

Chapter 109 - SUBDIVISIONS AND PLATTING¹

Article/Division/Section:

ARTICLE I	<u>IN GENERAL</u>
109-1	<u>Definitions</u>
109-2	<u>Variances</u>
109-3	<u>Platting required</u>
109-4 – 109-24	<i>Reserved</i>
ARTICLE II	<u>APPROVAL PROCEDURES</u>
109-25	<u>Generally</u>
109-26	<u>Dividing existing lots</u>
109-27	<u>Plats and data</u>
109-28	<u>Plans and data for subdivisions</u>
109-29	<u>Fees and costs</u>
109-30 – 109-46	<i>Reserved</i>
ARTICLE III	<u>DESIGN STANDARDS</u>
109-47	<u>Streets</u>
109-48	<u>Right-of-way</u>
109-49	<u>Alleys</u>
109-50	<u>Easements</u>
109-51	<u>Lots</u>
109-52	<u>Public sites and open spaces</u>
109-53	<u>Parkland dedication</u>

ARTICLE I - IN GENERAL

Sec. 109-1 - Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means minor ways that are used primarily for vehicular service access to the back or the sides of properties otherwise abutting on a street.

Arterial streets and highways means those that are used primarily for fast or heavy traffic.

Collector streets means those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

Marginal access streets means minor streets which are parallel to and adjacent to arterial

streets and highways, and which provide access to abutting properties and protection from through traffic.

Minor streets means those that are used primarily for access to the abutting properties.

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

Subdivision means the separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:

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

The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

(Code 1993, § 9-17.01)

State Law reference – Subdivision defined, Minn. Stats, § 462.358, subd. 12.

Sec. 109-2 - Variances

- (a) *Hardship*. Where the city council finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of the general community plan or these regulations.
- (b) *Large scale development*. The standards and requirements of these regulations may be modified by the city council in the case of a plan and program for a complete community, or a neighborhood unit, which in the judgment of the city council provide adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provide such covenants or other legal provisions as will assure conformity to and achievement of the plan.
- (c) *Conditions*. In granting variances and modifications, the city council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

(Code 1993, § 9-17.07)

Sec. 109-3 - Platting required

All subdivisions that create five or more lots or parcels that are 2½ acres or less in size shall be platted.

State Law reference – Mandatory requirements, Minn. Stats. § 462.358, subd. 3a.

Secs. 109-4 – 109-24 - Reserved

ARTICLE II - APPROVAL PROCEDURES²

Sec. 109-25 - Generally

(a) *Preapplication procedure.*

- (1) *Sketches; information required.* Previous to the filing of an application for conditional approval of the preliminary plat (general subdivision plan), the subdivider shall submit to the planning commission for review, subdivision sketch plans which shall contain the following information: tract boundaries, north point, streets on and adjacent to the tract, significant topographical and physical features, proposed general street layout, and proposed general lot layout and other information related to any restrictions on the use of the land including easements, protective covenants and zoning district. This step does not require formal application, fee or filing of plat with the city council.
- (2) *Sketches not formal filing of plat.* Such sketch plans will be considered as submitted for preliminary and informal discussion between the subdivider and the planning commission. Submission of a subdivision sketch plan shall not constitute formal filing of a plat.
- (3) *Conformity of design plans.* As far as may be practical on the basis of a sketch plan, the planning commission will informally advise the subdivider as promptly as possible of the extent to which the proposed subdivision conforms to the design standards of this chapter and will discuss possible plan modifications necessary to secure conformance.

(b) *Procedures for conditional approval of preliminary plat.*

- (1) *Preliminary plat; improvements.* On reaching conclusions informally as recommended above regarding his or her general program and objectives, the subdivider shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary material as specified in [section 109-27](#).
- (2) *Submission of preliminary plat.* Six copies of the preliminary plat and supplementary materials specified shall be submitted to the administrator with written application for conditional approval at least 14 days prior to the planning commission meeting at which it is to be considered together with the application fee for such submittal. The administrator shall promptly forward one copy each of the

preliminary plat and supplemental materials to the following: consulting engineer, planning consultant, and when such land abuts a county or state highway copies shall be sent to the county highway engineer or state highway commissioner.

- (3) *Engineering report.* The engineering consultant shall submit his or her written report concerning the engineering aspects of the project to the planning commission at least seven days prior to the meeting at which the plat is to be considered.
 - (4) *Plat compliance report.* The planning consultant shall examine the plat for compliance with this and other ordinances of the city and the city's comprehensive plan and shall submit a written report to the planning commission at least seven days prior to the meeting at which the plat is to be considered.
 - (5) *Public hearing.* A public hearing shall be held by the planning commission after the filing of the preliminary plat. This hearing shall be held if possible, at the next regularly scheduled meeting of the planning commission. A notice of the time, place, and purpose of the hearing shall be published in the official city newspaper at least ten days prior to the date of the hearing. In addition, the city shall notify, in writing, the subdivider and each owner of affected property and property situated wholly or partly within 350 feet of the exterior boundary of the subject property.
 - (6) *Recommendation report.* After consideration of all hearings, reports, comments, and suggestions, the planning commission shall within 30 days after the public hearing submit to the city council, in writing, a report summarizing its recommendations and rationale concerning the preliminary plat. Copies of the engineer's and planning consultant's reports shall also be forwarded to the city council along with the preliminary plat and application.
 - (7) *Conditional approval; disapproval.* Following review of the planning commission recommendation and other material submitted for conformity thereof to these regulations and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him or her, the city council shall, within 30 days, act thereon as submitted or modified, and if approved, the city council shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefor.
 - (8) *Action of city council noted.* The action of the city council shall be noted on two copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other retained by the city council.
 - (9) *Conditional approval not indicative of final approval.* Conditional approval of a preliminary plat shall not constitute approval of the final plat (subdivision plat). Rather it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval of the city council and for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any.
- (c) *Procedures for approval of final plat.*

- (1) *Conformity to preliminary plat.* The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he or she proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.
- (2) *Application for approval.* Application for approval of the final plat shall be submitted in writing to the city council at least 30 days prior to the meeting at which it is to be considered, together with the application fee for such submittal.
- (3) *Final plat requirements.* Ten copies of the final plat and other exhibits required for approval shall be prepared as specified in [section 109-27\(b\)](#), and shall be submitted to the city council within six months after approval of the preliminary plat; otherwise such approval shall become null and void unless an extension of time is applied for and granted by the city council.
- (4) *Public hearing; approval or disapproval.* At the discretion of the city council, a public hearing may be held. Notice of said hearing shall be published in the official city newspaper at least ten days prior to the date of the hearing. At such hearing all persons interested therein may be heard and the city council may thereafter approve or disapprove the plat. Such approval or disapproval shall be given not more than 60 days after the filing of any final plat with a formal request for its approval. The grounds for any refusal to approve a plat shall be set forth in the proceedings of the city council and reported to the person or persons applying for such approval. Plats after approval may then be recorded as now provided by law and further described in the City's Administrative Procedures Manual.

(Code 1993, § 9-17.02)

State Law reference – Effect of subdivision approval, Minn. Stats. § 462.358, subd. 3c.

Sec. 109-26 - Dividing existing lots

(a) *Procedure for dividing existing lots.*

- (1) *Preapplication.* Prior to the filing of an application for conditional approval of the proposed subdivision of an existing tract of land, either by division of an existing lot, or metes and bounds description of an existing tract, the subdivider shall submit to the city council plans and data provided in [section 109-25\(a\)\(1\)](#). This step does not require formal application, fee or filing of plat with the city council.
- (2) *Submission of sketch plans.* Such sketch plans will be considered as submitted for preliminary and informal discussion between the subdivider and the planning commission. Submission of a subdivision sketch plan shall not constitute formal filing of a plat.
- (3) *Conformity to design standards; modifications.* As far as may be practical on the basis of a sketch plan, the planning commission will informally advise the subdivider as promptly as possible of the extent to which the proposed subdivision conforms to the design standards of this chapter and will discuss possible plan

modifications necessary to secure conformance.

(b) *Conditional approval.*

- (1) *Preliminary survey; supplementary material.* On reaching conclusions informally as recommended above regarding his or her general program and objectives, the subdivider shall cause to be prepared a preliminary survey, together with improvement plans and other supplementary material as specified in [section 109-27](#).
- (2) *Submission of material; application.* Six copies of the preliminary survey and supplementary material specified shall be submitted to the administrator with written application for conditional approval together with an application fee for such submittal at least 14 days prior to the planning commission meeting at which it is to be considered.
- (3) *Engineering report.* The engineering consultant shall submit his or her written report concerning the engineering aspects of the project to the planning commission at least seven days prior to the meeting at which the plat is to be considered.
- (4) *Compliance report.* The planning consultant shall examine the plat for compliance with this chapter and other ordinances of the city and the city's comprehensive plan and shall submit a written report to the planning commission at least seven days prior to the meeting at which the plat is to be considered.
- (5) *Public hearing.* A public hearing shall be held by the planning commission after the filing of the preliminary survey. This hearing shall be held if possible, at the next regularly scheduled meeting of the planning commission. A notice of the time, place, and purpose of the hearing shall be published in the official city newspaper at least ten days prior to the date of the hearing. In addition, the city shall notify, in writing, the subdivider and each owner of affected property and property situated wholly or partly within 350 feet of the exterior boundary of the subject property.
- (6) *Recommendation report.* After consideration of all hearings, reports, comments, and suggestions, the planning commission shall within 30 days after the public hearing submit to the city council, in writing, a report summarizing its recommendations and rationale concerning the preliminary survey. Copies of the engineer's and planning consultant's reports shall also be forwarded to the city council along with the preliminary survey and application.
- (7) *Approval; disapproval.* Following review of the preliminary survey and other material submitted for conformity thereof to the existing regulations and ordinances of the city, and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him or her, the council shall, within 30 days, act thereon as submitted or modified, and if approved, shall refer the preliminary survey to the planning commission for its approval or disapproval, and if disapproved, the planning commission and city council shall express its disapproval and the reasons therefor.
- (8) *Action of city council noted.* The action of the city council shall be noted on two copies of the preliminary survey, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other retained by

the city council.

- (9) *Conditional approval not indicative of final approval.* Conditional approval of a preliminary survey shall not constitute approval of the final survey. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary survey as a guide to the preparation of the final survey which will be submitted for approval of the city council and for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any.

(c) *Final survey.*

- (1) *Conformity to preliminary survey.* The final survey shall conform substantially to the preliminary survey as approved, and, if desired by the subdivider, it may constitute only that part of the approved preliminary survey which he or she proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.
- (2) *Application for approval.* Application for approval of the final survey shall be submitted in writing to the city council at least 30 days prior to the meeting at which it is to be considered.
- (3) *Final survey requirements.* Ten copies of the final survey and other exhibits required for approval shall be prepared as specified in [section 109-27\(b\)](#), and shall be submitted to the city council within six months after approval of the preliminary survey; otherwise such approval shall become null and void unless an extension of time is applied for and granted by the city council.
- (4) *Public hearing; approval; disapproval.* At the discretion of the city council, a public hearing may be held. Notice of said hearing shall be published in the official city newspaper at least ten days prior to the date of the hearing. At such hearing all persons interested shall be heard and the city council may thereafter approve or disapprove the survey. Such approval or disapproval shall be given not more than 60 days after the filing of any survey with a formal request for its approval. The grounds for any refusal to approve a survey shall be set forth in the proceedings of the city council and reported to the person applying for such approval. Surveys after approval, may then be recorded as now provided by law and further described in the city's Administrative Procedures Manual.

(Code 1993, § 9-17.03)

Sec. 109-27 - Plats and data

- (a) *Conditional approval.* Topographical data required as a basis for the plat in subsection (b) of this section shall include existing conditions as follows except when otherwise specified by the city council.
 - (1) The date.
 - (2) Map scale.
 - (3) Name and address of: owner, subdivider, surveyor*, engineer*, designer*

(*include license numbers and seals).

- (4) The name of the proposed subdivision and all subdivisions adjacent to it.
- (5) Description:
 - a. Field survey of the boundary lines of the tract giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor.
 - b. Descriptions, reference ties and elevations of all benchmarks.
 - c. Total acreage of the proposed subdivision.
- (6) Existing conditions:
 - a. Zoning district, including exact boundary lines of the district. If more than one district, any proposed changes in the zoning district lines including dimensions and/or the zoning code text applicable to the area to be subdivided.
 - b. Topographic data with a contour interval of not more than two feet and showing spot elevations at all breaks in grade, along all drainage channels, and at selected points not more than 100 feet apart in all directions in extremely flat areas. Wooded areas, power transportation poles and lines, gas lines, single trees with a diameter of eight inches or more as measured three feet above the base of the trunk, and other significant existing features for the proposed subdivision and adjacent property.
 - c. Soils information prepared by qualified licensed professional.
 - d. The location, right-of-way width, and names of existing or platted streets or other public ways. Park and other public lands, permanent buildings, and structures, easements, section and corporate lines within the subdivision and to a distance 100 feet beyond.
 - e. The location, size, grade and direction of flow of existing sewers, water mains, culverts, drains and underground facilities on the property and to a distance of 100 feet beyond. Such elevations and locations of catch basins, inverts, manholes, hydrants and street pavement width and type.
 - f. Proposed public improvements, highways, or other major improvements planned by public authorities for future construction on or near the site.
 - g. Photographs (if required by planning commission), camera locations, direction of view, and key numbers.
- (7) Design features:
 - a. Layout of proposed streets, alleys, pedestrian ways and easements showing right- of-way widths, gradients, and proposed street names. Preliminary dimensions of lots and blocks with their layout numbers using consecutive numbering of all lots and blocks beginning with a number "1" within the subdivision; outlots shall be designated by alphabetical order beginning with "A."
 - b. Areas intended to be dedicated or reserved residential lots, typical lots sizes

plus information about all proposed uses within the subdivision. Minimum front and side buildings setback lines. Location, size, and gradients of proposed sanitary sewers, storm sewers, water mains, and plans for surface drainage and flood control.

- (8) When required by planning commission, the petitioner shall provide the following supplemental information:
 - a. Profiles showing existing ground surface and proposed street grades including extensions for a reasonable distance beyond the limits of the proposed subdivision, typical cross sections of the proposed grading, roadways and sidewalks.
 - b. Draft of protective covenants whereby the subdivider proposes to regulate land in the subdivision and otherwise protect the proposed development.
- (b) *Final plat.* Final plat shall be drawn in ink on tracing cloth on sheets and shall be at a scale of 100 feet to one inch or larger (preferred scale of 50 feet to one inch). Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions the final plat may be submitted for approval progressively in contiguous sections satisfactory to the city council. The final plat shall show the following:
 - (1) State requirements by law (for clarification see Minn. Stats. § 505.02).
 - (2) Name of all thoroughfares.
 - (3) Names and locations of all public grounds.
 - (4) Dimensions of all lots, thoroughfares, and public grounds.
 - (5) All inlots, outlots, and blocks numbered in accordance with state statutes.
 - (6) Indication that all monuments have been set.
 - (7) All data necessary to locate monuments and to trace all interior and exterior boundary lines.
 - (8) The plat graphically shown with measurements in accordance with state statutes.
 - (9) Ditto marks are not to be used anywhere on the plat.
 - (10) Where a pond constitutes a boundary line within or on the plat, a survey line shall be shown in relation to the water line.
 - (11) The outside boundary lines of the plat shall close with an error not to exceed one foot in 7,500 feet.
 - (12) All ponds, swamps and all public highways or thoroughfares laid out, opened, or traveled (existing before platting) shall be correctly shown.
 - (13) Name and adjacent boundary lines of any adjoining plat. (Code 1993, § 9-17.05)

Sec. 109-28 - Plans and data for subdivisions

While it is understood that generally a proposed subdivision of an existing lot, or

conveyance by metes and bounds description will not be a development of the scope contemplated by the presentation and acceptance of a plat, the city council hereby declares that it is in the best interests of community planning and development to require the same or similar plans and data for such a subdivision, as it does for the presentation and acceptance of a plat. The city council shall require compliance with this section which is hereby made applicable to all conveyances when the parcel of land conveyed is less than 2½ acres in area and 150 feet in width.

(Code 1993, § 9-17.06)

Sec. 109-29 - Fees and costs

The zoning administrator shall charge each applicant for subdivision or platting approval such fees as may be prescribed therefor by ordinance. Each applicant shall also pay all legal, engineering, planning, and similar out-of-pocket costs incurred by the city in connection with the respective matter. The zoning administrator with the approval of the city council may require each applicant to deposit with the city in escrow a cash amount based on an estimate by the zoning administrator of such fees and costs. Any surplus shall be refunded to and any additional costs paid by the applicant. The obligation to pay such fees and costs shall not be affected by the disposition of the matter.

(Code 1993, § 9-17.08)

Secs. 109-30 – 109-46 - Reserved

ARTICLE III - DESIGN STANDARDS³

Sec. 109-47 - Streets

- (a) *Conformity to master plan.* The arrangement, character, extent, width, grade and location of all streets shall conform to the city's master plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (b) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the city under conditions approved by the city council.
- (c) *Street job requirement.* Street jobs with centerline offsets of less than 125 feet shall be avoided.
- (d) *Street, street line requirements.* When connecting street lines deflect from each other at any one point by more than ten degrees they shall be connected by a curve with a radius adequate to facilitate safe driving conditions and provide a pleasing appearance. Streets shall be laid out so as to intersect at a minimum of 90 degrees included angle.
- (e) *Curblines requirements.* Curblines at street intersections shall be rounded with a radius of 15 feet, or of a greater radius where the city council may deem it necessary. The city

council may permit comparable cutoffs or chords in place of rounded corners.

- (f) *Right-of-way widths.* Street right-of-way widths shall be as shown in the city's master plan and where not shown therein shall be not less than as provided in this article.

(Code 1993, § 9-17.04(1))

Sec. 109-48 - Right-of-way

- (a) *Half streets.* Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the city council finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- (b) *Dead-end streets.* Dead-end streets, designed to be so permanently, shall not be longer than 400 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 80 feet, and a street property line diameter of at least 100 feet.
- (c) *Street names.* Street names shall be subject to the approval of the city council.
- (d) *Street grades.* Street grades, wherever feasible, shall meet current policies of the American Association of State Highway Officials for urban areas (AASHO).
- (e) *Street grade requirement.* No street grades shall be less than one percent. (Code 1993, §

9-17.04(2))

Sec. 109-49 - Alleys

- (a) Alleys shall be provided to commercial and industrial districts, except that the city council may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.
- (b) The width of an alley shall be a minimum of 20 feet.
- (c) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- (d) Dead-end alleys shall be avoided. (Code 1993, § 9-17.04(3))

Sec. 109-50 - Easements

- (a) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten feet wide.
- (b) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming

substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

- (c) The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - (2) Zoning requirements as to lot sizes and dimensions;
 - (3) Needs for convenient access, circulation, control and safety of street traffic;
 - (4) Limitations and opportunity of topography.
- (d) Block lengths shall not exceed 1,000 feet or be less than 300 feet. (Code 1993, § 9-17.04(4))

Sec. 109-51 - Lots

- (a) The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (b) Lot dimensions shall conform to chapter 113, zoning. (Code 1993, § 9-17.04(5))

Sec. 109-52 - Public sites and open spaces

- (a) Where a proposed park, playground, school or other public use shown in a city's master plan is located in whole or in part in a subdivision, the city council may require the dedication or reservation of such area within the subdivision in those cases in which the planning commission deems such requirements to be reasonable.
- (b) Where deemed essential by the city council, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood unit developments not anticipated in the city's master plan, the city council may require the dedication or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such development for schools, parks and other neighborhood purposes.

(Code 1993, § 9-17.04(6))

Sec. 109-53 - Parkland dedication

- (a) As a condition to approval of any subdivision of land, the owner shall dedicate a portion of the gross area of such land for public park, playground, open space, trail system or other public recreational purposes according to the following schedule:
 - (1) Eight percent for land zoned R-1 one-family residential district;
 - (2) Nine percent for land zoned R-2 two-family residential district;

- (3) Ten percent for land zoned R-4 medium density multiple-family district - apartment buildings;
 - (4) Ten percent for land zoned R5-M mixed use high density residential district;
 - (5) Ten percent for land zoned B business district; and
 - (6) Prorated percentage according to subsections (1)-(4) of this section for land zoned planned unit development district.
- (b) The land to be dedicated for public purposes under subsection (a) of this section shall be reasonably adaptable to the use intended, shall be at a location convenient to people to be served thereby, and shall not be used in computing compliance with open space or density requirements under [chapter 113](#), zoning.
 - (c) The area of land required to be dedicated for said purposes shall be reduced by not more than one-half by the area of land in the subdivision which by restrictive covenant or other instrument on terms satisfactory to the city will be available as a common area for use by owners or occupants of such land.
 - (d) At the option of the city and in lieu of such dedication, the owner shall pay to the city for such purposes a cash payment equal to the fair market value of the land that would otherwise be required to be dedicated under this section.
 - (e) The dedication requirements are presumptively appropriate. A subdivider may request a deviation from the presumptive requirements based upon the anticipated impact of that particular subdivision. The request must be made before final subdivision approval by the city.
 - (f) Property being subdivided without an increase in the number of lots shall be exempt from the dedication requirements if similar requirements were satisfied in conjunction with an earlier subdivision. If the number of lots is increased, then the dedication shall be based on the additional lots created.

(Code 1993, § 9-17.04(7); Ord. No. 11-04, § 1, 9-14-2011)

Footnotes:

¹ **State Law reference** – Subdivision regulations, Minn. Stats. § 462.358.

² **State Law reference** – Review procedures required, Minn. Stats. § 462.358, subd. 3b.

³ **State Law reference** – Design standards authorized, Minn. Stats. § 462.358, subd. 2a.