated for parks, trails, and/or open space shall be designed to incorporate natural features as much as possible, such as rivers, streams, wildlife habitats, woodlands, and ponding areas.

Subd. 5 Improvements to Dedicated Land.

- a. As part of the subdivision approval, the applicant shall be responsible for making certain improvements to dedicated park land, including, but not limited to, finish grading, ground cover, construction of trails and clearly identifying park and trail boundaries with city-approved markers.
- b. The applicant shall preserve all existing trees to the greatest extent possible during the grading process on the land that is to be dedicated for a park, trail or open space.
- c. When the city's Comprehensive Plan identifies a trail or trails to be constructed in the land to be subdivided, the applicant shall be required to pay for the construction of the trail improvements. The construction specifications of trails shall be determined by City Staff. Whenever possible, trails shall connect with existing trails and/or sidewalks.

1202.63 Modification of Requirements

Subd. 1 No credit to the requirements of City Code § 1202.61 will be given for private open space, park, recreational facilities, or trails.

Subd. 2 The dedication requirements are presumptively appropriate. An applicant for affordable housing or senior housing may request a deviation from the presumptive requirements based upon: the anticipated impact of that particular subdivision; or proposed parks, open space, recreational or common areas and facilities open to the public as designated on development plans. The request must be made to the City Council as part of an application for final plat approval. The City Council, after consideration of the request, may modify or reduce the requirements of this section.

Subd. 3 If the applicant disputes the amount of the proposed cash contribution in lieu of the land dedication, the applicant, at their own expense, may obtain an appraisal of the Subject Property. The appraisal shall be made by an approved Member of the Appraisal Institute (MAI), or equivalent real estate appraisal societies. If the city disputes such appraisal, the city may, at the applicant's expense, obtain an appraisal of the Subject Property by a qualified real estate appraisal.

1202.64 Required Actions

Subd. 1 Prior to the dedication of the required Subject Property, the developer shall:

- a. Indicate separate lots or outlots on the plat drawings for the area(s) to be dedicated. Such lots or outlots shall be deeded to the City prior to the issuance of any building permits within the plat.
- b. Provide a survey with topographic data, including contours at vertical intervals of at least two feet, watercourses, wetlands, marshes, rock outcrops, easements, utilities and vegetative data. Portions of any Subject Property dedicated to the public for park, trail and open space purposes to be used for borrow and fill activities elsewhere in the development shall be clearly identified.
- c. Provide the city with evidence of title in a form acceptable to the city attorney or a title insurance policy insuring the city's interest in the Subject Property. In any dedication of required land, the developer must have good and marketable title to the land, free and clear of any mortgages, liens, encumbrances or assessments, except easements or minor imperfections of title acceptable to the city.

Subd. 2 Prior to the paying of a cash fee in lieu of land dedication, the payment of such fee shall be required as follows:

- a. For residential developments, the fee shall be paid prior to the city's release of the signed final plat Mylars for recording with Hennepin County. The exception is that in the case of multiple-family residential developments where the site plan review occurs after the time of final plat approval, the fee shall be paid prior to the issuance of any building permits.
- b. For non-residential developments, the fee shall be paid prior to issuance of any building permits within the subdivision. A pro-rated portion of the fee may be deferred if the applicant proposes to construct significantly less square footage than the site supports, provided that any remaining fees shall be paid if and when additional square footage is constructed on the site in the future.
- c. In plats that include outlots for future development, the applicant may pay to the city:
 - (1) the required dedication for the entire subdivision including the outlots
 - (2) the required dedication excluding such outlots, provided that the park dedication requirement shall be satisfied when such outlots are replatted.

1202.65 Timing

Subd. 1 The requirements of this section for dedication of land or for contribution of cash in lieu of land shall apply at the time of final subdivision approval. If the plat is not recorded within one year of approval and the City Council approves an extension, then the applicant is responsible for paying any increases to the fee.