

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND, DEFINING CERTAIN TERMS USED THEREIN; PROVIDING FOR THE PREPARATION OF PLATS; PROVIDING FOR THE INSTALLATION OF STREETS AND OTHER IMPROVEMENTS; PROVIDING FOR THE DEDICATION OF CERTAIN LAND FOR PARKS AND PLAYGROUNDS; ESTABLISHING PROCEDURES FOR APPROVAL AND THE RECORDING OF PLATS; AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

402.01 General Provisions.

A. Short Title.

This Ordinance shall be known as the "Subdivision Ordinance of the City of Oak Park Heights", and will be referred to herein as "this Ordinance".

B. Purpose.

In order to safeguard the best interests of the City of Oak Park Heights and to assist the subdivider in harmonizing his interests with those of the City at large, the following Ordinance is adopted so that the adherence to same will bring results beneficial to both parties. It is the purpose of this Ordinance to make certain regulations and requirements for the platting of land pursuant to the authority contained in Minnesota Statutes Annotated, which regulations the City Council deems necessary for the health, safety and general welfare of this community.

C. Scope.

The rules, regulations and standards governing subdivision of land as contained herein, shall apply to all land within the corporate limits of the City of Oak Park Heights.

D. Approvals Necessary for Acceptance of Subdivision Plats.

Before any plat shall be recorded or be of any validity, it shall be referred to the Planning Commission and approved by the City Council of the City of Oak Park Heights as having fulfilled the requirements of this Ordinance.

E. Conditions for Recording.

No plat of any subdivision shall be entitled to record in the Washington County Recorders Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Ordinance.

F. Building Permits.

No building permits shall be considered for issuance by the City of Oak Park Heights for the construction of any building or structure or improvements to the land or to any lot in a subdivision as defined herein, until all requirements of this Ordinance have been complied with fully.

G. Minor Subdivisions:

a. Qualification: This section apply to the following applications:

1. In the case of a request to divide a portion of a lot where the division is to permit the adding of a parcel of land to an abutting lot so that no additional lots are created and both new lots conform to Zoning Ordinance lot size minimum standards
2. In the case of a request to combine two (2) existing platted lots.
3. In the case of a request to divide a lot from a larger tract of land and thereby creating no more than two lots, both of which conform to Zoning Ordinance lot size minimum standards. To qualify, the parcel of land shall not have been part of a minor subdivision within the last five (5) years.
4. In the case of a request to divide a base lot which is a part of a recorded plat on which has been constructed a two-family dwelling, townhouse or quadraminium, where the division is to permit individual private ownership or a single dwelling unit within such a 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 Ordinance, or the State Building Code.

a. Content and Data Requirements:

1. Certificate of Survey: The requested minor division shall be prepared a registered land surveyor in the form of a Certificate of Survey.
2. Property Description and Submission Information: The data

and supportive information detailing the proposed subdivision shall be the same as required for a preliminary plat as described in Section 402.06 of this Chapter. Exceptions, as stipulated in writing, may be granted by the Zoning Administrator.

b. Design Standards. The minor subdivision shall conform to all design standards as specified in this Chapter. Any proposed deviation from said standards shall require the processing of a variance request.

c. Processing:

1. If the land division involves property which has been previously platted, or the total property area included is greater than ten (10) acres, the Zoning Administrator may approve the subdivision, provided that it complies with applicable provisions of this Chapter.

2. In the case of applications involving property which has not been previously platted, and is less than ten (10) acres in total area, applicable processing provisions of Section 402.04, Preliminary Platting shall be followed.

H. Separability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason found to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance.

I. Conflict.

Wherever there is a difference between minimum standards of dimensions specified herein and those contained in other official regulations, resolutions or ordinances of the City, the most restrictive standards shall apply.

402.02 Rules.

For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; and the word shall is mandatory and not discretionary.

402.03 Definitions.

For the purpose of this Ordinance, certain words and terms are hereby defined as set forth in the subdivisions which follow.

- A. "Alley" is a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principle frontage is on a street.
- B. "Applicant" is the owner of land proposed to be subdivided or his designated representative. Written consent shall be required from the recorded owner of the premises.
- C. "Block" is an area of land within a subdivision that is entirely bordered by streets, or by streets and the entire boundary or boundaries of the subdivision, or a combination of the above with a river or lake.
- D. "Boulevard" is the portion of the street right-of-way between the curb line and the property line.
- E. "Building" is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.
- F. "City" is the City of Oak Park Heights.
- G. "City Council" is the City Council of the City of Oak Park Heights.
- H. "Comprehensive Plan" is the group of maps, charts, and texts that make up the Comprehensive Long-Range Plan of the City.
- I. "Design Standards" are the specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right-of-ways, blocks, easements and lots.
- J. "Easement" is a grant by a property owner for the use of a strip of land and for the purpose of constructing and maintaining drives, utilities, including, but not limited to, wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.
- K. "Final Plat" is a drawing or map of a subdivision, meeting all of the requirements of the City and in such form as required by Washington County for the purpose of recording.
- L. "Individual Sewage Disposal System" is a septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

- M. "Lot" is land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of the current Oak Park Heights Zoning regulations, having not less than the minimum area required by said Zoning Ordinance for a building site in the district in which such lot is situated and having its principal frontage on a street.
- N. "Lot Corner" is a lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.
- O. "Lot Improvement" is any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.
- P. "Outlot" is a lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no development is intended and for which no building permit shall be issued.
- Q. "Owner" includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm, association, public, or quasi-public corporation, private corporation, or a combination of them.
- R. "Parks and Playgrounds" are public land and open spaces in the City of Oak Park Heights dedicated or reserved for recreation purposes.
- S. "Percentage of Grade," on street center line, means the distance vertically from the horizontal in feet and tenths of a foot for each one hundred (100) feet or horizontal distance.
- T. "Pedestrian Way" is a public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lines.
- U. "Preliminary Plat" is a tentative drawing or map of a proposed subdivision meeting the requirements herein enumerated.
- V. "Protective Covenants" are contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

- W. "Public Improvement" is any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, 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.
- X. "Setback" is the distance between a building and the property line nearest thereto.
- Y. "Street" is a public right-of-way affording primary access by pedestrian or vehicles, or both, to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue, or boulevard.
- Z. "Streets" - Thoroughfares, Arterial Streets are those streets carrying larger volumes of traffic and serving as links between various sub-areas of the community. Thoroughfares or arterial streets are intended to provide for collection and distribution of traffic between highways and collector streets; hence regulation of direct access to property is critical.
- AA. "Streets - Collector Streets" are those streets which 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.
- BB. "Streets - Local Streets" are those streets which are used primarily for access to abutting properties and for traffic movement.
- CC. "Streets - Marginal Access Streets" are those local streets which are parallel and adjacent to thoroughfares and highways; and which provide access to abutting properties and protection from through traffic.
- DD. "Streets - Cul-de-sac" is a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- EE. "Street Width" is the shortest distance between lines of lots delineating the streets right-of-way.
- FF. "Subdivider" is any individual, firm, association, syndicate, co-partners, corporation, trust, or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.

- GG. "Subdivision" is a described tract of land which is to be or has been divided into two (2) or more lots or parcels for the purpose of transfer of ownership, building development, or for tax assessment purposes. The term includes re-subdivision and where it is appropriate to the context, relates to either the process of subdividing, or to the land subdivided, or to the development for which it is being subdivided.
- HH. "Base Lots" are a lot meeting all the specifications within its zoning district prior to being divided into a two family or quadraminium subdivision.
- II. "Unit Lots" are lots created from the subdivision of a two (2) family dwelling or a quadraminium having different minimum lot size requirements than the conventional base lot within the zoning district.
- JJ. "Quadraminiums" are single structures which contain four (4) subdivided dwelling units all of which have individually separate entrances from the exterior of the structures.
- KK. "Two-Family Dwelling" is a dwelling designed for the occupancy by two (2) families living independently of each other.
- LL. "Planning Commission." The Planning Commission of the City of Oak Park Heights.

402.04

Procedures for Filing and Review.

A Sketch Plan.

In order to insure that all applicants are informed of the procedural requirements and minimum standards of this Ordinance or Plans, prior to the development of a preliminary plat, all applicants shall present a sketch plan to the City Clerk prior to filing a preliminary plat.

B Preliminary Plat.

1. Pre-Application

Applicants requesting preliminary plat approval are required to contact the Zoning Administrator in order to set up a pre-application meeting with the City Engineer, City Attorney, City Planner, and/or City Building Official to discuss the project in question. A staff meeting is strongly recommended for all types of proposals to answer questions on processing the application, payment of fees, explain ordinance requirements, identify details of the request, review concept plans, provide advice, and potentially avoid any unnecessary plan modifications or site design related conflicts.

2. Application.
Request for preliminary plat approval, as provided within this Ordinance, shall be filed with the City on an official application form at least twenty (20) days prior to the date set for a public hearing. Such application shall be accompanied by a fee as outlined in Section 401.08 of the Oak Park Heights Zoning Ordinance. Such application shall also be accompanied by five (5) large scale copies and one (1) reduced scale (8-1/2 x 11") copy of detailed written and graphic materials fully explaining the proposed change, development, or use, and mailing list provided by the applicant from the records of the Washington County Assessors Office for all homes, businesses and property located within three hundred fifty (350) feet of the subject property. Where necessary, the City shall refer said application along with all related information, to other City staff or agencies for their report and recommendation to the Planning Commission and City Council. The request shall be considered officially submitted and the application approval timeline commences when all the informational requirements are complied with.

3. Proof of Ownership or Authorization.
The applicant shall supply proof of title of the property for which the preliminary plat approval is requested, consisting of an abstract of title or registered property abstract currently certified together with any unrecorded documents whereby the petitioners acquire a legal ownership of equitable ownership interest or supply written authorization from the owner(s) of the property in question to proceed with the request. Prior to approving an application for a preliminary plat, the City shall receive from the applicant certification that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the preliminary plat approval application relates.

4. Public Hearing.
The Planning Commission shall conduct the hearing and report its findings and recommendations to the City Council. Said hearing shall be established once adequate time has been allowed for staff and advisory body review of the plat. Notice of said hearing shall consist of a legal property description, description of request and map detailing property location, and be published in the official newspaper at least ten (10) days prior to the hearing and written notification of said hearing shall be mailed at least ten (10) days prior

to all owners of land within three hundred fifty (350) feet of the boundary of the property in question.

5. Validity of Notice.

Failure of a property owner to receive said notice shall not invalidate any such processing as set forth within this Ordinance.

6. Technical Assistance Reports.

After the public hearing has been set, the Zoning Administrator shall instruct the appropriate, and provide general assistance in preparing a recommendation of the action to the Planning Commission.

7. Review by Other Commissions or Jurisdictions.

The Zoning Administrator shall refer copies of the preliminary plat to the Park Board, County, State or other public jurisdictions for their review and comment, where appropriate and when required.

8. Additional Information.

The City Council, the Planning Commission, and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

9. Planning Commission Review.

The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed amendment or conditional use. The Planning Commission shall recommend approval or denial of the request.

10. City Council Action.

a. The City Council shall not act upon a preliminary plat until they have received a report and recommendation from the Planning Commission. Upon completion of the report and recommendation by the Planning Commission the request shall be placed on the agenda of the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

- b. If all requirements of this Ordinance are complied with, the City Council shall act upon the preliminary plat and may impose conditions and restrictions which are deemed necessary within sixty (60) days of the date of the close of the public hearing.
- c. If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the Council and transmitted to the applicant. If the preliminary plat is approved, such approval 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 Ordinance to be indicated on the final plat. The City Council may require such revisions in the preliminary plat and final plat as it deems necessary for the health, safety, general welfare and convenience of the City of Oak Park Heights.
- d. If the preliminary plat is approved by the City Council, the subdivider must submit the final plat within one hundred (100) days after said 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.

C Final Plat.

1. Filing.

After the preliminary plat has been approved, final plat shall be submitted for review as set forth in the subdivisions which follow.

2. Approval of the Planning Commission.

Ten (10) copies of the final plat shall be submitted to the Zoning Administrator for distribution to the Planning Commission and appropriate City staff, twenty (20) days prior to the meeting at which consideration is requested. During the said twenty (20) days, the City staff shall examine the final plat and prepare a recommendation to the Planning Commission. The final plat, together with the recommendations of the Planning Commission, City staff or consultants shall be submitted to the City Council for approval.

2A. Approval of the City Council.

If accepted by the City Council, 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. If disapproved, 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 such approval. The Council's decision shall be made within sixty (60) days after the first meeting at which it received the final plat.

3. Special Assessments.

When any existing special assessments which have been levied against the property described are to be divided and allocated to the respective lots in the proposed plat, the City Clerk shall estimate the clerical cost of preparing a revised assessment roll, filing the same with the County Auditor, and making such division and allocation, and upon approval by the Council of such cost, the same shall be paid to the City Clerk before the final plat approval.

4. Street Addresses.

With submission of the final plat, ten (10) copies of the plat map showing all addresses, correctly labeled in conformance with all applicable State Statutes, Washington County Regulations, and City Ordinances and policies, shall be supplied to the City Clerk for subsequent distribution to the utility companies, local school districts, and U. S. Post Office.

5. Recording Final Plat.

If the final plat is approved by the City Council, the subdivider shall record it with the Washington County Recorder within one hundred (100) days after said 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. The subdivider shall, immediately upon recording, furnish the City Clerk with a print and reproducible tracing of the final plat showing evidence of the recording. No building permits shall be let for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by Washington County.

402.05

Premature Subdivisions.

Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the City Council of the City of Oak Park Heights.

A Condition Establishing Premature Subdivision.

A subdivision may be deemed premature should any of the conditions set forth in the provisions which follow exist.

1. Lack of Adequate Drainage.

A condition of inadequate drainage may 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.
- 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 downhill or downstream land.
- d. Factors to be considered in making these determinations may include: average rainfall for the area; the relation of the land to floodplains; the nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluents; and the presence of streams as related to effluent disposal.

2. Lack of Adequate Water Supply.

A proposed subdivision may be deemed to lack an adequate water supply if the proposed subdivision does not have adequate sources of water to serve the proposed subdivision if developed to its maximum permissible density without causing an unreasonable depreciation of existing water supplies for surrounding areas.

3. Lack of Adequate Roads or Highways to Serve the Subdivision.

A proposed subdivision may be deemed to lack adequate roads or highways to serve the subdivision when:

- a. Roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition, and when, with due regard to the advice of Washington County and/or the

Minnesota Department of Transportation, said roads are inadequate for the intended use.

- b. The traffic volume generated by the proposed subdivision would create unreasonable highway congestion or unsafe conditions on highways existing at the time of the application or proposed for completion within the next two (2) years.

4. Lack of Adequate Waste Disposal Systems.

A proposed subdivision may be deemed to lack adequate waste disposal systems 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 after reasonable sewer capacity is reserved for schools, planned public facilities, and commercial and industrial development projected for the next five (5) years; or if in subdivisions where sewer lines are neither available nor proposed, there is inadequate on-site sewer capacity potential to support the subdivision if developed to its maximum permissible density.

5. Inconsistency with Comprehensive Plan.

The proposed subdivision is inconsistent with the purposes, objectives, and recommendations of the duly adopted Comprehensive Plan of Oak Park Heights, as may be amended.

6. Providing Public Improvements.

Public improvements, such as recreational facilities, or other public facilities, reasonably necessitated by the subdivision, which must be provided at public expense, cannot be reasonably provided for within the next two (2) fiscal years.

7. MEQC Policies.

The proposed subdivision is inconsistent with the policies of MEQC 25, as may be amended, and could adversely impact critical environmental areas or potentially disrupt or destroy historic areas which are designated or officially recognized by the City Council in violation of Federal and State historical preservation laws.

B. Burden of Establishing.

The burden shall be upon the applicant to show that the proposed subdivision is not premature.

Plat and Date Requirements.A. Sketch Plan.

Sketch Plans shall contain, at a minimum, the following information:

1. Plat boundary
2. North arrow
3. Scale
4. Street layout on and adjacent to plat
5. Designation of land use and current or proposed zoning
6. Significant topographical or physical features
7. General lot locations and layout
8. Preliminary evaluation by the applicant that the subdivision is not classified as premature based upon criteria established in 402.05 of this Ordinance.

B. Preliminary Plat.

The subdivider shall prepare and submit a preliminary plat, together with any necessary supplementary information. The preliminary plat shall contain the information set forth in the subdivisions which follow.

1. General Requirements:

- a. Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions
- b. Location of boundary lines in relation to a known section, quarter section, or quarter-quarter section lines comprising a legal description of the property.
- c. Names and addresses of all persons having property interest, the developer, designer, and surveyor together with his registration number.
- d. Graphic scale or plat, not less than one (1) inch to one hundred (100) feet.
- e. Date and North arrow.

2. Existing Conditions.

- a. Boundary line and total acreage of proposed plat, clearly indicated.

- b. Existing zoning classifications for land within and abutting the subdivision.
 - c. Location, widths, and names of all existing or previously platted streets or other public ways, showing type, width, and condition of improvements, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of three hundred fifty (350) feet beyond the tract.
 - d. Location and size of existing sewers, water mains, culverts, or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract. Such data as grades, invert elevations, and locations of catch basins, manholes, and hydrants shall also be shown.
 - e. Boundary lines of adjoining un-subdivided or subdivided land, within three hundred fifty (350) feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.
 - f. Topographic data, including contours at vertical intervals of not more than two (2) feet. Water courses, wetlands, rock outcrops, power transmission poles and lines, and other significant features shall also be shown.
 - g. In plats where public water and sewer are not available, development shall be subject to procedures and requirements as established by the City's On-Site Sewage Disposal Ordinance, as may be amended. As authorized by the City Council, the subdivider shall file a report prepared by a Registered Civil Engineer on the feasibility of individual on-site sewer and water systems on each lot, and shall include soil boring analysis and percolation tests to verify conclusions. Said report and findings shall be subject to the review and approval of the City Engineer.
3. Proposed Design Features.
- a. 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. The name of any street heretofore

used in the City or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.

- b. Locations and widths of proposed alleys and pedestrian ways.
- c. Locations and size of proposed sewer lines and water mains.
- d. Location, dimensions, and purpose of all easements.
- e. Layout, numbers, lot areas, and preliminary dimensions of lots and blocks.
- f. Minimum front and side street building setback lines.
- g. When lots are located on a curve, the width of the lot at the required front yard setback line.
- h. Areas, other than streets, alleys, pedestrian ways, and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
- i. Water Supply.
 - 1) Water mains shall be provided to serve the subdivision by extension of an existing community system wherever feasible. Service connections shall be stubbed into the property line and all necessary fire hydrants shall also be provided. Extensions of public water supply system shall be designed so as to provide public water in accordance with the standards of the City of Oak Park Heights. In areas where public water supply is not available, individual wells shall be provided on each lot, properly placed in relationship to the individual sewage disposal facilities on the same and adjoining lots. Well plans must comply with the Minnesota State Well Code, as may be amended, and be submitted and subject to the approval of the City Engineer.
- j. Sewage Disposal-Public.

Sanitary sewer mains and service connections shall be installed in accordance with the standards of the City of Oak Park Heights.

k. Sewage Disposal-Private.

All on-site septic systems shall be installed in accordance with all applicable State Pollution Control Agency regulations and City Ordinances.

4. Supplementary Information.

Any or all of the supplementary information requirements set forth in this Subdivision shall be submitted when deemed necessary by the Planning Commission, City staff, consultants, advisory bodies and/or City Council.

a. Proposed protective covenants.

b. An accurate soil survey of the subdivision.

c. A survey identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density, and spacing.

d. Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.

e. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. Such proposed zoning plan shall be for information only and shall not vest any rights in the applicant.

f. Provision for surface water disposal, ponding, drainage, and flood control.

g. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, it shall be required that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing or potential adjacent subdivisions, and it shall be the

applicant's responsibility to demonstrate such potential relationships.

- h. Where structures are to be placed on large or excessively deep lots which are subject to potential re-plat, the preliminary plat shall indicate a logical way in which the lots could possibly be re-subdivided in the future.
- i. 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.
- j. A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted.
- k. When the City has agreed to install improvements in a development, the developer shall furnish the City a financial statement satisfactory to the City. When the City has not undertaken to install improvements, the City may, at the City's option, require the developer to furnish a financial statement satisfactory to the City.
- l. Such other information as may be required.

C Final Plat.

The owner or subdivider shall submit a final plat together with any necessary supplementary information. The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of Minnesota State Statutes and Washington County regulations, and such final plat shall contain the following information:

- 1. Name of the subdivision (said name shall not duplicate or too closely approximate the name of any existing subdivision).
- 2. Location by Section, Township, Range, County, and State, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must

mathematically close. The allowable error closure on any portion of a final plat shall be one (1) foot in seventy-five hundred (7,500).

3. The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments.
4. 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/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.
5. Lots shall be numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block.
6. The exact locations, widths, and names of all streets to be dedicated.
7. Location and width of all easements to be dedicated.
8. Name and address of surveyor making the plat.
9. Scale of plat (shown graphically on a bar scale), date, and North arrow.
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. 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 heretofore dedicated to public use are hereby so dedicated.

D. Address Map.

The Address Map shall be prepared in accordance with City and County policy and shall include all addresses of lots as platted.

E. Certification Required:

1. Certification by Registered Surveyor in the form required by Section 505.03, Minnesota Statutes, as amended.
2. Execution by all owners of any interest in the land and any holders of a mortgage thereon, of the certificates required by Section 505.03 of Minnesota Statutes, as amended, and said certificate shall include a dedication of the utility easements and other public areas in such form as approved by the City Council.
3. Space for certificates of approval and review to be filled in by the signatures of the Mayor and City Clerk.

The form of approval of the City Council is as follows:

Approved by the City of Oak Park Heights, Minnesota

This ____ day of _____, 19__

Signed: _____
Mayor

Attest: _____
City Clerk

402.07

Design Standards.

A. Blocks.

1. Block Length.

In general, intersecting streets, determining block lengths, shall be provided at such intervals so as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions should not exceed one thousand three hundred twenty (1,320) feet nor be less than four hundred feet (400) in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required near the center of the block

2. Block Width.

The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable

for their respective use, including adequate space for off-street parking and deliveries.

B. Lots.

1. Area.

The minimum lot area, width, and depth shall not be less than that established by the Oak Park Heights Zoning Ordinance in effect at the time of adoption of the final plat.

2. Corner Lots.

Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the Zoning Ordinance.

3. Side Lot Lines.

Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

4. Frontage.

Every lot must have the minimum frontage on a City approved street other than an alley, as required in the Oak Park Heights Zoning Ordinance.

5. Setback Lines.

Setback or building lines shall be shown on the preliminary plat for all lots intended for residential use and shall not be less than the setback required by the Oak Park Heights Zoning Ordinance, as may be amended.

6. Water Courses.

Lots abutting a water course, wetland, ponding area, or stream shall have additional depth and width, as required under the provisions of the Oak Park Heights Zoning Ordinance.

7. Features.

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

8. Lot Remnants.
All remnants of lots below minimum size left over after subdividing a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.
9. Political Boundaries.
No singular plat shall extend over a political boundary or school district line without document notification to the affected units of government.
10. Frontage on Two Streets
Double-frontage, or lots with frontage on two (2) 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. Such double-frontage lots shall have an additional depth of at least twenty (20) feet in order to allow space for screen planting along the back lot line.
11. Turn Around Access.
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.

C. Streets and Alleys.

1. Streets-Continuous.
Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining streets in the nearest subdivided tracts. The arrangement of thoroughfares 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.
2. Local Streets and Dead-End Streets.
Local streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but cul-de-sacs shall be permitted where topography or other physical conditions justify their use. Except where the City Council approves otherwise, cul-de-sacs

shall not be longer than five hundred (500) feet, including a terminal turn-around which shall be provided at the closed end, with a right-of-way radius of not less than sixty (60) feet.

3. Street Plans for Future Subdivisions.

Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the un-subdivided portion shall be prepared and submitted by the subdivider.

4. 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.

5. Provisions for Re-Subdivision of Large Lots and Parcels.

When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate re-subdivision, with provision for adequate utility connections for such re-subdivision.

6. Street Intersections.

Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of streets shall be eighty (80) degrees. Street intersection jogs with an offset of less than one hundred fifty (150) feet shall be avoided.

7. Subdivisions Abutting Major Rights-of-Way.

Wherever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. or State Highway or Thoroughfare, provision may be made for a marginal access street approximately parallel and adjacent to the boundary of such right-of-way, provided that due consideration is given to proper circulation design, or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, or for lot depths.

8. Sidewalks.

In those cases where the City Council deems appropriate and necessary, sidewalks of not less than five (5) feet in width shall be provided. In all cases where sidewalks are provided provisions shall be made for handicapped access.

9. Service Access, Alleys.
Service access shall be provided in commercial and industrial districts for off-street loading, unloading and parking consistent with and adequate for the uses proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts. Alleys, where provided, shall not be less than thirty (30) feet wide. "Dead End" alleys shall be avoided wherever possible, but if unavoidable, such "Dead End" alleys may be approved if adequate turnaround facilities are provided at the closed end.
10. Half-Streets.
Dedication of half-streets shall not be considered for approval except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations or where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided.
11. Street Grades.
Except when, upon the recommendation of the City Engineer, that 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 eight (8) percent. In addition, there shall be a minimum grade on all streets and thoroughfares of not less than .50 percent.
12. Curb Radius.
The minimum curb radii for thoroughfares, collector streets, local streets, and alleys shall be as follows:
 - a. Arterial Streets, Collector and Local Streets 10 ft.
 - b. Alleys 4 ft.
13. Reverse Curves.
Minimum design standards for collector and arterial streets shall comply to Minnesota State Aid Standards.
14. Reserve Strips.

Reserve strips controlling access to streets shall be prohibited except under conditions accepted by the City Council.

15. Street Right-of-Way Width.

Street right-of-way widths shall conform with the following standards:

- | | |
|---------------------|----------|
| a. Arterial Street | 100 feet |
| b. Collector Street | 80 feet |
| c. Local Street | 60 feet |

D. Easements.

1. Width and Location.

An easement for utilities at least ten (10) feet wide, shall be provided along all lot lines. If necessary for the extension of water main or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

2. Continuous Utility Easement Locations.

Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council after a public hearing.

3. Guy Wires.

Additional easements for pole guys should be provided, where appropriate, at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along side lot lines.

E. Erosion and Sediment Control.

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

2. 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.

3. Land shall be developed in increments of workable size such 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.

4. When soil is exposed, the exposure shall be for the shortest feasible period of time.
5. 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 (4) inches and shall be of a quality at least equal to the soil quality prior to development.
6. Natural vegetation shall be protected wherever practical.
7. Runoff water shall be diverted to a sedimentation basin before being allowed to enter the natural drainage system.

F. Storm Drainage.

All subdivision design shall incorporate adequate provisions for storm water runoff and be subject to review and approval of the City Engineer.

G. Protected Areas.

1. Where land proposed for subdivision is deemed environmentally sensitive by the City, due to the existence of wetlands, drainage ways, water courses, floodable areas, or steep slopes, the design of said subdivision shall clearly reflect all necessary measures of protection to insure against adverse environmental impact.
2. Based upon the necessity to control and maintain certain sensitive areas, the City Council, based upon the review of the City Engineer, shall determine whether said protection will be accomplished through lot redesign with easements and enlargement or dedication of those sensitive areas in the form of outlots.
3. In general, measures of protection shall include design solutions which 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 subdivider shall be required to demonstrate that the proposed design will not require construction on slopes over 18 percent, or result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary.

H. Building Permit Issuance and Occupancy Requirements.

1. No building permit will be issued by the City for the construction of any building or structure on any lot in the subdivision as defined herein, which has been approved for platting, until all requirements of this Chapter have been fully complied with and until all utility and street construction contracts have been awarded.
2. No occupancy of any structure shall be granted until public and/or private utilities are available. Where building permits are issued as provided in sub-section 1 of this Section, the building or unit therein shall not be occupied (except mobile homes) until said building(s) are provided with public sewer and water service, private service (gas, telephone, electricity, sewer, and water), and an improved public street to the extent that the street is graded and graveled.
3. Prior to the approval of a Certificate of Occupancy by the Chief Building Inspector, the developer/owner of the property shall certify that the as-built lot grades meet or exceed standards set forth in the original grading plan as has been approved by the office of the City Engineer. Such certification shall be completed by a registered surveyor. Lot occupied after November 15th and before April 30th of each year shall come into compliance by May 31st of each year. Survey certification requirements shall be guaranteed as part of the subdivision agreement.

402.08

Park Land and Cash Dedication Requirement

A. Purpose.

1. The City Council recognizes that maintaining and improving the character and quality of the environment of the City is essential for the health, safety and welfare of the residents of Oak Park Heights and persons working in Oak Park Heights. The preservation of land for park, trail, playground, and public open space purposes as it relates to the use and development of land for residential, commercial and industrial purposes is essential to maintaining a healthful and desirable environment for all citizen of the City.
2. Guidelines for planning parks and trails in the City are found in the Comprehensive Park and Trail System Plan of 1999. Demand for park, trail, playground and public open space is directly related to the intensity of development within any given area; therefore, the City's standards and guidelines for the dedication of parkland (or cash contributions in lieu of such dedication) shall be directly related to the density to the density and intensity of each development.

B. General Guidelines for Park Land and Cash Dedication.

1. As a prerequisite to plat approval, subdividers shall dedicate land for parks, trails, playgrounds, public open spaces, and/or shall make a cash contribution to the City's Park and Recreation Department Fund as provided by this Section. The City Council shall make the determination as to the amount of park land or cash dedication, how the dedication is to be made, and when the dedication is to be received by the City.
2. Land to be dedicated shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access, and location.
3. Changes in density of plats shall be reviewed by the City for reconsideration of park dedication and cash contribution requirements.
4. When a proposed park, trail, playground, recreational area, school site, or other public ground has been indicated in the Oak Park Heights Comprehensive Plan or City's official maps, and is located in whole or in part within a proposed plat, it shall be designated as such on the plat and shall be dedicated to the appropriate governmental unit. If the subdivider elects not to dedicate an area in excess of the land required hereunder for such proposed public site, the City may consider acquiring the site through purchase or condemnation.
5. Land area conveyed or dedicated to the City shall be in addition to and not in lieu of open space requirements for planned unit developments.
6. Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas may be used for credit, at the discretion of the City Council, against the requirement of dedication for park and recreation purposes, provided the City Council finds it is in the public interest to do so.
7. The City Council, upon consideration of the particular type of development, may require larger or lesser parcels of land to be dedicated if the City Council determines that present or future

residents would require greater or lesser land for park and playground purposes. In addition, the City Council may also require lots within the subdivision be held in escrow for future sale or development. The monies derived from the sale of escrowed lots will be used to develop or to purchase park land in the future.

8. The City Council may elect to receive a combination of cash and/or land for park use. The fair market value of the land the City wants shall be calculated. That amount shall be subtracted from the cash contribution required by Section 402.08.D of this Ordinance. The remainder shall be cash contribution requirement.
9. "Fair market value" shall be determined as of the time of filing the final plat in accordance with the following:
 - a. The City Council and the developer may agree as to the fair market value.
 - b. The fair market value may be based upon a current appraisal submitted to the City by the subdivider at the subdivider's expense or a purchase agreement (less than one (1) year from the date of subdivision approval) for the property in question. The appraisal shall be made by appraisers who are approved members of the SREA or MAI, or equivalent real estate appraisal societies.
 - c. If the City Council disputes such appraisal, the City Council may, at the subdivider's expense, obtain an appraisal of the property by a qualified real estate appraiser which shall be conclusive evidence of the fair market of the land.
10. Planned developments with mixed land uses shall make cash and/or land contributions in accordance with the section based upon the percentage of land devoted to the various uses.
11. The cash contributions for parks shall be deposited in the City's Park and Recreation Development Fund and shall be used only for park acquisition or development.

C. Residential Park Land Dedication.

1. Formula. The amount of land to be dedicated by a developer shall be based on the gross area of the proposed subdivision and proposed

type or dwelling unit and density. The formula for land dedication is as follows:

Dwelling Units Per Acre	Land to be Dedicated
0 – 1.9	8%
2.0 – 3.9	10%
4.0 – 5.9	12%
6.0 – 9.9	14%
10+	14% plus 5% for each unit over 10

3. Standards for Accepting Dedication of Land for Public Park Purposes.

- a. Prior to dedication for public purpose, the subdivider shall deliver to the City Attorney an abstract of title or registered property abstract for such dedication. Such title shall vest in the City good and marketable title, free and clear of any mortgages, liens, encumbrances, assessments and taxes. The conveyance documents shall be in such form as is acceptable to the City.
- b. The required dedication shall be made at time of final plat approval.
- c. The removal of trees, topsoil, storage of construction equipment, burying of construction debris, or stockpiling of surplus material from dedicated land is strictly forbidden without the written approval of the City Administrator.
- d. Grading and utility plans, which may affect or impact the proposed park dedication, shall be reviewed and approved by the City Council prior to dedication, or at such time as reasonably determined.
- e. To be eligible for park dedication credit, land dedicated is to be located outside of drainways, floodplains or ponding area. Grades exceeding twelve (12) percent or areas unsuitable for park development shall not be considered for dedication as defined by the City Engineer. Park land to be dedicated shall be above the ordinary high water level as approved by the City Engineer.
- f. The City Council, upon review, may determine that the developer shall create and maintain some form of on-site recreation use by the site residents such as tot lots and open play space. This requirement may be in addition to the land or cash dedication requirement.

D. Residential Park Cash Dedication.

1. Formula. The required cash dedication shall be equal in value to a land dedication. To calculate a cash dedication, the subdivider shall provide an appraisal or purchase agreement in accordance with Section 402.08.B.9 of this Ordinance to establish fair market value of the property in question. Cash dedication shall be based upon the same density formulas established for land dedication in Section 402.08.C.1 of this Ordinance. The formula for cash dedication:

Required Land Dedication Based Upon Dwelling Units Per Acre	x	Fair Market Value of Land Per Acre	=	Required Cash Contribution for Proposed Development
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2. Standards for Accepting Cash Dedication for Public Park Purposes.
 - a. If, at the option of the City Council, it is determined that a cash dedication shall be made, said cash shall be placed in the City's Park and Recreation Development Fund and deposited by the developer with the City prior to final plat approval.
 - b. Cash dedication shall be calculated at the rate in effect at the time of final plat.

E. Commercial/Industrial Dedication Requirements.

Developers of commercial/industrial land, including commercial/industrial portions of Planned Developments, shall be required to dedicate the following:

1. At the time the site plan is approved and building permits are issued, developers shall dedicate to the City for park, trail, playground and public open space purposes, an amount of land up to ten (10) percent of the gross land area within the development, as determined by the City.
2. In those cases where the City does not require park or open space within such developments, the City shall require payment of a cash dedication equal to ten (10) percent of the gross land area within the development.
3. All requirements, as found in Sections 402.08.B, 402.08.C., and 402.08.D of this Ordinance, for accepting dedication of land or cash for public park purposes shall apply to industrial and commercial dedication.
4. A credit of up to twenty-five (25) percent of the required dedication may be allowed by the City Council for open space areas within a development provided that such improvements benefit identifiable park and recreation water resources.

F. Required Improvements.

Developers shall be responsible for making certain improvements to their developments for park, trail, playground and public open space purposes as follows.

1. Provide finished grading and ground cover for all park, playground, trail and public open spaces within their development as part of their development contract or site plan approval responsibilities.
2. Establish park boundary corners for the purposes of erecting park limit signs. The developer shall contact the appropriate City personnel for the purpose of identifying park property corners.
3. Provide sufficient public road access for neighborhood parks and for community parks.

G. Authority.

The State of Minnesota has recognized the importance of providing for parks and open space in M.S.A. 462.358, Subdivision 2 (b), which clearly gives the right to cities to require in their subdivision regulations reasonable portions of land for public use. The City of Oak Park Heights has, by this dedication policy, chosen to exercise this right in establishing minimum requirements for meeting public needs.

402.09

Required Basic Improvements.

A. General Provisions.

1. Before a final plat is delivered by the City to the subdivider, the subdivider of the land covered by said plat shall pay all applicable fees and execute and submit to the City Council a Developer's Agreement which shall be binding on his or their heirs, personal representatives and assigns, a part of which agreement shall be set forth that the subdivider will cause no private construction to be made on the lands within said plat, nor shall the subdivider file or cause to be filed any application for building permits for such construction until all improvements required under this Ordinance have been made or arranged for in the manner and conforming to the requirements as set forth herein.
2. Prior to the delivery of the approved final plat, the subdivider shall deposit with the City Clerk an amount equal to a minimum of one hundred twenty-five (125%) percent of the City Engineer's estimated cost of the required improvements within the plat, either in a cash escrow fund, performance and indemnity bond, or letter of credit. The surety involved in said financial guarantees shall be approved by

the City. The said cash escrow letter or performance and indemnity bond 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 (1) year.
 - b. Satisfactory completion of the work and payment therefore, which work was undertaken by the subdivider in accordance with the developer's agreement referred to above.
 - c. The payment by the subdivider to the City of all expenses incurred by the City, which expenses shall include but not be limited to expenses for engineering, fiscal, legal, construction, and administration. In instances where a cash escrow is submitted in lieu of a letter of credit or performance and indemnity bond, there shall be a cash escrow agreement which shall provide that in the event the required improvements are not completed within one (1) year, all amounts held under the cash escrow agreement shall be automatically turned over and delivered to the City and applied by the City to the cost of completing the required improvements. If the funds available within said cash escrow agreement are not sufficient to complete the required improvements, the necessary additional cost to the City shall be assessed against the subdivision. Any balance remaining in the cash escrow fund after such improvements have been made and all expenses therefore have been paid, shall be returned to the subdivider. In instances where a letter of credit is used the said letter of credit shall be in a form satisfactory to the City and the terms thereof shall substantially comply with the procedure as set forth for a cash escrow fund. In instances where a performance and indemnity bond is used in lieu of a cash escrow or letter of credit, the said bond shall be in a form acceptable to the City and shall comply with all requirements as set forth in Minnesota Statutes as amended, which Statutes relate to Surety Bonds.
3. No final plat shall be approved by the Council without first receiving a report signed by the City Engineer and the City Attorney certifying that the improvements described therein together with the agreements and documents required under this Section of the Ordinance, meet the

requirements of the City. The City Treasurer shall also certify that all fees required to be paid to the City in connection with the plat have been paid.

4. The City of Oak Park Heights shall, where appropriate, require of a subdivider submission of a Warranty/Maintenance Bond in the amount equal to the Engineer's one hundred twenty-five (125%) percent estimate as provided in Section 402.09, Subd. A.2. which shall be in force for one (1) year following the final acceptance of any required improvements and shall guarantee satisfactory performance of the said improvements.
5. Reproducible "as built drawings" as required by the City Engineer shall be furnished to the City by the subdivider of all required improvements. Such "as built drawings" shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvements.
6. All of the required improvements to be installed under the provisions of this Ordinance shall be approved by and subject to the inspection of the City Engineer. All of the City's expenses incurred as the result of the requirement improvements shall be paid either directly, indirectly, or by reimbursement to the City by the subdivider.

B. Monuments.

1. Official monuments, as designated and adopted by the Washington County Surveyor's Office and approved by the Washington County District Court, are to be used as judicial boundary of the final plat or in accordance with a plan as approved by the City Engineer. The boundary line of the property to be included with the plat to be fully dimensioned, all angles of the boundary excepting the closing angle to be indicated; all monuments and surveyor's irons to be indicated, each angle point of the boundary perimeter to be so monumented.
2. Pipes or steel rods shall be placed at each lot and at each intersection of street center lines. All United States, State, County, or other official bench marks, monuments, or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat. 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. No ditto marks will be permitted in indicating dimensions.

3. To insure that all irons and monuments are correctly in place following the final grading of a plat, a second monument shall be required. Proof of the second monumentation shall be in form of a surveyor's certificate and this requirement shall additionally be a condition of Certificate of Occupancy as provided for in the Oak Park Heights Zoning Ordinance, as may be amended.

C. Street Improvements.

1. The full width of the right-of-way shall be graded, in accordance with the provisions for construction as outlined in Section 402.07, Design Standards.
2. All streets shall be improved in accordance with the standards and specifications for street construction as required by the City Council.
3. All streets to be surfaced shall be of an overall width in accordance with the standards and specification for construction as approved by the City Council. The portion of the right-of-way outside the area surfaced shall be sodded or riprapped by the developer if deemed necessary.
4. Where required, the curb and gutter shall be constructed in accordance to the standards and specifications for street construction as set forth and approved by the City Council.
5. The grade and drainage requirements for each plat shall be reviewed and subject to the approval of the City Engineer at the expense of the applicant. Every plat presented for final signature shall be accompanied by a Certificate of the City Engineer that the grade and drainage requirements have been met. In an area not having municipal storm sewer trunk, the applicant shall be responsible, before platting, to provide for a storm water disposal plan, clearly indicating the method to prevent damage to properties outside the platted area, and said storm water disposal plan shall be submitted to the City Engineer, who shall report to the City Council on the feasibility of the plan presented and approved by the City Engineer and City Council. The use of dry wells for the purpose of storm water disposal is prohibited. In the event that there is not an approved overall storm water disposal plan, an escrow account on a per unit charge for future installation shall be established by the applicant and held by the City.

6. Trees and boulevard sodding shall be planted in conformance with the standards and specifications as recommended by the City Arborist and required by the City Council.
7. Street signs of the design approved by the City Council shall be installed at each street intersection.
8. Driveway approaches and sidewalks of standard design or pedestrian pathways as may be required by the City Council shall be installed.
9. Street lighting fixtures as may be required by the City Council shall be installed.

D. Sanitary Sewer and Water Distribution Improvements.

1. Sanitary sewers and water facilities shall be installed in accordance with the standards and specifications as required by the City Council and subject to the approval of the City Engineer.
2. Where City sewer and water facilities are not available for extension into proposed subdivision, the Council may permit the use of individual waste and sewer systems in accordance with all appropriate State and local regulations.

E. Public Utilities.

Telephone, electric, and/or gas service lines are to be placed underground in accordance with the provisions of all applicable City Ordinances.

F. Election by City to Install Improvements.

In accordance with Oak Park Heights City policy, the City may assume the responsibility to install all required improvements though the City reserves the rights to allow or require the subdivider to install all or any part of the improvements required under the provisions of this Ordinance, pursuant to MSA 429, as may be amended.

G. Railroad Crossings.

No street dedications will be accepted which require a crossing of a railroad, unless sufficient land as determined by the City Council is dedicated to insure a safe view.

402.10

Non-Platted Subdivision.

A. Registered Land Surveys.

Subdivision by Registered Land Survey shall only be allowed for torrens property. It is the intention of this Ordinance, however, that where used, all

Registered Land Surveys in the City shall be presented to the City in the form of a preliminary plat in accordance with the standards set forth in this Ordinance for preliminary plats and that the Planning Commission shall recommend and the City Council shall first approve the arrangement, size, and relationships of proposed tracts, and that tracts to be used as easements or roads should be so dedicated. Unless an approval has been obtained from the City Council, in accordance with the standards set forth in this Ordinance, building on tracts which have been so subdivided by Registered Land Surveys and the City may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts unless so approved.

B. Conveyance by Metes and Bounds.

No division of one (1) or more parcels in which the land conveyed is described by metes and bounds shall be made or recorded if the parcels described in the conveyance are five (5) acres or less in area and three hundred (300) feet or less in width unless such parcel was a separate parcel of record at the effective date of this Ordinance. Building permits will be withheld for buildings or tracts which have been subdivided and conveyed by this method and the City may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts.

402.11

Variances, Standards.

A. Finding.

The City Council may grant a variance from the minimum standards of this Ordinance (not procedural provisions) when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Planning Commission shall recommend and the Council shall prescribe any conditions that it deems necessary to or desirable for the public interest. In making its recommendation, the Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be granted when the City Council finds:

1. That there are special and highly unique circumstances or conditions affecting said property which are not common to other properties in the City and that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable and minimum use of his land.
2. That the granting of the variance will not be detrimental to the public health or welfare or injurious to other property in the territory in which property is situated.

3. That the variance is to correct inequalities resulting from an extreme hardship limited to topography, soils, or other physical factors of the land.

B. Procedures.

1. Requests for a variance or appeal shall be filed with the City Clerk on an official application form at least ten (10) days prior to the meeting at which the application will be heard. Such application shall be accompanied by a fee as established by City Council resolution. Such application shall also be accompanied by ten (10) copies of detailed written and graphic materials necessary for the explanation of the request.
2. Upon receiving said application, the City Clerk shall refer the application, along with all related information, to the City Council.
3. The variance application shall also be referred to the City staff for a report and recommendation to be presented to the Planning Commission. The City staff's report and recommendations shall be given to the Planning Commission prior to the meeting at which said report and recommendation are to be presented.
4. The applicant, or a representative thereof, shall appear before the Planning Commission in order to answer questions concerning the variance request.
5. The City Council, Planning Commission and City staff shall have the authority to request additional information from the applicant concerning the variance or to retain expert testimony with the consent and at the expense of the applicant concerning said variance where said information is declared necessary to insure preservation of health, safety, and general welfare.
6. The Planning Commission shall request the Zoning Administrator to set a date for a public hearing. Notice of such hearing shall be published in the official newspaper at least ten (10) days prior to said hearing, and individual notices shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the hearing to all property owners within three hundred fifty (350) feet of the parcel included in the request.

7. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.
 - a. Recommendations of the Planning Commission, City staff or consultants shall be submitted to the City Council for approval.
8. The City Council shall make a Finding of Fact and prescribe such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Ordinance.
9. The City Council shall decide whether to approve or deny a request for a variance or an appeal within thirty (30) days after the public hearing on said request.
10. A variance of this Subdivision Ordinance or grant of an appeal shall be by majority vote of the full City Council.
11. The City Clerk shall notify the originator of the variance request or appeal of the City Council's decision in writing.

402.12

Violations and Penalty.

A. Misrepresentation as to Construction, Supervision, or Inspection of Improvements.

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 said addition or subdivision or any sewer in said 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 such improvements have not been so constructed, supervised or inspected.

B. Penalty.

Anyone violating any of the provisions of this Ordinance shall be guilty of an offense punishable by a fine of not more than Seven Hundred Dollars (\$700.00) or by a commitment to jail for a period of not to exceed ninety (90) days, or both. Each month during which compliance is delayed shall constitute a separate offense.

Amended: Paragraph D of Section 402.01. Passed and adopted July 28, 1999
 Amended: Paragraph G of Section 402.01. Passed and adopted July 28, 1998
 Added: Paragraph LL of Section 402.03. Passed and adopted July 28, 1998.

Amended: Paragraph B.1 of Section 402.04. Passed and adopted July 28, 1998.
Amended: Paragraph B.2 of Section 402.04. Passed and adopted July 28, 1998.
Amended: Paragraph B.3 of Section 402.04. Passed and adopted July 28, 1998.
Amended: Paragraph B.4 of Section 402.04. Passed and adopted July 28, 1998.
Amended: Paragraph B.5 of Section 402.04. Passed and adopted July 28, 1998.
Added: Paragraph B.6 of Section 402.04. Passed and adopted July 28, 1998.
Added: Paragraph B.7 of Section 402.04. Passed and adopted July 28, 1998.
Added: Paragraph B.8 of Section 402.04. Passed and adopted July 28, 1998.
Added: Paragraph B.9 of Section 402.04. Passed and adopted July 28, 1998.
Added: Paragraph B.10 of Section 402.04. Passed and adopted July 28, 1998.
Amended: Paragraph C.2 of Section 402.04. Passed and adopted July 28, 1998.
Added: Paragraph C.2A of Section 402.04. Passed and adopted July 28, 1998.
Amended: Paragraph A.3a of Section 402.05. Passed and adopted July 28, 1998.
Amended: Paragraph B.4 of Section 402.06. Passed and adopted July 28, 1998.
Amended: Paragraph G.2 of Section 402.07. Passed and adopted July 28, 1998.
Amended: Paragraph C.6 of Section 402.09. Passed and adopted July 28, 1998.
Amended: Paragraph A of Section 402.10. Passed and adopted July 28, 1998.
Amended: Paragraph A of Section 402.11. Passed and adopted July 28, 1998.
Amended: Paragraph B.3 of Section 402.11. Passed and adopted July 28, 1998.
Amended: Paragraph B.4 of Section 402.11. Passed and adopted July 28, 1998.
Amended: Paragraph B.5 of Section 402.11. Passed and adopted July 28, 1998.
Amended: Paragraph B.6 of Section 402.11. Passed and adopted July 28, 1998.
Added: Paragraph B.7A of Section 402.11. Passed and adopted July 28, 1998.
Amended: Section 402.08. Passed and adopted April 13, 1999.