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CHAPTER 1201

GENERAL SUBDIVISION PROVISIONS

SECTION:

1201.01: Purpose of Interpretation
1201.02: Application of Provisions; Scope
1201.03: Rules and Definitions
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1201.01: PURPOSE AND INTERPRETATION:

Subd. 1. Declaration of Policy: Each new subdivision becomes a permanent unit in the basic physical structure of the future community, a unit to which the future community will, of necessity, be forced to adhere. Piecemeal planning of such subdivisions, without correlation to the Comprehensive Plan, may and often does bring a disconnected patchwork of plats and poor circulation of traffic. In order to promote an attractive, orderly, stable and wholesome community environment, with adequate Municipal services and efficient movement of traffic, any platting, subdivision, rearrangement, development or improvement of land within the jurisdiction of the City shall, in all respects, comply with the requirements of this Chapter.

Subd. 2. Purpose: In their interpretation and application, the provisions of these regulations shall be the minimum requirements adopted for the protection of the public health, safety and general welfare. (1988 Code §42.01)

1 See Section 1006.06 of this Code for development controls.
1201.02: APPLICATION OF PROVISIONS; SCOPE:

Subd. 1. Based upon authority provided in Minnesota Statutes Section 462.358, every plat of land proposed within the City shall be submitted to the City Council for review and comment before being filed, and no plat of land shall be filed unless and until the same shall be approved by resolution of the City Council. The term "plat of land" for the purpose of this Title shall be deemed to include townhouse development, planned unit developments, and any apartment building, common area or land coming within the purview of the Minnesota Condominium Act. (1988 Code §42.01; 1993 Code) (Ord. 860, 10-6-11)

Subd. 2. The rules and regulations governing plats and subdivision of land shall apply within the corporate limits of Mounds View.

Subd. 3. Except in the case of resubdivision, these regulations shall not apply to any lot or lots forming a part of subdivision plats recorded in the office of the Register of Deeds of Ramsey County prior to August 1, 1959, nor is it intended by these regulations to repeal, abrogate, annul or in any way impair or interfere with: a) existing provisions of other laws or ordinances, except those in conflict with these Regulations; b) private restrictions placed upon property by deed, covenant or other private agreement which are equal to or more restrictive; c) restrictive covenants running with the land to which the Municipality is a party. (1988 Code §42.02)

1201.03: RULES AND DEFINITIONS: For the purpose of these regulations, the following terms, phrases, words and their derivations shall have the meanings given in this Section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Subd. 1. COMPREHENSIVE PLAN: The official long-range planning guide as adopted and revised, from time to time, by the Council.

Subd. 2. COUNCIL: the legally elected Council of the City of Mounds View.

Subd. 3. EASEMENT: A grant by an owner of land for the specific use of said land by the public generally or to a person or persons.

Subd. 4. FINAL PLAT: The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Council for approval and which, if approved, will be submitted to the County Register of Deeds or Registrar of Titles.

1 M.S.A. §515.01 et seq.  

City of Mounds View
Subd. 5. LOT: A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map or by metes and bounds for the purpose of sale or lease or separate use thereof.

Subd. 6. LOT, CORNER: A lot bordered on at least two (2) adjacent sides by streets.

Subd. 7. LOT, DOUBLE FRONTAGE: A lot, the opposite ends of which both abut on streets.

Subd. 8. MAJOR SUBDIVISION: A subdivision of a parcel or parcels of property in which more than one additional parcel or lot is created or which is two (2) acres or larger in size.

Subd. 9. METES AND BOUNDS DESCRIPTION: The description of parcels of land by the use of the notation of distances and directions describing a transverse and/or the description of parts of government sections, quarter sections or government lots.

Subd. 10. MINIMUM SUBDIVISION DESIGN STANDARDS: The guides, principles and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary plan.

Subd. 11. MINOR SUBDIVISION: A subdivision of a parcel or parcels of property less than two (2) acres in size in which no more than one additional parcel or lot is created.

Subd. 12. OWNER: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient legal or equitable interest in the land sought to be subdivided to commence and maintain proceeding to subdivide the same under these regulations.

Subd. 13. PEDESTRIANWAY: The right-of-way across or within a block for use by pedestrian traffic whether designated as a pedestrianway, crosswalk or however otherwise designated.

Subd. 14. PERSON: Any individual, firm, association, syndicate or partnership, corporation, trust or any other legal entity.

Subd. 15. PLANNING COMMISSION: The duly appointed Planning Commission of Mounds View pursuant to Chapter 401 of this Code.

Subd. 16. PLAT: The procedure prescribed in Minnesota Statutes 505.01 et seq.
Subd. 17. PRELIMINARY PLAT: The preliminary map, drawing or chart indicating the proposed layout of a major subdivision to be submitted to the Council for its consideration.

Subd. 18. PROTECTIVE COVENANTS: Contracts entered into between private parties and constitute a restriction on the use of all private property within a subdivision for the benefit of the property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Subd. 19. RIGHT OF WAY: The width, between property lines, of a road, street, alley, pedestrianway or easement.

Subd. 20. STREETS AND ALLEYS:

a. Street is a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, lane, place or however otherwise designated.

b. Collector street is a street which carries traffic from minor streets to thoroughfares. It includes the principal entrance streets of a residential development and streets for circulation within such a development.

c. Cul-de-sac is a minor street with only one outlet and having a turnaround.

d. Service road is a minor street which is parallel and adjacent to an arterial highway and which provides access to abutting properties and protection from through traffic.

e. Minor street is a street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

f. Street width is the shortest distance between the lines delineating the right of way of a street.

g. Thoroughfare is a street where heavy volumes of fast-moving vehicles are provided for. The streets have considerable continuity and are used primarily as a traffic artery for inter-communication among large areas.

h. Alley is a minor way which is used primarily for vehicular service access to the back or the side of properties abutting on a street.
Subd. 21. SUBDIVIDER: Any person commencing proceedings under these regulations to effect a subdivision, platting or registered survey of land hereunder for themselves or for another.

Subd. 22. SUBDIVISION: The division of a parcel(s) of land into two (2) or more lots or parcels. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. Any change in property lines which necessitates City approval before new deeds can be filed at the Register of Deeds office constitutes a subdivision. (1988 Code §42.03)

1201.04: ENFORCEMENT OF PROVISIONS: Unless approved as provided herein, no subdivision shall be entitled to record in the county Register of Deeds office or have validity. The Municipality shall not issue building permits for any structure on a lot in any unrecorded subdivision. (1988 Code §42.04)

1201.05: VIOLATIONS OF PROVISIONS: Any person who violates, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Title or who sells or offers for sale or lease any lot or block of land herewith regulated before all the requirements of these regulations have been complied with shall be guilty of a misdemeanor, and each day that a violation is permitted to exist shall constitute a separate offense. (1988 Code §42.04)
CHAPTER 1202

SUBDIVISION PLATS AND PROCEDURES

SECTION:

1202.01: Preliminary Subdivision Plan Application
1202.02: Fees and Charges
1202.03: Necessary Data for Preliminary Plat
1202.04: Conditions of Preliminary Plat Approval
1202.05: Necessary Data for Final Plat
1202.06: Soil Tests
1202.07: Final Plat Approval Procedure
1202.08: Registered Land Surveys; Conveyance by Metes and Bounds
1202.09: Copies of Plats
1202.10: Land Division Procedure

1202.01: **PRELIMINARY SUBDIVISION PLAN APPLICATION:**

Subd. 1. Platting Requirements: Full platting shall be required for all major subdivision requests. Minor subdivision requests shall require at least a surveyor's certificate for approval. However, the Council, whenever it deems appropriate, may require full platting for minor subdivisions.
Subd. 2. Application:

a. The subdivider shall make application to the City Administrator for a subdivision and pay the fees established herein. A sketch plan may be submitted by the subdivider for review by the Director of Public Works/City Engineer, Planning and Zoning Commission and others. The purpose of reviewing such sketch plans shall be to unofficially advise the subdivider of the extent to which the proposed subdivision conforms to this Chapter. Such unofficial advice shall not constitute a waiver of rights or any statutory or ordinance requirement. The sketch plan, in order to be most useful, shall include the following information: (Amended, Ord. 844, 5-20-10)

1. Location and legal description.
2. Name and address of owner, subdivider or any other party of interest.
3. Whether land is registered or abstract property.
4. Date, north point and scale.
5. Streets within and adjacent to parcel(s).
6. Property dimensions existing and proposed.
7. Location of physical features and any structures.
8. Any additional information requested by the planning department or City staff deemed necessary to preserve neighborhood aesthetics or protect the health, safety and welfare of neighboring landowners and the future residents within the subdivision. (Added, Ord. 792, 5-29-07)

b. At the time of application, the owner or subdivider shall indicate the proposed use of the property to be subdivided and if such proposed use requires it, shall file a proper petition for rezoning such property in accordance with Title 1100 of this Code. No subdivision shall be approved unless and until the said property has been rezoned in accordance with the proposed use thereof. When filing a subdivision application, the subdivider shall submit an abstract of title, registered property report or supporting affidavits or documents showing the parties of interest in the property to be subdivided. (1988 Code § 42.05)
c. The application must include all contiguous land owned by the subdivider or owner, unless the application is a replat of property that has been previously platted. If only a portion of the property to be subdivided is planned to be presently developed, the remainder of the land may be platted as an outlot. The subdivider or owner must submit a schematic demonstrating how the property that is not currently planned for development could be developed consistent with the City's regulations. (Ord. 548, 9-24-94)

Subd. 3. Submittal of Preliminary Plat Copies:

a. Major Subdivisions: Before any official action shall be taken by the City, the subdivider shall submit fifteen (15) copies of a preliminary plat of the proposed subdivision to the City Administrator. The preliminary plat shall be in such form and contain such information as required in Section 1202.03 of this Chapter. (Amended, Ord. 844, 5-20-10, Ord. 860, 10-6-11)

b. Minor Subdivisions: The subdivider shall submit to the City Administrator ten (10) copies of a surveyor's certificate prepared by a Minnesota registered land surveyor. The surveyor's certificate shall be in such form and contain such information as required in Section 1202.03 of this Chapter. (Amended, Ord. 844, 5-20-10)

Subd. 4. Abstractor's Certificate: When filing an application for a major subdivision, the subdivider shall submit an abstractor's certificate showing all the properties within three hundred fifty feet (350') of the property being subdivided and the names of all owners of such properties.
Subd. 5. Review and Comment Submittals:

a. Preliminary plats of major subdivisions shall be provided by the City Administrator for the purposes of review and comment to the Director of Public Works/City Engineer, City Attorney, County Engineer, if plat abuts a County road, and State Highway District having fifteen (15) days in which to submit their comments regarding the proposed subdivision to the City. The City Administrator, Planning and Zoning Commission or Council may request the above authorities to similarly review and comment on the preliminary subdivision plan of any minor subdivision request whenever such review is deemed necessary to properly evaluate the request. (Amended, Ord. 844, 5-20-10, Ord. 860, 10-6-11)

b. Preliminary plats of major subdivisions, which conform to the Municipal Storm Water Drainage Plan\(^1\), shall be submitted to the Rice Creek Watershed District for its review and comment. Preliminary plats which do not so conform shall be revised by the subdivider according to the stipulations of the Planning and Zoning Commission and Director of Public Works/City Engineer prior to submission to the Rice Creek Watershed District.

Subd. 6. Report of Effect: After comments have been received from the authorities indicated in subdivision 5a above, a report shall be prepared by the City Administrator and submitted to the Planning and Zoning Commission with copies of the preliminary plat or surveyor's certificate within thirty (30) days following acceptance for filing. The report will address how the proposed subdivision will affect traffic, utilities, drainage, community facilities, public safety, neighboring land uses, natural features, open spaces, the Comprehensive Plan and any other matters concerning public health, safety and welfare. (Amended, Ord. 844, 5-20-10)

Subd. 7. Agenda: The Planning and Zoning Commission shall have the subdivision request on its agenda at its next regular meeting following receipt of the City Administrator's report. The subdivider or a representative shall be present at this meeting. (Amended, Ord. 844, 5-20-10)

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\(^1\) See Chapter 1302 of this Code.
Subd. 8. Planning and Zoning Commission Recommendation: Upon receipt of the subdivision request and the City Administrator's report, the Planning and Zoning Commission shall recommend to the Council approval or disapproval of the subdivision. The Planning and Zoning Commission may withhold action to so recommend until the comments of the Rice Creek Watershed District have been received. (Amended, Ord. 844, 5-20-10, Ord. 860, 10-6-11)

Subd. 9. Public Hearing: Preliminary plats of major subdivisions shall require a public hearing. The Council shall conduct such hearing upon receipt of the Planning and Zoning Commission recommendation. The City Administrator shall cause notice of said hearing to be published in the official newspaper at least ten (10) days prior to the hearing and shall also cause a notice to be mailed to each of the owners of property within three hundred fifty feet (350') of the property being platted, such notices to be mailed to the last known address of such owners at least ten (10) days before the hearing. (Amended, Ord. 844, 5-20-10, Ord. 860, 10-6-11)

Subd. 10. Council Approval or Disapproval: The Council shall approve or disapprove the preliminary plat of a major subdivision or the surveyor's certificate of a minor subdivision after receipt of the Planning and Zoning Commission recommendation. The Council shall consider this recommendation and any comments or objections brought forth during the public hearing or by the City’s consultants or other public agencies. (Amended, Ord. 860, 10-6-11)

Subd. 11. Denial of Preliminary Plat: If the Council does not approve the preliminary plat or surveyor's certificate, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant subdivider.

Subd. 12. Amendments to Preliminary Plat: If the subdivider wishes to amend the preliminary plat of a major subdivision as approved or disapproved by the Council, the subdivider may submit an amended plat which shall follow the same procedures, except the public hearing unless the amendment is, in the opinion of the Council, of such scope as to constitute a substantial change in the plat.

Subd. 13. Approval of Preliminary Plat: If the preliminary plat of a major subdivision is approved by the Council, the subdivider may begin preparation of the final plat. Preliminary approval does not constitute waiver by the Council of any statutory, ordinance or other rights.
Subd. 14. Minor Subdivision Recording Requirements: If the surveyor's certificate of a minor subdivision is approved by the Council, the subdivider shall, within six months, record a deed conforming to the terms of the Council's approval of the subdivision with the County Register of Deeds or Registrar of Titles and, within ten (10) days of recording, furnish the City with a reproducible copy of the deed showing evidence of the recording; otherwise, the approval of the subdivision shall be void, and the City Administrator shall so notify the County Register of Deeds or Registrar of Titles. No building permit shall be issued for construction on a parcel created by such minor subdivision until evidence of recording has been submitted. In the event the deed is not recordable as approved or the subdivider fails to record within the time prescribed herein, the Council may re-approve the minor subdivision upon payment of the minor subdivision reapproval fee as specified in Appendix E and the following terms and conditions: a) that the subdivider proves to the satisfaction of the Council that the delay was caused by conditions beyond the control of the subdivider, and b) that the extension of time requested has or will have no adverse effect on the City or property owners of the City, and c) that the Council shall set the time limit of the extension requested but in no event shall it exceed six months. (1988 Code §42.05) (Amended, Ord. 844, 5-20-10, Ord. 860, 10-6-11)

1202.02: FEES AND CHARGES:

Subd. 1. Fees and Deposits:

a. Fee: To defray administrative and other costs of processing subdivision requests, a fee shall be paid at the time an application is filed consistent with and as identified in Appendix E of this Code. (Amended, Ord. 754, 1-24-05)

b. Excess Fees: Applicants are responsible for all costs in excess of the application fee incurred by the City in the processing of the subdivision application. Such excess fees are to be paid upon receipt of statement from the City of Mounds View. Excess fees may include, but shall not be limited to, photocopy costs, staff time, and fees for planning consultants, attorneys and engineers. (Added, Ord. 754, 1-24-05)

c. Payments of Costs: No official or agent of the City may sign or approve any plat or deed accepting or approving said plat or deeds until any additional costs over and above the deposits have been paid. (Amended, Ord. 754, 1-24-05)

Subd. 2. Park and Playground Dedication: The subdivider shall make a land or cash payment dedication to the Municipality according to the provisions of Section 1204.02 of this Title. (1988 Code §42.06; 1993 Code)
NECESSARY DATA FOR PRELIMINARY PLAT: The preliminary plat or surveyor's certificate of the proposed subdivision shall contain or have attached thereto the following information:

Subd. 1. Identification and Description:
   a. Proposed name of subdivision.
   b. Legal description of property.
   c. Names and addresses of the owner, subdivider, surveyor, engineer and designer of the plat.
   d. Graphic scale not less than one inch to fifty feet (1" = 50'). Plat of ten (10) acres or larger may be drawn at a scale not less than one inch to one hundred feet (1" = 100').
   e. North point.
   f. Date of preparation and of any revisions.
Subd. 2. Existing Conditions and Features:

a. Boundary line survey, including measured distances and angles which shall be tied to the nearest quarter corner or section corner.

b. Existing zoning classifications for land in and abutting the subdivision.

c. Total acreage of plat and square feet of lots.

d. Location, right of way width and names of existing or platted streets, other public ways and public easements, structures within the preliminary plat and adjacent thereto shall also be indicated.

e. Location and size of existing sewers, water mains, culverts or other underground facilities within the preliminary plat area and to a distance of one hundred feet (100') beyond.

f. Boundary lines of adjoining land, within one hundred feet (100'), including all contiguous land owned or controlled by the subdivider.

g. If requested, topographic data, including contours at vertical intervals of not more than two feet (2'); except, where the horizontal contour interval is one hundred feet (100') or more, a one foot (1') vertical interval shall be shown. Watercourses, marshes, wooded areas and other significant features shall also be shown. U.S.G.S. datum shall be used for all topographic mapping.

h. Soil tests, as specified by the Director of Public Works/City Engineer, if requested.
Subd. 3. Proposed Conditions and Features:

a. If requested, layout of proposed street system on a County section map.

b. Layout of proposed streets, showing right of way widths and proposed names and streets. The name of any street heretofore used in the City or its environs shall not be used unless proposed street is an extension of an already named street, in which event, the name shall be used.

c. Locations and widths of proposed alleys, pedestrianways and utility easements.

d. Layout, numbers and preliminary dimensions of lots and blocks.

e. Minimum building setback lines. (Attention is directed to the requirements of Title 1100 of this Code.)

f. Location of any proposed sanitary and storm sewer lines and water mains.

g. Proposed method of disposing of surface water drainage, including proposed drainage easements.

h. Center line gradients of proposed streets.

i. Areas, other than streets, alleys, pedestrianways and utility easement intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

Subd. 4. Other Information:

a. Such other information or requirements as may be requested by the Planning and Zoning Commission, Council or City staff that are deemed necessary to preserve neighborhood aesthetics or to protect the health, safety and welfare of neighboring landowners and the future residents within the subdivision. (Amended, Ord. 792, 5-29-07)

b. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning and Zoning Commission may require that the subdivider submit a preliminary plan of the remainder of the property to show the possible relationships between the proposed subdivision and future subdivisions. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions. (1988 Code §42.07)

c. Submission of a title commitment or title opinion that establishes ownership of the land that is satisfactory to the City. (Added, Ord. 860, 10-6-11)
1202.04:  **CONDITIONS OF PRELIMINARY PLAT APPROVAL:**

Subd. 1. Revisions: The Planning and Zoning Commission and Council may require such revisions as they deem necessary for the health, safety, general welfare and convenience of the Municipality.

Subd. 2. Tentative Approval: The approval of a preliminary plat of a major subdivision by the Council is tentative only, involving merely the general acceptability of the layout as submitted. The Council shall not permit the installation of any public improvements in the proposed plat unless the preliminary plat is approved. Preliminary plat approval is conditioned upon compliance with all requirements deemed necessary to preserve neighborhood aesthetics or protect the health, safety and welfare of neighboring landowners and the future residents within the subdivision. (Amended, Ord. 792, 5-29-07)

Subd. 3. Subsequent Approval:

a. Subsequent approval will be required of the engineering proposals pertaining to water supply, storm drainage, sewerage disposal and other utilities.

b. Subsequent approval of the preliminary plat will be required by other public officials having Jurisdiction prior to the approval of the final plat by the Municipality.

Subd. 4. Flooding or Poor Drainage Facilities: No plan will be approved for a major or minor subdivision which covers an area subject to periodic flooding or which contains extremely poor drainage facilities and which would make adequate drainage of the streets and lots impossible unless the subdivider agrees to make improvements which will, in the opinion of the Council, make the area completely safe for occupancy and provide adequate street and lot drainage.

Subd. 5. Partial Subdivisions: Where an owner or subdivider proposes to subdivide only a portion of owner's or subdivider's property, the Council may require the owner or subdivider to submit a preliminary plan indicating the proposal for subdividing the balance of the property so as to have proper relationship of streets and lot orientations with the portion to be subdivided and adjacent properties. (1988 Code §42.05)

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1 See Chapters 1010, 1301 and 1302 of this Code for drainage and flood control regulations.
1202.05: **NECESSARY DATA FOR FINAL PLAT:**

Subd. 1. General: The final plat shall be prepared by a land surveyor who is registered in the State and shall conform to all State and County requirements and the requirements of this Title.

Subd. 2. Information to be Shown:

a. All dimensions, including lot lines, shall be shown in feet and hundredths of feet.

b. Accurate radii, internal angles, points and curvatures, tangent bearings and lengths of all arcs and accurate lineal dimensions for all lines, angles and curvatures used to describe boundaries, streets, alleys, easements, areas to be reserved for public use.

c. When lot lines are not at right angle to the street right of way line, the width of the lot at the building setback line shall be indicated.

d. A numbered identification system for all lots and blocks.

e. A boundary line survey, including the measured distance and angles and the true distance and bearing between a known point on the boundary and the nearest official monument which shall be accurately described on the plat.

f. Municipal, County and/or section lines accurately tied to the lines of the subdivision by distances and angles.

g. Name and location of all monuments.

h. Accurate locations of all monuments.

i. Graphic scale and north point.

j. Names and right-of-way width of all streets and other rights of way.

k. Location of water bodies and dedication of flowage rights.

l. Accurate outlines and legal description of any areas to be dedicated or reserved for public use or for the exclusive use of property owners within the subdivision with the purpose indicated therein.

m. Certification by a registered surveyor in the form required by Minnesota Statutes.

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n. Execution of the certificate by all owners of any interest in the land and any holders of a mortgage thereon shall include a dedication of the utility easements and any other public areas in such form as shall be approved by the City Attorney.

o. Forms for approval by Council, Ramsey County and other authorities, as required.

p. Any other information as may be required by the Planning and Zoning Commission, Council or City staff that is deemed to be in the interest of the public's health, safety or welfare. (1988 Code §42.08; Amended, Ord. 792, 5-29-07)

1202.06: **SOIL TESTS:** Upon the advice of the Director of Public Works/City Engineer, the Council may require soil tests prior to the approval of the final plat. Such test holes, when ordered by the City authorities, shall be drilled at the expense of the owner or developer, and the information disclosed shall be furnished to the Council together with a copy of the proposed plat showing the location of each test hole, the information as to the various types of soil encountered and their depths, the level of the ground water and a seepage test and may include additional information. The number of test holes to be drilled and their location on the property which is proposed to be platted will be as directed by the Council or its authorized representative. (1988 Code §42.11)
1202.07: FINAL PLAT APPROVAL PROCEDURE:

Subd. 1. Filing of Final Plat: The owner or subdivider of a major subdivision shall file twelve (12) printed copies of the final plat not later than six (6) months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested, in writing, by the subdivider and for good cause granted by the Council. The final plat shall be in such form and contain such information as required in Section 1202.05 of this Chapter. (Amended, Ord. 860, 10-6-11)

Subd. 2. Conformance to Preliminary Plat:

a. The final plat shall conform to the preliminary plat, as approved. The Council may allow the subdivider to submit a final plat which includes only a portion of the approved preliminary plat.

b. The City Administrator shall examine the final plat to determine whether it conforms to the preliminary plat, as approved, including, but not limited to, compliance with all requirements deemed necessary to preserve neighborhood aesthetics or to protect the health, safety and welfare of neighboring landowners and the future residents within the subdivision. (Amended, Ord. 792, 5-29-07; Ord. 844, 5-20-10)

c. If the City Administrator determines that the final plat, as submitted, does not conform with the terms of the Council approval of the preliminary plat, including, but not limited to, compliance with all requirements deemed necessary to preserve neighborhood aesthetics or to protect the health, safety and welfare of neighboring landowners and the future residents within the subdivision, the City Administrator shall so report to the Planning and Zoning Commission. The Planning and Zoning Commission shall recommend to the Council approval or disapproval of the final plat within thirty (30) days of receipt of the City Administrator's report. (Amended, Ord. 792, 5-29-07; Ord. 844, 5-20-10)

Subd. 3. Approval or Disapproval: Upon receipt of the City Administrator's report or the Planning and Zoning Commission recommendation, the Council may approve or disapprove the final plat and authorize that it be signed by the City Administrator. (Amended, Ord. 844, 5-20-10)

Subd. 4. Recording of Final Plat: If the final plat is approved, the subdivider shall, within six months, record it with the County Register of Deeds or Registrar of Titles and, within ten (10) days of recording, furnish the City with a reproducible copy of the final plat showing evidence of the recording; otherwise, the approval of the final plat shall be void, and the City Administrator shall so notify the County Register of Deeds or Registrar of Titles. (Amended, Ord. 844, 5-20-10, Ord. 860, 10-6-11)
Subd. 5. Re-Approval: In the event the plat is not recordable as approved or the subdivider fails to record within the time prescribed herein, the Council may re-approve the final plat upon payment of the plat reapproval fee as specified in Appendix E and the following terms and conditions: a) that the subdivider proves to the satisfaction of the Council that the delay was caused by conditions beyond the control of the subdivider, and b) that the extension of time requested has or will have no adverse effect on the City or property owners of the City, and c) that the Council shall set the time limit of the extension requested but in no event shall it exceed six months. (1988 Code §42.05; 1993 Code) (Amended, Ord. 860, 10-6-11)

1202.08: REGISTERED LAND SURVEYS; CONVEYANCE BY METES AND BOUNDS: All registered land surveys shall be filed subject to the same procedure as required for the filing of a preliminary plat for platting purposes. The standards and requirements set forth in this Title shall apply to all registered land surveys. Unless the Council shall approve the registered land survey in accordance with this Title, building permits of the tracts shall be withheld, tracts set aside for street purpose shall not be accepted and no public money shall be spent toward installing utilities or improvements. No registered land survey shall receive final approval without the deeding of streets to the City in a recordable form. No conveyance by metes and bounds shall be permitted, except where mandated by specific provisions of Minnesota Statutes Annotated or where allowed under minor subdivision procedures herein. (1988 Code §42.14)

1202.09: COPIES OF PLATS: Copies of all such plats of subdivisions, after the same have been submitted and approved as provided in these regulations, shall be filed and kept by the City Administrator among the records of Mounds View. (1988 Code §42.16) (Amended, Ord. 844, 5-20-10, Ord. 860, 10-6-11)

1202.10: LAND DIVISION PROCEDURE: In any case where the division of a parcel of land into one (1) or more lots or parcels for the purpose of transfer of ownership or building development does not come within the definition of subdivision, as defined by this Title, a certified survey and description of such land division shall be filed with the City Administrator who shall submit copies of such division to the Planning and Zoning Commission and Director of Public Works/City Engineer. No building permit shall be issued until said description has been approved by the Council. (1988 Code §42.05) (Amended, Ord. 844, 5-20-10)

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1 See subdivision 1201.03(22) of this Title for definition.


1203.01: **CONFORMANCE WITH COMPREHENSIVE PLAN:** The proposed subdivision shall conform to the Comprehensive Plan. (1988 Code §42.09)
1203.02: **STREET PLAN:** The arrangements, character, extent, width, grade and location of all streets shall be considered in their relation to reasonable circulation of traffic, to topographical conditions, to runoff of storm water, to public convenience and safety and to the proposed uses of the land to be served by such streets.

Subd. 1. Streets:

   a. Continuation of Existing Streets: The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.

   b. Future Projection of Streets: Where adjoining areas are not subdivided but may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.

   c. Widths: All street right of way widths shall conform to the following minimum dimensions:

      | Street Type        | Width  |
      |--------------------|--------|
      | Minor Arterial     | 80 feet|
      | Collector Streets  | 66 feet|
      | Local Streets      | 60 feet|
      | Service Roads      | 50 feet|
      | Cul-de-Sacs        | 65 feet radius|

Subd. 2. Alleys:

   a. Restricted to Certain Zones: Alleys shall not be platted in residential areas but may be platted in industrial and business zones where appropriate to the overall design.

   b. Widths: All alley rights of way shall be at least twenty four feet (24’) in width. (1988 Code §42.09)

1203.03: **PEDESTRIANWAYS:** In blocks over nine hundred feet (900’) long, pedestrian crosswalks through the blocks and at least ten feet (10’) wide of concrete or other surfacing may be required in locations deemed necessary to public health, convenience and necessity. (1988 Code §42.09)
1203.04: **EASEMENTS:**

Subd. 1. **Provided for Utilities:** Easements at least ten feet (10') wide, centered on rear and other lot lines, shall be provided for utilities where necessary and shall be dedicated to the public by appropriate language in the owner's certificate. They shall have continuity of alignment from block to block and, at deflection points, easements for pole-line anchors shall be provided, where necessary.

Subd. 2. **Provided for Drainage:** Easements shall be provided along each side of the center line of any watercourse or drainage channel, whether or not shown in the Comprehensive Plan, to a width sufficient to provide proper maintenance of storm sewers, and they shall be dedicated to the Municipality by appropriate language in the owner's certificate. Additional easements may be required for streets, parkways or park strips parallel to the watercourse, drainage channel or storm sewer line. (1988 Code §42.09)

1203.05: **BLOCKS:**

Subd. 1. **Factors Governing Dimensions:** Block length and width or acreage within bounding streets shall be such as to accommodate the size of residential lots required in the area by the Zoning Title¹ and to provide for convenient access, circulation control and safety of street traffic.

Subd. 2. **Arrangement:** A block shall be so designed as to provide two (2) tiers of lots unless it adjoins a lake, stream, park or State or Federal highway, where it may have a single tier of lots. (1988 Code §42.09)

¹ See Title 1100 of this Code.
1203.06: **LOTS:**

Subd. 1. Location: All lots shall abut on a publicly dedicated street that has received legal status as such.

Subd. 2. Size: The lot dimensions in subdivisions shall not be less than the minimum dimensions required to secure the minimum lot area specified in the Zoning Title for the district within which the land is located.

Subd. 3. Side Lot Lines: Side lines of lots shall be substantially at right angles to the street line.

Subd. 4. Lot Remnants: All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels. (1988 Code §42.09)

1203.07: **WATERCOURSES:** Lots abutting upon a watercourse, drainageway, channel or stream shall have an additional depth or width, as required, to assure that house sites are not subject to flooding. (1988 Code §42.09; 1993 Code)

1203.08: **NATURAL FEATURES:** In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic spots or similar conditions, which, if preserved, will add attractiveness and stability to the proposed developments. (1988 Code §42.09)
1203.09: **MONUMENTS:** Monuments of a permanent character shall be placed in locations on the boundary of any major subdivision and within it as required to permanently define all property lines and street rights of way. (1988 Code §42.09)

1203.10: **UNDERGROUND UTILITIES:**

Subd. 1. Underground Utilities Requirements:

a. All new electric distribution lines (excluding main line feeders and high voltage transmission lines), telephone service lines and services constructed within the confines of and providing service to customers in a newly platted residential area shall be buried underground.

b. The subdivider is responsible for complying with the requirements of this Section and shall submit to the Planning and Zoning Commission a written instrument from the utilities showing that the necessary arrangements with the utility involved for the installation of said facilities will be made.

Subd. 2. Exceptions: The foregoing requirements in subdivision 1 hereof may be waived by the Council if, after study and recommendation by the Planning and Zoning Commission, either or both of the following are applicable to the proposed subdivision:

a. The placing of electric and telephone utilities underground would not be compatible with the development planned.

b. Unusual topography, soil or other physical conditions make underground installation unfeasible from an engineering viewpoint or the cost impractical. (1988 Code §42.10)
CHAPTER 1204

PUBLIC PARKS AND PLAYGROUNDS

SECTION:

1204.01: Land Acquisitions
1204.02: Dedication of Lands

1204.01: LAND ACQUISITIONS: Where a proposed park, playground, school site or other public site, as shown on the Comprehensive Plan or Open Space Master Plan, is embraced in part or in whole by the boundary of a proposed subdivision and such public sites are not dedicated to the Municipality or Board of Education, such public ground shall be reserved and no action taken toward approval of a subdivision for a period not to exceed ninety (90) days to allow the Council or Board of Education the opportunity to consider and take action toward acquisition of such public ground or park by purchase or other means. (1988 Code §42.12)
DEDICATION OF LANDS:

Subd. 1. Dedication Required:

a. In all subdivisions to be developed for residential, commercial, industrial or other uses or as a planned development which includes residential, commercial and industrial uses or any combination thereof, a subdivider shall dedicate a reasonable portion of the buildable land of the proposed subdivision to the public or to be preserved for public use as parks, recreational facilities, playgrounds, trails or public open space. For purposes of this Section, “buildable land” means the gross acreage of the subdivision excluding designated wetlands and land set aside as open space in a manner approved by the City. (Ord. 474, 9-25-89; Amended, Ord. 745, 7-26-04, Ord. 860, 10-6-11)

b. The City may, at its option, require a cash contribution in lieu of dedication or require a portion of the required dedication be in land and a cash contribution in lieu for the balance thereof. Cash payments received shall be placed in a special fund and used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, public open space, redevelopment or rehabilitation of existing facilities or sites or debt retirement in connection with land previously acquired or improvements thereto previously constructed for such public purpose. No funds shall be used for ongoing operation or maintenance of existing parks or recreational facilities or sites. (Amended Ord. 860, 10-6-11)

c. In considering the portion to be dedicated or preserved or the amount of the cash contribution, the City, must give due consideration to the open space, park, recreational or common areas and facilities open to the public which the subdivider has reserved for the subdivision; except, that storm water holding areas or ponds, whether required by the City or any other regulatory body, will not be taken into consideration. (Amended, Ord 745, 7-26-04, Ord. 860, 10-6-11)

Subd. 2. Determination of Dedication Procedure: Upon receipt of a qualifying subdivision, the Council shall refer it to the Parks and Recreation Commission1. Said Commission shall report to the Council its dedication recommendation. Upon receipt of the recommendation, the Council shall call for either a land dedication, a cash payment or a combination of the two, in size, location or amount, as it determines. The Council may require a professional appraisal to determine market value for purposes of a cash payment, the cost of which shall be paid by the subdivider. (Amended, Ord. 860, 10-6-11)

1 See Chapter 405 of this Code.
Subd. 3. Credit for Existing Single-Family Dwelling: The subdivider of any parcel of land shall receive a credit for an existing single-family dwelling unit by excluding the acreage of the occupied parcel remaining after subdivision from the computation of dwelling units per acre if the parcel of land is zoned for single-family residence and has located thereon one single-family dwelling.

Subd. 4. Dedication Amount: A reasonable portion of the land of any proposed subdivision or its equivalent in cash shall be dedicated by the subdivider for public use. Up to ten percent (10%) of the buildable land of the proposed subdivision or its equivalent in cash based on the fair market value shall constitute a reasonable portion for dedication purposes under this section. The exact portion of land or its equivalent amount in cash shall be established by the City based on the following factors: (Amended, Ord. 860, 10-6-11)

- Type of the proposed subdivision land use: residential, industrial or commercial;
- The need for open space generated by the proposed subdivision;
- Existence of land dedicated for public use within the proposed subdivision, excluding areas reserved as storm water holding ponds;
- Fair market value of the land;
- Other relevant factors unique to a particular subdivision supporting the need for dedication of lands for public use.

If an equivalent amount in cash from the subdivider for part or the entire portion required to be dedicated is to be paid by the subdivider, such amount is due no later than at the time of final approval of the proposed subdivision. (Ord. 604, 1997; Amended, Ord. 745, 7-26-04)

Subd. 5. Dedication for Re-Subdivision: For any subdivision of a parcel on which a cash dedication for parks has previously been made but on which an additional cash dedication is required due to re-subdivision, the amount of cash dedication required on the re-subdivided parcel(s) shall be based on the market value of the buildable land at the time of re-subdivision and the factors set forth in subdivision 4 of this Section less any applicable credit for the prior cash dedication. (1988 Code §42.13) (Ord. 604, 1997; Amended, Ord. 745, 7-26-04, Ord. 860, 10-6-11)
Subd. 6. Right of Appeal: Pursuant to Minnesota Statutes, Sections 462.358 and 462.361 a subdivider may appeal the imposition of dedication fee to the district court within sixty (60) days of the approval of the subdivision application. The subdivider must give written notice to the City regarding a proposed fee dispute prior to the final decision on the proposed subdivision. Upon receiving the notice, the City shall place the disputed fee amount in an escrow and shall continue processing the subdivision application as if the fee had been paid. The City must not condition the approval of any proposed subdivision on the subdivider’s waiver of the right to challenge the dedication fee. If the subdivider fails to appeal the dedication fee within sixty (60) days of the subdivision approval, or if the subdivider does not prevail on the appeal, the funds paid into escrow will be transferred to the City. (Added, Ord. 745, 7-26-04, Amended, Ord. 860, 10-6-11)
CHAPTER 1205

MODIFICATIONS, VARIANCES AND EXCEPTIONS

SECTION:

1205.01: Planned Unit Developments
1205.02: Variances
1205.03: Application Procedures

1205.01: **PLANNED UNIT DEVELOPMENTS:** Exceptions, variances or modifications of the strict application of this Chapter may be granted in case of planned unit developments; provided, the Council, upon review and recommendation from the Planning and Zoning Commission, shall find that the proposed development is fully consistent with the purpose and intent of this Title. A planned unit development shall be considered any development which conforms to the definition and requirements thereof in the Zoning Title. This provision is intended to provide flexibility needed for new land planning and land development trends and techniques. (1988 Code §42.15)

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1 See Chapters 1119 and 1120 of this Code.

City of Mounds View
1205.02:  **VARIANCES:** The Council may grant a variance of these subdivision regulations in any particular case where the subdivider can show that, by reason of unique circumstances relating to a specific lot, the strict compliance with these regulations imposes unusual hardship to the subdivider in the use of his or her land. Unusual hardship includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. A variance may be granted only if the Council finds that all of the following circumstances exist:  (1988 Code §42.15)  (Amended, Ord. 861, 9-22-11)

Subd. 1. The variance is in harmony with the general purposes and intent of these regulations.

Subd. 2. The variance is consistent with the Comprehensive Plan.

Subd. 3. The subdivider proposes to use the property in a reasonable manner not permitted by these regulations or the City Zoning Ordinance.

Subd. 4. Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property since the enactment of these regulations has had no control. That the unique circumstances do not result from the actions of the applicant.

Subd. 5. The variance does not alter the essential character of the neighborhood.

Subd. 6. That the variance requested is the minimum variance which would alleviate the unusual hardship. Economic conditions alone do not constitute unusual hardship.

Subd. 7. The Council may impose such conditions upon the premises benefited by the variance, as may be necessary to comply with the standards established by this section or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. The condition must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 861, 9-22-11)
1205.03: APPLICATION PROCEDURES:

Subd. 1. Application and Contents: Application for any exception, variance or modification of the requirements of these subdivision regulations shall be made, in writing, by the subdivider at the time when the preliminary plat is filed for consideration by the Municipality, stating fully all facts relied upon by the petitioner and shall be supplemented with maps, plans or other additional data which may aid the Planning and Zoning Commission and Council in the analysis of the proposed project.

Subd. 2. Plans: The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.

Subd. 3. Records: Any exception, variance or modification thus granted shall be recorded in the minutes of the Council setting forth the reasons which justified the action. (1988 Code §42.15)