

SECTION 18. PLATTING VARIATIONS MINOR SUBDIVISION

- Subd. 1. Intent. This section of the Ordinance establishes regulations for the subdivision and resubdivision of land within the City of Long Lake.
- Subd. 2. Purpose. These regulations are established to protect and provide for the public health, safety, and general welfare of the City and to:
- A. Provide for and guide the orderly, economic and safe development and redevelopment of land, and the provision of public services;
 - B. Avoid piecemeal and inefficient planning of subdivisions that results in poor traffic circulation, inadequate public services, poorly designed park and trail systems, and undesirable parcels;
 - C. Establish reasonable standards of design and procedures for subdivisions and resubdivisions, to provide for the orderly layout and use of land according to the requirements of this Ordinance and consistent with the City of Long Lake Comprehensive Plan;
 - D. Assure that a reasonable portion of the proposed subdivision is dedicated to the public or preserved for public and semi-public uses such as streets, sanitary sewer facilities, public water facilities, stormwater drainage and associated facilities, parks and open space, electricity, gas and other similar utilities and improvements;
 - E. Provide for the rights of the public to access public lands and waters;
 - F. Establish requirements for public improvements to assure that the improvements are constructed to reasonable and safe standards;
 - G. Protect and enhance the value of land, buildings and improvements throughout the City; and
 - H. Prevent the pollution of air, streams, and lakes; ensure the adequacy of drainage facilities; protect water resources and encourage the wise use and management of natural resources in order to preserve the integrity, stability, and beauty of the City.
- Subd. 3. Required Approval. No subdivision of land shall be accepted for filing by the Hennepin County Recorder or Registrar of Titles unless the subdivision has been approved by an affirmative vote of the majority of the City Council. The subdivision shall not be valid until it has been filed with the Hennepin County Recorder or Registrar of Titles.
- Subd. 4. Minor Subdivisions.

A. Applicability. The provisions of this subdivision shall only apply to Minor Subdivisions that are defined as:

1. The moving of a lot line between two (2) existing lots provided that the lot line adjustment does not make an unbuildable lot buildable and that no variance is required, or
2. The division of land along the party wall(s) of an existing multi-family building provided that no variance is required.

B. Application. The applicant shall submit the following:

1. A complete application for a Minor Subdivision on a form provided by the City.
2. Copies (of a number determined by the City) of a certificate of survey prepared by a registered land surveyor that includes:
 - a. Legal descriptions for the parcels to be created,
 - b. The existing and proposed lot lines and dimensions,
 - c. Lot acreage,
 - d. Existing and proposed structures and utilities,
 - e. Existing and proposed easements, and
 - f. A wetland delineation, as required by the Wetland Conservation Act.
3. Title evidence for the property in a form acceptable to the City Attorney.
4. Fee established by Resolution, adopted annually, to be used for City expenses related to the review, inspection, approval or disapproval of the Minor Subdivision.

C. Procedure.

1. The Zoning Administrator shall schedule the review of the Minor Subdivision at a Planning Commission meeting after submission of a complete application by the applicant.
2. The Zoning Administrator may provide a courtesy notice to property owners abutting the proposed Minor Subdivision property prior to action by the Planning Commission.
3. The Planning Commission shall determine if the Minor Subdivision complies with this Ordinance and the Comprehensive Plan, and shall recommend that the City Council approve, approve

with modifications, or disapprove the application. The Planning Commission shall state reasons for their recommendation regarding the Minor Subdivision to the City Council.

4. The City Council shall act to approve, approve with modifications, or deny the Minor Subdivision application within one hundred and twenty (120) days of submittal of a complete application, unless a delay is agreed to in writing by the applicant.
5. The City Council shall approve, approve with modifications, or disapprove the application and shall include findings of fact as part of the official record of the City Council decision.

D. Design Standards. The minor subdivision shall comply with all design standards as required in Subd. 6 of this Section.

E. Recording.

1. The applicant shall submit easements, agreements and other documents pertaining to essential services and access provided to the property and their maintenance to the City Attorney for review and approval as to form before the subdivision is filed with the County.
2. The applicant shall furnish evidence that the subdivision documents, including any agreements or easements, have been filed with the County within six (6) months of the City Council approval or before a building permit is requested, whichever occurs first.

Subd. 5. Platting and Subdivision Procedure.

A. Preliminary Plat Review.

1. Submission of application.
 - a. The applicant shall submit a completed application for a Preliminary Plat on a form provided by the City along with the following:
 - 1.) Copies (of a number determined by the City) of the preliminary plat including an 8 ½" x 11" reproducible copy, and supporting documentation containing information required in this Subd., together with protective covenants or restrictions, if any and homeowner association documents.

- 2.) Title evidence for the entire property to be subdivided that is up to date and in a form acceptable to the City Attorney.
 - 3.) Fee established by Resolution, adopted annually, to be used for City expenses related to the review, inspection, approval or disapproval of the preliminary plat.
- b. The Zoning Administrator shall notify the applicant if the application and/or supporting documentation is found incomplete and shall identify the items required to complete the submittal.
 - c. The Zoning Administrator shall distribute copies of the complete application and preliminary plat to the following persons and agencies for review and comment prior to consideration by the Planning Commission and City Council:
 - 1.) The City Engineer and other staff as may be appropriate, including any other City consultants,
 - 2.) The Minnesota Department of Transportation (Mn/DOT), if abutting a state or federal highway, or access is requested from a state or federal highway,
 - 3.) The Hennepin County Engineer, if abutting a county road, or access is requested from a county road,
 - 4.) The Commissioner of the Minnesota Department of Natural Resources (MnDNR), if the subdivision is located within any shoreland or floodplain district as defined by Section 17A – Water Management and Section 17B – Floodplain Management Overlay District of this Ordinance, and
 - 5.) Any other agency deemed appropriate by the Zoning Administrator.
2. Planning Commission public hearing.
 - a. The Zoning Administrator shall set a date for a public hearing on the preliminary plat and submit a written report that includes comments from City staff and any agency, and the preliminary plat to the Planning Commission.

- b. A notice of the public hearing stating the date, time, and location of the hearing before the Planning Commission; a description of the request to be heard; and the address or location of the property to be subdivided shall be published by the Zoning Administrator in the City's official newspaper and mailed to property owners within three hundred and fifty (350) feet of the property to be subdivided a minimum of ten (10) days prior to the hearing.
3. Planning Commission hearing and action.
 - a. The applicant shall appear before the Planning Commission to answer questions pertaining to the application and preliminary plat.
 - b. The Planning Commission may request the applicant to submit additional information that is relevant to the subdivision to properly consider the plat before or after the hearing.
 - c. The Planning Commission shall determine whether the preliminary plat conforms to this Ordinance and the Comprehensive Plan.
 - d. The Planning Commission shall recommend that the City of Long Lake Council approve, approve with modifications or deny the preliminary plat. If approval is not recommended to the City Council, the applicant shall be notified of the reason for denial. The recommendation shall be forwarded to City Council for consideration.
4. City Council consideration and action.
 - a. The City Council shall consider the comments and recommendations of the staff and the Planning Commission.
 - b. The City Council shall act on the preliminary plat within one hundred and twenty (120) days of submittal of a complete application to the City, unless a delay is agreed to in writing by the applicant.
 - c. The City Council shall approve, approve with modifications or deny the preliminary plat, and shall include findings of fact as part of the official record of the City Council decision.
5. If the City Council approves the preliminary plat, the applicant may complete a final plat in accordance with the requirements of this Section.

6. The preliminary plat shall be void if the final plat has not been approved by the City Council within one (1) year from the date of preliminary plat approval, unless a request for a time extension is submitted by the applicant and approved by the City Council prior to the date the preliminary plat is to become void.
- B. Preliminary Plat Submittal Requirements. The preliminary plat shall contain or be accompanied with the following information:
1. Identification and description.
 - a. The proposed name of the subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any other plat recorded in the County.
 - b. Legal description of the existing property(ies).
 - c. Names and addresses of the property owner(s), the applicant, and the surveyor, engineer and/or designer of the plat.
 - d. A north arrow and a graphic scale that is not less than 1" to 100'.
 - e. Vicinity map of area showing geographical points for orientation within a three hundred and fifty (350) foot radius of the property.
 - f. Date of preliminary plat preparation.
 2. Existing features and conditions.
 - a. A certificate of survey of the property(ies) to be subdivided including one hundred (100) feet beyond the property boundaries.
 - b. All contiguous land owned or controlled by the owner(s) of the property(ies) to be subdivided.
 - c. The lot lines, and certified list of the names and addresses of owners of properties within a three hundred and fifty (350) foot radius of the property to be subdivided.
 - d. Existing zoning classification and land use for the property(ies) and abutting properties including floodplain, wetlands and shoreland areas.
 - e. The total acreage of the property to be subdivided.
 - f. The following existing improvements and encumbrances:
 - 1.) location, right of way, width and names of existing or platted streets or other public roadways;
 - 2.) parks and other public lands;

- 3.) permanent buildings and structures including utility poles;
- 4.) the location and width of private driveways, roads and accesses;
- 5.) location, size and capacity of:
 - a.) existing and abandoned drainage and stormwater facilities;
 - b.) wells;
 - c.) storm sewer, sanitary sewer and water utilities;
 - d.) other essential services and telecommunication facilities including poles and corridors located on the property to a distance one hundred (100) feet beyond the outside boundary of the property(ies) to be subdivided; and
- 6.) public and private easements or other encumbrances and their purpose.

g. The following topographic and natural features:

- 1.) Topographic data showing contour intervals of not more than two (2) feet within the property to be subdivided and to a distance of one hundred (100) feet beyond the property boundaries,
- 2.) Water courses, drainageways, lakes and wetlands delineated in accordance with the Wetland Conservation Act,
- 3.) the ordinary high water level, the Flood Insurance Rate Map (FIRM) zone line and one hundred (100) year flood elevations,
- 4.) the toe and top of any bluffs;
- 5.) wooded areas, and
- 6.) other significant features.

h. Other information as required by the Zoning Administrator.

3. Proposed features and conditions.

- a. Proposed lot and block layout, lot lines and dimensions including acreage, and lot and block numbers of all new lots.
- b. Proposed uses of all lots within the subdivision including public areas, drainage areas and common open space.
- c. The minimum required setbacks, including any shoreland, floodplain and wetland setbacks and buffer strips measured from the exterior lot lines, public right of way, ordinary high water levels, wetland elevations or bluff areas.
- d. The location and general design of individual access from lots within the subdivision to public roads.
- e. Location, right of way, grade and width of all proposed roads and pedestrian/bicycle trails.
- f. Location, right of way and width of any road extensions to adjacent property(ies), as required by the Zoning Administrator.
- g. Location, width and purpose of proposed easements.
- h. Stormwater pollution prevention plan including:
 - 1.) Grading plans showing how the property(ies) will be graded and showing the final contours of the property(ies),
 - 2.) drainage facilities and any required design computations,
 - 3.) erosion control measures to prevent erosion and sedimentation both during and after development,
- i. Location and preliminary design of public sanitary sewer and public water.
- j. If the entire property(ies) will not be subdivided, a sketch showing how the remaining property(ies) can be subdivided in compliance with the Comprehensive Plan and this Ordinance, and how access will be provided.
- k. A copy of all proposed private restrictions or covenants, and homeowner association documents for the subdivision.
- l. Other information as required by the Zoning Administrator or Planning Commission.

C. Final Plat Review.

- 1. Review requirements.

- a. The final plat shall be in substantial compliance with the preliminary plat and shall incorporate all of the conditions of the City Council approval of the preliminary plat.
 - b. If the final plat is for a portion of the preliminary plat, the remainder of the preliminary plat must be submitted as a final plat within three (3) years from the date of preliminary plat approval or that portion of the preliminary plat shall become void unless a request by the applicant for a time extension is approved by the City Council.
2. Submission of application.
- a. The applicant shall submit a completed application for a final plat on a form provided by the City and the following:
 - 1.) Copies (of a number determined by the City) including an 8 1/2" x 11" reproducible copy of the final plat and other information that complies with the requirements of this Section.
 - 2.) A copy of all easements for public purposes and other documents to be filed with the final plat in a form and content that meets the City Attorney's approval.
 - 3.) Fee established by Resolution, adopted annually, to be used for City expenses related to the review, inspection, approval or disapproval of the final plat. Additional fees as a result of review by City consultants may also be necessary.
 - b. The Zoning Administrator shall notify the applicant if the application and/or final plat is found incomplete and shall identify the items required to complete the submittal.
 - c. The Zoning Administrator shall distribute copies of the complete application and final plat to the following persons and agencies for review and comment prior to consideration by the Planning Commission and City Council:
 - 1.) the City Engineer, City Attorney and other staff as may be appropriate, including any other City consultants,
 - 2.) any other person or agency deemed appropriate by the Zoning Administrator.

3. Planning Commission review.
 - a. The Zoning Administrator shall submit a written report that includes comments from City staff and any agency, and the final plat to the Planning Commission.
 - b. The Planning Commission shall review the final plat and all supporting documentation for compliance with the preliminary plat approval and provide a recommendation to the City Council.
 - c. The applicant shall appear before the Planning Commission to answer questions pertaining to the application and final plat.
 - d. If approval is not recommended to the City Council, the applicant shall be notified of the reason for denial.
 - e. The recommendation shall be forwarded to City Council for consideration.
4. City Council consideration and action.
 - a. The City Council shall act on the final plat within sixty (60) days of the date the Zoning Administrator has determined the application, final plat and supporting documentation is complete and meets the requirements of this Section, unless a delay is agreed to in writing by the applicant.
 - b. The City Council shall consider conformance of the final plat to the preliminary plat approval, the comments and recommendations of the staff and the Planning Commission, and state statute.
 - c. The City Council shall approve or deny the final plat and shall include findings of fact supporting the motion that shall be entered into the proceedings of the City Council and transmitted to the applicant in writing.
 - d. Upon approval by the City Council, the applicant shall submit a reproducible mylar print or other permanent prints suitable for recording and meeting the requirements of state statute for signature by the Mayor, City Administrator and attestation of the signatures by the City Clerk.
5. Recording of final plat
 - a. The applicant shall record the final plat with the County within one
 - (1) year of the City Council approval of the final plat. No changes, modifications or revisions shall be made to the final plat after the plat has been approved by the City Council

- b. Immediately upon recording, the applicant shall furnish the City with one (1) print of the final plat showing evidence of the recording and an electronic copy of the final plat.
- c. The City will not issue any permits for the property unless the applicant:
 - 1.) has furnished evidence that the plat has been filed with the County,
 - 2.) submitted an electronic copy of the final plat to the City in a format acceptable to the City, and
 - 3.) paid all required fees associated with the review of the preliminary and final plat to the City.

D. Final Plat Submittal Requirements.

- 1. The form and content of the final plat shall conform to County requirements and Minnesota State Statute 505, as may be amended from time to time, and shall include:
 - a. The name of the subdivision that shall not duplicate or be similar to any existing subdivision names in the County.
 - b. The boundary line of the property included with the plat, fully dimensioned, including:
 - 1.) all angles of the boundary excepting the closing angle,
 - 2.) all monuments and survey's irons, and
 - 3.) each angle point of the boundary perimeter to be monumented.
 - c. All lot, block and outlot dimensions, including all necessary angles and other information to reproduce the plat on the ground.
 - d. Lots and blocks clearly numbered and labeled in numerical order.
 - e. Streets and roadways named, as approved by the City and County, with all dimensions including horizontal curve data and the lengths of all areas.
 - f. The location, dimensions and purpose of any area to be dedicated or reserved for public use, or for the exclusive use of property owners within the subdivision.

- g. The location, dimensions and purpose of all easements to be dedicated.
 - h. Certification by a registered land surveyor as required by Minnesota Statutes 505.03, as may be amended.
 - i. Space for:
 - 1.) Signatures of all owners of any interest in the land and mortgage holders in a form required by the County,
 - 2.) Certification of approval and signature of the Mayor of the signatures by the City Clerk, and
 - 3.) Certificates of approval and review as required by the County.
- 2. The final plat shall be accompanied with a copy of all private restrictions or covenants, and homeowner association documents in a form approved by the City Attorney for the subdivision to the City.
 - 3. A paper copy and electronic copy of a complete set of as-built construction drawings shall be submitted to the City within one hundred and twenty (120) days after the construction is completed and approved by the City. The final financial guarantees will not be released unless the as-built drawings have been submitted to the City.

Subd. 6. Subdivision Design Standards.

A. General

- 1. All subdivisions shall comply with the Comprehensive Plan and the provisions of this Ordinance.
- 2. All subdivisions shall be platted or described by Registered Land Survey in accordance with Minnesota Statute 505. No subdivision shall be allowed if the conveyance is described by metes and bounds.
- 3. The design of all improvements required by the subdivision of land shall comply with the:
 - a. City of Long Lake Street & Utility Standards & Detail Plates, dated May 15, 2002, as amended from time to time, which are herein adopted by reference.

- b. City of Long Lake Stormwater Management Plan, dated August 2002, as amended from time to time.
 - c. Any other plan and specification standards pertaining to the design of improvements adopted by the City, and
 - d. Requirements of the Minnehaha Creek Watershed District (MCWD).
4. The City Council may waive the provisions of subparts D. and E. of this Subd. to allow for flexibility and creativity in the design of Planned Unit Developments (PUD's), provided that it follows the intent and purpose of this Section.

B. Overall Requirements.

1. No subdivision shall be approved if the property is not suitable for the proposed land uses of the plat because of potential flooding, topography, inaccessibility, adverse soil conditions, rock formations or protected waters or wetlands.
2. Land subject to life, health or property hazards shall not be subdivided until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.
3. Subdivisions shall be designed to complement the surrounding properties, natural features, environmental conditions and public access to allow for coordinated, attractive and efficient development within the City.
4. No plat shall extend over or onto another municipal or school district boundary.
5. If the subdivision plan shows that one or more lots may be resubdivided in compliance with the zoning district of the property and/or the Comprehensive Plan, the City may require the platting of public right of way and/or dedication of easements to allow for the extension of public roads.
6. Subdivisions shall be designed to the extent practical and reasonable so that lots obtain access from local streets rather than collector, minor arterial and arterial roadways.

C. Environmental Areas

1. The design of the subdivision shall include measures to protect or mitigate adverse environmental impacts where land proposed for subdivision is considered environmentally sensitive by the City,

due to the existence of wetlands, shorelands, drainage ways, watercourses, floodplains or steep slopes.

2. The City may require that the design of the subdivision be revised with larger lot sizes and/or the dedication of outlots or permanent conservation easements over sensitive areas defined in 1. above to ensure environmental protection.
3. Measures of protection shall include:
 - a. grading and construction that involve a minimum of alteration to sensitive areas,
 - b. avoidance of grading and/or construction on slopes over eighteen (18) percent, or
 - c. avoidance of alterations to the natural drainage system that result in adverse impacts outside the subdivision boundary.

D. Lot and Block Standards.

1. Lots. All lots shall be designed to meet the following minimum standards:
 - a. Must meet the area and dimensional standards for the zoning district in which the lot is located and contain the same frontage along a public street as the front setback line.
 - b. Shall be of sufficient size to provide for the off-street parking and loading facilities required for the type of use contemplated, as established in Section 21 – Off-Street Parking.
 - c. Side lot lines shall be at right angles to street lines, radial to curved street lines, or radial to lake or stream shores unless the City determines that due to topographic conditions an alternative layout will result in a better street or lot plan.
 - d. Corner lots shall contain sufficient width and depth to comply with the minimum:
 - 1.) building setback requirement from both streets and
 - 2.) driveway setback from the side lot line and roadway intersection, as established in subd. 4, section 21 – Off-Street Parking Requirements.
 - e. Double-frontage lots shall not be permitted except where lots back onto principal arterial roadways, or where topographic or other conditions make subdividing otherwise unreasonable. Double-frontage lots shall have an

additional depth of at least ten (10) feet to allow space for screen planting along the principal arterial roadway lot line.

- f. When a lot within a subdivision is large enough to be further subdivided according to the zoning district the property is located within, the lot shall be arranged to permit the logical location and openings of future roads and utilities, and resubdivision.
 - g. All lot remnants below the minimum required dimensions for the zoning district of the lot must be added to adjacent or abutting lots unless the applicant can demonstrate an acceptable use for the remnant to the City.
 - h. No outlots shall be created except when related to the phasing of development or for a specific purpose as approved by the City Council. No outlots shall become buildable unless approved by the City Council.
2. Lot access (driveways).
- a. All lots shall be provided with direct access to an improved roadway except for condominium developments, in which case the lot underlying the building shall abut or be provided direct access to an improved road.
 - b. All lots within the subdivision shall be provided access from the subdivision roadway unless the subdivision contains no roadway or the City Council finds that topography, environmental conditions or existing development prohibits access from the subdivision roadway.
 - c. A shared driveway may serve no more than two (2) single family lots. Private cross access easements and a cooperative maintenance agreement in a form approved by the City Attorney shall be filed with the County and a copy submitted to the City prior to the issuance of a certificate of occupancy for any home served by the driveway.
 - d. No access from individual lots to principal arterial roadways shall be permitted. A maximum of one access per lot to a minor arterial, collector or local roadway shall be permitted.
 - e. Lots that obtain access from collector and minor arterial roadways shall be equipped with turn-around driveways.
 - f. For double frontage or corner lots, access shall be obtained from the lower functional class roadway.
 - g. The access shall be located on the property to provide adequate intersection sight distance as determined by the City Engineer in review of Mn/DOT standards.
 - h. No private access shall be located within a turn lane to a public road or another private driveway.

- i. Commercial/industrial accesses shall also meet the following standards:
 - 1.) The City Engineer in review of Mn/DOT standards shall determine the minimum spacing between accesses, or between an access and a public road. If lot frontage is inadequate to meet this requirement, access via a shared entrance or cross-access easement with adjacent property shall be required.
 - 2.) Turn lanes shall be provided as required by the City Engineer to improve safety.
3. Blocks. All blocks shall be designed to meet the following minimum standards:
 - a. Blocks shall be designed to provide two (2) tiers of lots except if the property adjoins a lake, stream, railroad or arterial roadway or where one tier of lots is necessary
 - b. The maximum block length shall not exceed one thousand eight hundred (1,800) feet nor be less than six hundred (600) feet in length to serve cross-traffic adequately and to meet existing streets, except where topography or other conditions justify a departure from this standard.
 - c. In blocks longer than nine hundred (900) feet, ten (10) foot-wide rights-of-way and/or easement(s) for pedestrian/bicycle trails may be required through the block to provide access to parks, schools and other pedestrian/bicycle oriented destinations.
 - d. Blocks intended for business or industrial use shall be designed to satisfy the zoning district requirements and accommodate adequate space for off-street parking, convenient limited access to the roadway system exists.

E. Streets

1. The arrangement and function of streets designed within a subdivision shall be consistent with the Comprehensive Plan, and include consideration of:
 - a. reasonable traffic circulation within the subdivision and the existing and future supporting road network,
 - b. topographic, vegetation and environmental conditions,
 - c. wetland preservation,
 - d. proper storm water drainage,
 - e. public convenience and safety, and
 - f. the proposed uses of the area to be served.

2. Streets shall be designed to:
 - a. provide access to all lots within the subdivision and to adjacent un-subdivided parcels, when reasonable and practical; and
 - b. connect with existing and planned streets in adjoining or adjacent subdivisions, or to provide for future connections to adjoining unsubdivided parcels.
3. The following is prohibited:
 - a. reserved strips and land-locked areas or parcels;
 - b. dead-end streets; and
 - c. private streets, except as approved within a Planned Unit Developments and constructed according to City standards.
4. Cul-de-sacs are permitted when designed to permit future road extensions into adjoining properties or where topography, environmental, land use or existing conditions justify their use as approved by the City Council.
 - a. Permanent cul-de-sac roads shall not exceed six hundred (600) feet in length, as measured along the centerline from the nearest intersection to the center point of the cul-de-sac bubble.
 - b. The road right of way for a temporary cul-de-sac shall be continued to the property line to permit future extension to the adjoining property. Right of way for a temporary turnaround shall be provided at an appropriate location near the adjacent property.
 - c. The land included for a temporary turnaround that is no longer needed for right of way when the road is extended to adjacent property shall revert to the abutting property owners.
5. Dedication of substandard width right of way and roads may be approved by the City Council where:
 - a. the proposed right of way is adjacent to a platted right of way and, when combined, the rights of way meet the requirements of this Ordinance,
 - b. the City finds that such dedication will allow for reasonable access and circulation when the adjoining property is subdivided, or
 - c. where satisfactory assurance to the City for dedication of the remaining part of the street can be secured.

6. All streets shall be dedicated for public use and the roadway shall be located within the right of way. If a proposed subdivision includes an existing private street, the private street shall be dedicated for public use and improved to public street standards.
7. Wherever the proposed subdivision includes or is adjacent to the right of way of a principal or minor arterial road, or railroad right of way, the City Council may require the platting and installation of a frontage or backage road. The distance of the frontage/backage road intersection from the arterial roadway shall be based upon the function of the intersecting roads, existing and future traffic volumes, land use, lot depths, and other factors that contribute to the design of safe and convenient access.
8. Subdivision road access spacing shall be as follows:
 - a. No less than three hundred (300) feet onto local roads.
 - b. County or Mn/DOT requirements on arterial roads.
9. All street connections to minor arterials and collector roads shall be located to provide adequate intersection sight distance, as determined by the City Engineer.
10. No public street connection shall be located within a turn lane to another public street or a private driveway.
11. The minimum right-of-way widths and pavement widths (face to face of curb) for each type of public road shall be as follows:

<u>Type of road</u>	<u>Right of way width</u>	<u>Pavement width</u>
Industrial service road within the I-1 or I-2 zoning district	70 feet	44 feet
Minor Arterial Road	70 feet	36 feet
Collector Street	70 feet	36 feet
Local Street	60 feet	32 feet
Cul de sac – end	radius – 60 feet	48 feet
Roadway section	60 feet	32 feet

12. Where a subdivision abuts or contains an existing road of right of way width that is less than required, additional width shall be dedicated to meet 11 above.
13. The City Council may require the dedication of additional right of way and pavement width within subdivisions, as permitted by law, to accommodate anticipated traffic volumes in a manner that promotes public safety and convenience.
14. Roadway design shall comply with the following:
 - a. Road jogs with centerline offsets of less than one hundred fifty (150) feet shall not be allowed.
 - b. When connecting road lines deflected from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius of not less than one hundred (100) feet.
 - c. Centerline gradients shall be at least half (0.5) a percent and but no greater than six (6) percent on local roads.
 - d. Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall be twenty (20) times the algebraic difference in the percent of grade of the two adjacent slopes.
 - e. The angle formed by intersecting streets shall not be less than sixty (60) degrees, with ninety (90) degree intersections preferred.
 - f. Intersections of more than four (4) corners shall be prohibited.
 - g. Roadways of street intersections shall be rounded by a radius of not less than fifteen (15) feet. Corners at entrances to the turn-around portions of cul-de-sacs shall be designed for installation along both sides of all roadways.
15. A street light fixture shall be provided at each street intersection and/or locations as approved by the City Council within or abutting the subdivision in a location(s). The applicant shall pay to the City the energy cost for the first two (2) years of operation or until all buildings within the subdivision have been completed, whichever occurs first.
16. The type and location of street name, regulatory and traffic control signs shall be located within the right of way of the subdivision according to the requirements of the Public Works Director.

F. Trails and Sidewalks

1. Pedestrian/bicycle trails or sidewalks shall be located in areas of the subdivision as required by the City Council in consultation with the City of Long Lake Parks and Trails map, dated April 2005, and as may be amended.
2. All pedestrian/bicycle trails or sidewalks shall be placed in the public right-of-way or within easements that are a minimum of twenty (20) feet in width.

G. Sanitary Sewer and Water Utilities

1. Public sewer and water facilities, including fire hydrants, shall be designed to serve each lot in the subdivision.
2. Sewer and water trunk lines shall be extended to the lot lines of abutting sites that do not have municipal sewer and water service.

H. Drainage and Water Quality

1. General.
 - a. All subdivisions shall include provisions or facilities that control the quantity and quality of stormwater runoff.
 - b. A stormwater pollution prevention plan shall be required for the subdivision that complies with the goals and policies of the Water Resources Management Plan and Section 17A – Water Management of this Ordinance, other City requirements and the requirements of the MCWD.
 - c. Drainage facilities shall be of an adequate size to accommodate upstream drainage areas that may be located outside of the boundaries of the subdivision.
 - d. No stormwater drainage within a subdivision shall be designed to enter the public sanitary sewer system.
2. Stormwater facilities.
 - a. All stormwater facilities within subdivisions that are within the watershed of an existing regional pond shall be designed in conformance with the hydrologic and hydraulic modeling for the watershed.
 - b. Subdivisions that are outside watersheds of an existing regional pond shall not increase runoff rates existing before the proposed development for the one (1), ten (10) and one hundred (100) year rainfall events.
 - c. Subdivisions that include areas where all or part of a planned regional pond is located shall construct all or part

of the regional pond as part of the development and dedicate an easement to the City over the pond.

- d. Storm sewer systems within subdivisions shall be designed utilizing the Rational Method unless a modification is approved by the City Engineer.
 - e. Detention ponds shall be constructed or natural basins or areas shall be designed to limit run-off to pre-development rates in accordance with Appendix A of the Water Resources Management Plan.
 - f. All subdivisions shall be designed and constructed in accordance with Best Management Practices, as defined in Section 2 of this Ordinance to treat storm water discharge.
3. Private storm water facility maintenance
- a. All private storm water facilities shall be privately maintained in proper condition consistent with the performance standards for which they were originally designed.
 - b. All settled materials from drainage facilities shall be removed and properly disposed of on an annual basis as required by the City. One (1) to five (5) year waivers from this requirement may be granted by the City Engineer when the responsible party presents evidence that the facility has additional capacity to remove settled solids in accordance with the original design capacity.
 - c. No private storm water facilities may be approved unless a maintenance plan is provided that defines the responsible party for maintenance, the type of maintenance and the maintenance schedule.
 - d. The responsible party for the maintenance of the private stormwater facilities shall be named in the homeowner documents and recorded in the chain of title of all lots within the subdivision in a form approved by the City Attorney.
- I. Erosion and sediment control
1. The design of the subdivision shall conform to the overall topography of the land, to the extent reasonable, to minimize the potential for erosion and sedimentation resulting from land disturbing activities.
 2. No subdivision shall be approved that requires land disturbing activities unless erosion and sedimentation controls are submitted to the City as part of the stormwater pollution prevention plan that

meets the requirements of Rule B, as may be amended, of the MCWD.

J. Easements

1. Easements for drainage and utilities at least ten (10) feet wide shall be provided on all lot lines. In the case of side or rear lot lines, these may be centered on the lot line.
2. Drainage easements shall be provided along each side of the center line of any water course or drainage channel; and over ponding and wetland areas to a sufficient elevation as determined by the City Engineer to provide:
 - a. protection,
 - b. proper maintenance,
 - c. storm water runoff, and
 - d. for installation and maintenance of public utilities.
3. Utility easements shall connect with easements established on adjoining properties.
4. The location of easements approved by the City Council shall not thereafter be changed without subsequent approval of the Council.
5. All easements shall be dedicated to the City for the required use and shall be shown on the final plat or as allowed by Minnesota Statute 505.
6. The platting or granting of private easements across private property or property lines for the purpose of providing private lake shore access is prohibited.

Subd. 7. Park Dedication.

A. Purpose. The purpose of the City of Long Lake park dedication requirements is to:

1. Provide areas in the City for public parks, recreational facilities, playgrounds, trails or open space as allowed by Minnesota Statute 462.358, Subd. 2b, as may be amended.
2. Allow and enhance active and passive recreational opportunities for city residents and visitors as a part of overall community development and improvement activities.

3. Require a reasonable contribution of land or funds from subdivision development that result in additional demands on City parks, trails, open spaces and associated facilities in order to maintain commensurate amounts of park and open space opportunities within the City.

B. Application. The park dedication requirements shall be applied to all subdivisions as follows:

1. The applicant for a subdivision of land into more than one lot shall dedicate land for parks, playgrounds, public open spaces and trails or make a cash contribution to the City's Park Fund as provided for by this Subd. The City may elect to receive a combination of cash, land and/or private park and open space development, in accordance with C. Dedication Requirements of this Subd., as the park dedication requirement.
2. Property that is resubdivided with the same number of lots shall be exempt from all park dedication requirements.
3. The park dedication requirement shall be in addition to property dedicated in fee title or as easement to the City or another government agency for public streets or other public improvements unrelated to parks, open space and trails.
4. The property to be conveyed as the park dedication requirement shall not be used in calculating any of the density, lot area or dimensions, or open space requirements of the zoning district of the property.
5. If the number of lots within a subdivision is increased or if land outside the previously recorded subdivision is added, the park dedication requirement shall be based on the additional lots and on the additional land being added to the plat.
6. The applicant of a Planned Unit Development with mixed land uses shall make cash and/or land park dedication contributions in accordance with this Subd. based upon the acreage of land devoted to commercial or industrial uses and the number of residential units.

C. Dedication Requirements. The following requirements shall be met for the land or cash dedication requirement:

1. Land Dedication.

- a. In all new subdivisions, ten (10) percent of the gross area to be subdivided shall be dedicated for public park and open space or related public use.
- b. Land to be dedicated shall be reasonably suitable for park and open space activities as determined by the City Council and shall be at a location that is convenient to the public. Factors used in evaluating the adequacy of proposed park and open space areas shall include size, shape, topography, geology, hydrology, tree cover, access, location and consistency with the Comprehensive Plan.
- c. Land that is occupied by floodplain or wetlands, or is required for stormwater ponding areas, drainageways or essential services as defined in Minnesota Statute 462.358, Subd. 2b. may not be considered as the parkland dedication to the City.
- d. The preliminary plat shall show the location and dimensions of all park, trail and open space areas proposed for dedication to the City. The Planning Commission shall provide a recommendation regarding the location and adequacy of the proposed park and open space area to the City Council.
- e. Property designated for parks or open space in the Comprehensive Plan shall be dedicated to the City or other appropriate governmental unit. If the applicant elects not to dedicate more area than required by this Subd., the City may acquire the additional land through purchase or condemnation.
- f. Private park and/or open space proposed within the subdivision may fulfill all or a part of the requirement for park dedication at the discretion of the City Council. The private park and/or open space area shall be designated and protected for long term park and/or open space purposes in a form to be approved by the City Attorney.

2. Cash Contribution.

- a. The applicant shall be required to pay a cash fee if the subdivision is insufficient in area or unsuitable for all or a part of public park and open space dedication requirement established in 1. above.
- b. The cash fee for the land uses are as follows:
 - 1.) single family residential unit: \$2,375 per buildable lot
 - 2.) multiple family residential unit: \$2,375 per unit

- 3.) office/ industrial/ commercial property: \$5,475 per acre
- c. The terms for the payment of the park dedication cash fee for each land use or residential unit shall be included in the development agreement and in no event shall be later than issuance of a building permit for the property.

Subd. 8. Installation and Construction of Basic Improvements.

- A. Development Agreement Required. After receiving preliminary plat approval, the applicant may construct the required improvements within the subdivision in accordance with City requirements, provided that the applicant enters into a Development Agreement with the City, as established in Subd. 11 of this Section.
- B. Basic Improvements. The following basic improvements shall be installed in compliance with the Street & Utility Standards & Detail Plates and the following additional requirements:
 - 1. Monuments.
 - a. Official permanent monuments shall be placed as required by Minnesota Statutes, Section 505.02, as may be amended.
 - b. All monument markers shall be correctly in place upon final grading and installation of utilities.
 - c. All federal, state, county or other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.
 - 2. Streets, sidewalks and trails.
 - a. Streets shall be graded the entire width of the right-of-way and shall provide a boulevard section, in addition to the minimum pavement width.
 - b. The portion of the right of way outside of the pavement shall be sodded.
 - c. All roads shall have a sub-base and shall be improved with concrete or bituminous surface, in accordance with the following:

<u>Classification</u>	<u>Pavement Design: Axle Load</u>
minor arterial, collector streets and streets serving commercial or industrial uses	10 ton minimum
local streets	7 ton minimum

- d. Soil samples shall be collected and analyzed by a testing laboratory with a report submitted to the City Engineer with the street pavement plans before construction. Soil samples shall be taken along the centerline of the proposed road at intervals not exceeding three hundred (300) feet unless otherwise approved by the City Engineer.
 - e. Concrete curb and gutter shall be constructed on both sides of all streets.
 - f. All street name and traffic control signs shall be provided and installed by the City, at the expense of the applicant.
 - g. Street lighting fixtures shall be provided and installed by the applicant.
3. Public utilities.
- a. Sanitary sewer and water facilities shall be installed according to the standards and specifications required by the City and approved by the City Engineer.
 - b. Sanitary sewer and water mains that are oversized for the subdivision and designed to accommodate the development of adjacent property may be required, and the additional cost shall be allocated according to City policy.
 - c. Public sewer and water lines shall be stubbed to the property line of each lot within the subdivision.
4. Overall grading and drainage.
- a. All surface and underground drainage systems shall be installed to adequately remove all drainage that accumulates on the developed property. All such systems shall provide complete removal and a permanent solution for the removal of drainage water.
 - b. All land disturbing or land filling activities or soil storage shall be undertaken in a manner consistent with the stormwater pollution prevention plan approved for the subdivision, the Water Resources Management Plan, and the provisions of Subd. 9 A. and B. of Section 17A – Water Management Provisions of this ordinance.
 - c. A grading permit shall be obtained from the Building Official before any land disturbance activity associated with the subdivision commences on the property.
 - 1.) The grading permit shall be accompanied by the final stormwater pollution prevention plan that was submitted to the MCWD.

- 2.) The City shall not issue the grading permit until the applicant provides evidence that the final stormwater pollution prevention plan has been approved by the MCWD.
- 3.) The applicant shall:
 - a.) install the erosion and sedimentation controls as approved on the final plans,
 - b.) comply with all requirements of the MCWD and the City, and
 - c.) maintain the erosion and sedimentation controls on a continual basis until the City authorizes the discontinuance or removal of the measures.
5. Essential services. All essential service lines shall be placed underground prior to street surfacing, including electrical service, unless overhead lines are specifically approved by the City. All essential service lines shall be placed in rear line easements when carried on overhead poles if approved by the City Council.
6. Miscellaneous facilities including but not limited to required tree preservation and landscaping, wetland mitigation and other improvements as may be required by the City shall be furnished and/or installed by the applicant.

C. Construction Plans and Inspection.

1. All of the construction plans for the required improvements shall conform to the requirements of the City and shall be prepared, at the applicants' expense, by a registered professional engineer.
2. The construction plans with grades, profiles and other details for the improvements accompanied by the quantities of construction items and an estimate of the total costs for the grading, erosion control and public improvements shall be submitted to the City Engineer for review and approval prior to the issuance of any permit for the property. Upon approval by the City Engineer, the construction plans shall become a part of the required Development Agreement.
3. The City Engineer shall inspect all required improvements in the subdivision installed under the provisions of this Section during construction at the applicants' expense.

D. Completion of Required Improvements.

1. The applicant shall complete all required basic improvements no later than one (1) year following the commencement of work on the improvements except:
 - a. Street lighting shall be completed within two (2) years following the initial commencement of work on the required basic improvements.
 - b. Landscaping shall be completed within one (1) year following the issuance of a building permit unless weather precludes completion, in which case the landscaping shall be completed at the outset of the next growing season.
 - c. The wearing course of streets shall be installed within one (1) year following initial commencement of work on the required basic improvements or after the first course has weathered a winter season, consistent with warranty requirements in 3. of this subpart.
 - d. Where weather precludes completion in which case the improvement(s) may be completed at the outset of the next construction/growing season.

2. The applicant shall furnish as-built construction plans on a compact disc in a form acceptable to the City that verify all public improvements required by the City:
 - a. comply with the approved construction plans for the subdivision, and
 - b. are certified as true and accurate by the registered engineer responsible for the installation of the improvements.

3. The acceptance of the public improvements and any release of the required financial guarantee by the City for the public and private improvements shall be subject to the:
 - a. City Engineer's certificate of compliance of the improvements with the final construction plans in the Development Agreement.
 - b. Submission of a warranty/maintenance guarantee in the form of a bond or a letter of credit to be approved by the City Attorney that is equal to the original cost of the improvements or a lesser amount as agreed to by the City Engineer.
 - 1.) The required warranty period for materials and workmanship from the utility contractor installing

public sewer and water mains shall be two (2) years from the date of final City acceptance of the work.

- 2.) The required warranty period for all work relating to street construction, including concrete curb and gutter, sidewalks and trails, materials and equipment shall be subject to:
 - a.) one (1) year from the date of final City acceptance, or
 - b.) two (2) years from the date of final City acceptance of the work if the wearing course is applied during the same construction season as the bituminous base.
- 3.) The required warranty period for sod, trees, and landscaping is two (2) years following installation.
- 4.) Warranties for other public improvements shall be established by the City Council.

E. Payment for Installation of Improvements.

1. The required improvements as listed in subpart B. of this Subd. shall be furnished and installed at the sole expense of the applicant except as provided in 2. below.
2. If any improvement installed within the subdivision will be of substantial benefit to property outside the subdivision boundaries, the City may assess the respective portion of the improvement cost to the benefited property. In such a situation, the applicant will be required to pay for the portion of the improvement cost that benefits property within the subdivision.

Subd. 9. Development Agreement.

- A. The applicant of any subdivision that requires the installation of improvements is required to enter into a Development Agreement with the City prior to the installation of any required improvements and before the final plat is released for recording at the County to ensure that all conditions of the subdivision approval are incorporated into the development and that the required improvements are properly installed.
- B. The Development Agreement shall incorporate the following provisions.
 1. Required Improvements. Prior to final plat approval by the City Council, the applicant shall agree to install the required

improvements within the subdivision in conformity with the approved construction plans, the Street & Utility Standards & Detail Plates and all other governmental requirements:

2. Other Basic Improvements. The applicant shall arrange for the installation of telecommunications, CATV, electrical and natural gas service following the grading of boulevard or utility easements.
3. Financial Guarantee.
 - a. The Development Agreement shall require the applicant to make a financial guarantee, in conformance to the requirements of this Section, in a form acceptable to the City Attorney.
 - b. The guarantee shall be in an amount equal to one hundred fifty (150%) percent of the total cost of:
 - 1.) all the improvements listed in Subd. 9, subpart B of this Section to be furnished and installed by the applicant, unless as otherwise provided for in this Section, as estimated by City Engineer.
 - 2.) the costs of inspection and administration by the City and other necessary review and inspection by the City's consultants.
 - c. The Development Agreement may provide for completion of part or all of the improvements prior to the recording of the final plat with the County. In such event, and if evidence is presented that the described work and improvements have been paid for, the amount of the financial guarantee may be reduced in a sum to equal the estimated costs of the improvements completed in a manner approved by the City Engineer prior to the recording of the plat.
 - d. The financial guarantee may be reduced if the City accepts the public improvement by a ratio that the cost of the dedicated public improvement bears to the total cost of public improvements for the plat.
 - e. The City shall be entitled to reimburse itself out of the guarantee for any cost and expense incurred by the City for completion of the work in case of default of the applicant under the Development Agreement.
 - f. The financial guarantee for the public improvements shall not be released until:

- 1.) The registered engineer responsible for the design of the improvements has certified that the required improvements have been satisfactorily completed and the City Engineer has approved the certification.
 - 2.) As-built construction plans that verify that all public improvements comply with the approved construction plans have been submitted to the City.
 - 3.) A title insurance policy approved by the City Attorney has been submitted to the City indicating that the improvements are free and clear of any and all liens and encumbrances.
- g. Upon completion of the work and termination of any liability, the balance remaining in the financial guarantee shall be refunded to the applicant. The City shall not be responsible for paying interest on these funds.
 - h. The financial guarantee for the landscaping improvements shall have an effective period of two full calendar years after the effective date of the guarantee.

Subd. 10. Administration and Enforcement.

- A. Registered Land Surveys. All registered land surveys shall be filed with the County and the City Clerk according to the procedure required for the filing of a preliminary plat. The standards and requirements of this Section shall apply to all registered land surveys. Unless approved by the City Council, a registered land survey shall not be used to divide a parcel of land into lots for the purpose of transfer of ownership or building development, if any of the tracts do not have the required frontage on a dedicated public street.
- B. Metes and Bounds Conveyances. Conveyance by metes and bounds shall be prohibited.
- C. Variances.
 1. A subdivision shall not be approved where a variance will be required to use the lots for their intended use.
 2. The Planning Commission may recommend and the City Council may approve variances from this Section of the Ordinance, provided the variances are not inconsistent with the intent and purpose of this Ordinance and the Comprehensive Plan. A variance may only be granted when the Planning Commission and the City

Council finds that all of the following factors pertain to the property for which the variance is requested:

- a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.
 - b. The conditions upon which the request for variance is based are unique to the property for which the variance is requested and are not generally applicable to other property.
 - c. An unusual hardship on the property exists because of the property's particular physical surroundings, shape, or topographical conditions that warrants varying the requirements of this Section of Ordinance.
 - d. That the conditions or circumstances that cause the unusual hardship do not result from actions of the property owner or the applicant.
3. In granting the variance, the Planning Commission may recommend and the City Council may impose conditions that it finds necessary or desirable to effect the purposes of this Section of the Ordinance and to protect the public interest.
 4. A variance from this Section of the Ordinance shall be requested by the applicant of the subdivision at the same time the preliminary plat application is submitted to the City.
 5. The variance, if granted by the City Council, shall expire one (1) year from the date of preliminary plat approval if the final plat has not been filed with the County unless a request for an extension has been approved by the City Council in accordance with Subd. 6 of this Section.
- D. Unapproved Subdivisions. No conveyance of land to which these regulations are applicable shall be filed or recorded with the County, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961, or to a plat not approved by the City Council. This provision does not apply to a conveyance if the land described:
1. Was a separate parcel of record May 1, 1959.
 2. Was the subject of a written agreement to convey entered into prior to such time.

3. Was a separate parcel of not less than two and one-half (2 ½) acres in area and one hundred fifty (150) feet in width on January 1, 1966.
4. Was a separate parcel of not less than five (5) acres in area and three hundred (300) feet in width on July 1, 1980.
5. Is a single parcel of:
 - a. commercial or industrial land of not less than five (5) acres and having a width of not less than three hundred (300) feet and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than five (5) acres in area or three hundred (300) feet in width, or
 - b. residential or agricultural land of not less than twenty (20) acres and having a width of not less than five hundred (500) feet and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than twenty (20) acres in area or five hundred (500) feet in width.

E. Violations and Penalty. In addition to the requirements of Section 30 – Violations, Enforcement, Effect and Validity, the following provisions apply to subdivisions:

1. Sale of Lots from Unrecorded Plats. It shall be a misdemeanor to sell, trade, or otherwise convey any lot or parcel of land within any subdivision unless the subdivision has been recorded with the County.
2. Receiving or Recording Unapproved Plats. It shall be unlawful to receive or record in any public office any subdivision of land unless it has been approved by the City Council.
3. Misrepresentations. It shall be a misdemeanor for any person owning an addition or subdivision within the City to represent that any improvement within the addition or subdivision has been supervised, inspected or constructed according to the plans and specifications approved by the City Council, when such actions have not occurred.