

ORDINANCE NO. 380

Chapter 1202 of the City Code

## **Shorewood Subdivision Ordinance**

**Recommended by the Shorewood Planning Commission**  
5 February 2002

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**CHAPTER 1202  
SUBDIVISION REGULATIONS**

**AN ORDINANCE FOR THE PURPOSES OF PROMOTING ORDERLY AND SYSTEMATIC  
PLANNING OR SUBDIVISION AND LAND DEVELOPMENT IN THE CITY OF  
SHOREWOOD, MINNESOTA**

THE CITY COUNCIL OF THE CITY OF SHOREWOOD DOES ORDAIN:

**SECTION 1202.01 TITLE AND APPLICATION:**

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

Subd. 2. Purpose: It is the purpose of this Ordinance to safeguard the best interests of the City of Shorewood and to assist developers and subdividers of land in harmonizing their interests with those of the City. It is the purpose of this Ordinance to make certain regulations and requirements for the subdivision of land within the City of Shorewood, pursuant to the authority contained in Minnesota State Statutes, which regulations the City Council deems necessary for the health, safety and general welfare of this community. This Ordinance is intended to promote good planning practice and to ensure orderly growth and development and shall supplement and implement the provisions of the Shorewood Comprehensive Plan and the Shorewood Zoning Code.

Subd. 3. Application of Requirements:

- a. Relationship to Other Laws: Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by any other ordinance, rule or regulation of the City, the ordinance, rule or regulation that imposes the more restrictive condition, standard or requirement shall prevail. The Zoning Administrator shall determine which is more restrictive and appeals from such determination may be made in the manner provided herein.
- b. Minimum Requirement: In the interpretation of this Ordinance, its provisions shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.

Subd. 4. Approvals Necessary for Acceptance of Subdivision Plats: Before any plat shall be recorded or be of legal effect, it shall be referred to the City Planning Commission and approved by the City Council of Shorewood as having fulfilled the requirements of this Ordinance.

Subd. 5. Conditions for Recording: No plat of any subdivision shall be entitled to be recorded in the Hennepin County Recorder's Office or have any validity until the plat thereof has been prepared, approved and acknowledged in the manner prescribed by this Ordinance.

Subd. 6. Permits: No building permits shall be granted by the City of Shorewood for the construction of any building, structure or improvement to the land or to any lot in a subdivision as defined herein, until all requirements of this Ordinance have been fully complied with.

Subd. 7. Exceptions: Except in the case of resubdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Hennepin County Register of Deeds for Registrar of Titles prior to the effective date of this Ordinance.

Subd. 8. Rules: The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

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

Subd. 9. Separability: It is hereby declared to be the intention of the City that the several provisions of this Ordinance are separable in accordance with the following:

- a. Other Parts of This Ordinance: If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
- b. Application to Other Party or Property: If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

Subd. 10. Authority: This Ordinance is enacted pursuant to the authority granted by Minnesota Statutes, sections 462.358.

Subd. 11. Relationship to Comprehensive Plan: It is the policy of the City of Shorewood that the enforcement, amendment and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the Shorewood Comprehensive Plan as developed and amended from time to time by the City Council. The Council recognizes the Comprehensive Plan as the Policy Guide responsible for regulation of land use and development in accordance with the policies and purpose herein set forth.

Subd. 12. Comprehensive Revision: The City Council intends this Ordinance to be a comprehensive revision to the Shorewood Subdivision Ordinance (Chapter 1202 of the Shorewood City Code), as amended. Except as otherwise provided herein, the provisions of this Ordinance are not intended to alter, diminish, increase or otherwise modify any rights or liabilities existing on its effective date. Any act done, offense committed, or rights accruing or accrued, or liability or penalty incurred or imposed prior to the effective date of this Ordinance is not affected by its enactment.

**SECTION 1202.02      DEFINITIONS:**

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

Subd. 1. **ALLEY:** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

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

Subd. 2. **BLOCK:** An area of land within a subdivision containing one (1) or more lots that is entirely bounded by streets, or by streets and the entire boundary or boundaries of the subdivision, or a combination of the above with a river, lake or other physical barrier.

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

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

Subd. 3. **CITY:** The City of Shorewood.

**CITY COUNCIL:** The governing body of the City of Shorewood.

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

Subd. 4. **DESIGN STANDARDS:** 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 rights-of-way, blocks, easements and lots.

Subd. 5. **EASEMENT:** A grant by a property owner for the use of land for the purpose of constructing and maintaining drives and utilities including, but not limited to wetlands, ponding areas, sanitary sewers, watermains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

Subd. 6. **FINAL PLAT:** A drawing, suitable for recording, showing the layout of a subdivision that has received preliminary plat approval pursuant to Sections 1202.03 and 1202.04 of this Ordinance and Minnesota Statutes Chapter 505.

Subd. 7. No definitions.

Subd. 8. No definitions.

Subd. 9. **IMPERVIOUS SURFACE:** An artificial or natural surface through which water, air or roots cannot penetrate.

Subd. 10. No definitions.

Subd. 11. No definitions.

Subd. 12. LOT: A parcel of land in a subdivision or plat of land, separated from other parcels or portions by descriptions or by metes and bounds, for the purpose of sales or lease or separate use thereof.

LOT, CORNER: A lot situated at the intersection of two (2) streets, or a lot at the point of deflection of a single street, the interior angle of which one hundred thirty-five (135) degrees or less.

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

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

Subd. 13. No definitions.

Subd. 14. No definitions.

Subd. 15. ORDINARY HIGH WATER LEVEL (OHWL): The boundary of public waters and wetlands that is described as an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses the ordinary high water level is the elevation of the top of the bank or channel.

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

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

Subd. 16. PARKS AND PLAYGROUNDS: Public land and open spaces in the City of Shorewood dedicated or reserved for recreation purposes.

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

PERCENTAGE OF GRADE: The ratio of the distance vertically from the horizontal in feet and tenths of a foot for each one-hundred (100) feet of horizontal distance.

PERSON: Any individual, firm, partnership, association, corporation or organization of any kind.

PLANNING COMMISSION: The Planning Commission of the City of Shorewood.

PRELIMINARY PLAT: A drawing or set of drawings describing the existing physical characteristics of a parcel of land and illustrating a proposed layout for subdividing the land into lots, blocks, streets and easements for purposes of obtaining preliminary approval of a subdivision,

pursuant to Sections 1202.03 and 1202.04 of this Ordinance and Minnesota Statutes Section 462.358 and Chapter 505.

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

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

Subd. 17. No definitions.

Subd. 18. **REGISTERED LAND SURVEYOR:** A Surveyor whom is registered and licensed in accordance to Minnesota State Statute 326.02, Subd. 3a.

**REGISTERED PROFESSIONAL ENGINEER:** A Registered Professional Engineer licensed in accordance to Minnesota State Statute 326.02, Subd. 3.

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

Subd. 19. **SETBACK:** The minimum horizontal distance between building and street, lot line or ordinary high water level. Distances are to be measured at ground level from the most outwardly extended portion of the structure. In the case of a private street or street acquired by statutory user as defined by Minnesota Statutes, the setback shall be measured from a line fifteen (15) feet from the edge of the traveled surface.

**STREET:** A public right-of-way or private way serving three (3) or more properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, lane, place or however otherwise designated, which is used or can be used for travel.

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

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

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

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

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

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

**SUBDIVIDER:** 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.

**SUBDIVISION:** The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or of building developments. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Subd. 20. No definitions.

Subd. 21. No definitions.

Subd. 22. No definitions.

Subd. 23. No definitions.

Subd. 24. No definitions.

Subd. 25. No definitions.

Subd. 26. No definitions.

**SECTION 1202.03 PROCEDURES FOR FILING AND REVIEW:**

Subd. 1. Sketch Plan: In order to insure that all applicants are informed of the procedural requirements and minimum standards of this Ordinance, and the requirements or limitations imposed by other City ordinances or plans prior to the development of a preliminary plat, all applicants shall present a sketch plan to the Zoning Administrator prior to filing a preliminary plat.

Subd. 2. Preliminary Plat:

- a. Filing: Five (5) copies of the preliminary plat and a mailing list of property owners of land located within five hundred (500) feet of the subject property obtained from and certified by Hennepin County shall be submitted to the Zoning Administrator. The required filing fee as established by City Council resolution shall be paid and any necessary applications for variances from the provisions of this Ordinance shall be submitted with the required fee. The proposal must be submitted by the first Tuesday of any given month in order to be placed on the Planning Commission agenda for the first Tuesday of the following month. The plan shall be considered as being officially submitted when all the information requirements have been complied with.
- b. Public Hearing: Upon receipt of the subdivision application, the Zoning Administrator shall set a public hearing for public review of the preliminary plat. Said hearing shall be established once adequate time has been allowed for staff and advisory body review of the plat. The Planning



Commission shall conduct the hearing and report its findings and make recommendations to the City Council. Notice of said hearing shall contain a legal property description, description of request detailing property location, and be published in the official newspaper no more than thirty (30) and no less than ten (10) days prior to the hearing. Written notification of said hearing shall be mailed no more than thirty (30) and no less than ten (10) days prior to the hearing to all owners of land within five hundred (500) feet of the boundary of the property in question.

- c. Technical Assistance Reports: The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports and provide general assistance in preparing a recommendation to the Planning Commission and City Council.
- d. Review by Other Commissions or Jurisdictions: The Zoning Administrator shall refer copies of the preliminary plat to the Park Commission, County, Metropolitan, State or other public jurisdictions for their review and comment, where appropriate and when required.
- e. Planning Commission Action: The Planning Commission shall make a recommendation to the City Council immediately following the close of the public hearing. If the Planning Commission has not acted upon the preliminary plat within sixty (60) days from the opening of the public hearing, the Council may act on the preliminary plat without the Planning Commission's recommendation.
- f. City Council Action:
  - 1. If all requirements of this Ordinance and those that may be additionally imposed by the Planning Commission are complied with, the 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 Planning Commission's public hearing. A request for a time extension of the City Council's review process may be granted by the City Council, if requested in writing by the applicant.
  - 2. 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 in writing 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 and general welfare of those living in and near the City of Shorewood.
  - 3. If the preliminary plat is approved by the City Council, the subdivider must submit the final plat within one hundred-eighty (180) 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 prior to expiration of the hundred-eighty day period. A reasonable time extension will be considered by the City Council, if circumstances requiring the extension are beyond the control of the applicant.

Subd. 3. Final Plat:

- a. Filing: After the preliminary plat has been approved, the applicant must file a request, supportive information and the final plat with the Zoning Administrator at least twenty (20) days prior to the City Council meeting at which the final request is to be considered. This must be done within one

hundred-eighty (180) days from the date of preliminary plat approval. If a request for final plat is not made within this period of time, the approval of the preliminary plat is void and the applicant must reapply for preliminary plat approval, unless an extension of time has been formally approved by the City Council. The final plat may constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at the time.

- b. Approval of the City Council: If accepted and all fees for processing the application have been paid, the final plat shall be approved by resolution within sixty (60) days of the date of the meeting at which the final plat was received. The resolution shall provide for the acceptance of all agreements for basic improvements, public dedication and other requirements as indicated by the City Council. If denied, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the person or persons applying for such approval.
- c. Recording Final Plat: If the final plat is approved by the City Council, the subdivider shall record it with the Hennepin County Recorder within thirty (30) 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, prior to recording, furnish the Zoning Administrator with three (3) blackline prints and a reproducible mylar of the final plat. Upon recording the plat the subdivider shall provide the Zoning Administrator with evidence of the recording. No building permits shall be issued for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by Hennepin County.

#### SECTION 1202.04      **PLAT AND DATA REQUIREMENTS:**

Subd. 1. Sketch Plan: Sketch Plans shall contain, at a minimum, plat boundary, north arrow, graphic scale, street layout on and adjacent to plat, designation of land use and current or proposed zoning, significant topographical or physical features, and general lot locations and layout.

Subd. 2. 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.

a. General Requirements:

- 1. Proposed name of subdivision. Names shall not duplicate or too closely resemble names of existing subdivisions.
- 2. Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property.
- 3. Names and addresses of all persons having property interest, the developer, designer, and surveyor together with the surveyor's registration number.
- 4. Graphic scale. Scale shall be expressed as one (1) inch to ten (10) feet, twenty (20) feet, thirty (30) feet, forty (40) feet, fifty (50) feet, sixty (60) feet, or one hundred (100) feet.
- 5. Date of preparation and north arrow.

b. Existing Conditions:

1. Survey, prepared by a registered land surveyor, showing boundary lines and total acreage of proposed plat clearly indicated.
2. Existing zoning classifications for land within and abutting the subdivision.
3. Location, widths and names of all existing or previously platted streets or other public or private ways showing type, width and condition of improvements, if any. Location, width and names of all existing 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 (300) feet beyond the tract.
4. Location and size of existing sewers, water mains, stormwater pipes, culverts, drainage tiles or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract. Such data as grades, invert elevations, locations of catch basins, manholes and hydrants shall also be shown.
5. Boundary lines of adjoining unsubdivided or subdivided land, within three hundred (300) feet identified by name and ownership, including all contiguous land owned or controlled by the subdivider.
6. Topographic data including contours at vertical intervals of not more than two (2) feet. Lakes, water courses, wetlands, rock outcrops, power transmission poles and lines, vegetation and other significant features shall also be shown.
7. Statement of interest in the plat by the Minnehaha Creek Watershed District or the Riley-Purgatory-Bluff Creek Watershed District.

c. Design Features:

1. 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.
2. Locations and size of proposed sewer lines and watermains or water wells.
3. Locations and widths of proposed alleys and pedestrian ways.
4. Location, dimension and purpose of all easements.
5. Layout, numbers, lot areas and preliminary dimensions of lots and blocks. All lots shall be numbered clockwise in each block and blocks shall be numbered consecutively.
6. Minimum front, side and rear building setback lines.
7. When lots are located on a curve, the width of the lot at the building setback line.

8. 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 square feet and acres.
9. A statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business, so as to reveal the effect of the development on traffic, fire hazards and congestion of population.
10. Public utilities including water, sanitary sewer mains and service connections to be installed in accordance with the standards of the City of Shorewood.
11. Proposed grading including existing and proposed contours at vertical intervals of not more than two (2) feet, proposed cut and fill areas, proposed building pads showing type of house (full basement, walkout, split entry, etc.) and elevations of lowest floor and garage floor.
12. Proposed ponding data including the Ordinary High Water Level, High Water Level, and Emergency Overflow Elevation and route.

d. Supplementary Information:

1. Any or all of the supplementary information requirements set forth in this subdivision shall be submitted, when deemed necessary by the City staff, consultants, advisory bodies or City Council.
2. Proposed protective covenants.
3. An accurate soils report of the subdivision prepared by a registered professional engineer qualified to perform and analyze soil materials under the laws of Minnesota. The soils report shall consist of test holes to a depth necessary to determine the various types of soils to be encountered before reaching a stable base, and the static water table elevation. 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 City together with a copy of the proposed plat showing the location of each test hole. The information required by the City shall include a report as to the various types of soils encountered and their depths, the level of the ground water, a percolation test and may include additional information. The number of test holes to be drilled and their location on the property, which is proposed to be platted, will be as directed by the City or their authorized representative. The owner shall be required to furnish to the City a report from a recognized engineering laboratory as to the safety and practicability of the use of the area for building construction.
4. A survey prepared by a qualified landscape architect, forester or arborist identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density and spacing.
5. 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.
6. Provision for surface water disposal, ponding, drainage and flood control.

7. 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 subdivision.
8. Where structures are to be placed on large or excessively deep lots that are subject to potential replat, the preliminary plat shall indicate a logical way in which the lots could potentially be subdivided in the future.
9. 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.
10. A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, and the types and locations of trees and other vegetation that are to be planted.
11. Such other information as may be required.

Subd. 3. Final Plat: The owner or subdivider shall submit a final plat together with any necessary supplementary information. The final plat shall be prepared in accordance with provisions of Minnesota State Statutes and Hennepin County regulations, and such final plat shall contain the following information:

- a. Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision.
- b. 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.
- c. Name and address of surveyor making the plat.
- d. Scale of plat (the scale to be shown graphically on a bar scale), date and north arrow.
- e. The location of monuments shall be shown and described in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments.
- f. Location of lots, streets, public highways, alleys, parks and other features with accurate dimensions in feet and decimals of feet, with the length of radii and arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points of curve to lot lines.
- g. Lots shall be numbered clearly in a clockwise progression. Blocks are to be numbered with numbers shown clearly in the center of the block.

- h. The exact locations, widths, and names of all streets to be dedicated.
- i. 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.
- j. The exact locations and widths of all easements to be dedicated.
- k. 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".
- l. Detailed plans and specifications in accordance with the City of Shorewood Standard Specifications for Construction of Public Utilities, including sanitary sewer, municipal water systems or on-site water supply, grading, drainage and erosion control plans, all approved by the City Engineer.
- m. Evidence that ground water controls are provided at least ten (10) feet below level of finished grades of plan.
- n. Comply with rules and regulations of the Minnehaha Creek Watershed District, or Riley-Purgatory-Bluff Creek Watershed District, whichever District has jurisdiction, or statement from the District indicating that it has no interest in the plat.
- o. Any supplementary engineering data required by the City.

Subd. 4. Certification Required:

- a. Certification by registered surveyor in the form required by Section 505.03, Minnesota Statutes, as amended.
- b. Execution by all owners of any interest in the land or any holders of a mortgage thereon of the certificates required by Section 505.03, Minnesota Statutes, as amended, and which certificate shall include a dedication of the utility easement and other public areas in such form as approved by the City Council.
- c. Space for certificates of approval and review including the date of approval and spaces to be filled in by the signature of the Mayor and City Administrator.

**SECTION 1202.05      DESIGN STANDARDS:**

Subd. 1.    Blocks:

- a. Block Length: In general, intersecting streets, determining block lengths, shall be provided at intervals so as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions should not exceed twelve hundred (1200) feet in length, except where topography or other conditions justify a departure from this maximum and approval is received from the City Council. In blocks longer than one thousand (1000) feet,

pedestrian ways or easements through the block may be required in locations deemed necessary for convenient pedestrian circulation.

- b. Block Width: The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for commercial 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.

Subd. 2. Lots:

- a. Size: The minimum lot area, width and depth shall not be less than that established by the Shorewood Zoning Ordinance in effect at the time of adoption of the final plat. To eliminate any doubt as to the interpretation of lot size, the minimum lot square footage shall not include any portion of an adjacent public street, any portion of the City designated wetlands, as set forth in Chapter 1102 of the City Code, nor any portion of a lot located below the ordinary high water level of a lake. No lots less than the minimum square footage provided by the Shorewood Zoning Ordinance for the area involved shall be authorized by this Ordinance except upon the granting of a variance in accordance with the terms of this Ordinance.
- b. Corner Lots: Corner lots for residential use shall have additional width to permit appropriate building setbacks from both streets as required in the Zoning Ordinance.
- c. Lot Frontage: Every lot must have adequate frontage on a city approved street to accommodate a driveway and required driveway setbacks, as required in the Shorewood Zoning Ordinance.
- d. Setback Lines: Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the Shorewood Zoning Ordinance, as may be amended.
- e. Lot Remnants/Outlots: Remnants of land below minimum lot size, except in instances of cluster zoning, shall be added to adjacent lots rather than remaining as unusable parcels. Outlots may be used, if they carry with it an easement in favor of the City, for open space to guarantee that the same will not be developed for building purposes. Outlots may also be used to set aside land to be platted at a later time. In such cases a resubdivision sketch for the outlot shall be required. Building permits shall not be issued for outlots or remnants.
- f. Double-Frontage Lots: Double-frontage lots that have 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 provide space for screen planting along the rear lot line.
- g. 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.
- h. Lots Abutting Arterial Streets: In new subdivisions there shall be no direct vehicular access from residential lots to arterial streets. Residential lots shall be separated from arterials by a fifteen (15) foot buffer strip, which may be in the form of added depth or width of lots backing on or siding on an arterial street right-of-way.

Subd. 3. Political Boundaries: No singular plat shall extend over a political boundary or school district line without legal notification to and approval by affected units of government.

Subd. 4 Streets and Alleys:

- a. Continuous Streets: Except for cul-de-sac streets, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, provide for future connections to adjoining unsubdivided tracts or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of arterials and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to run-off of storm water, to public convenience and safety and in their appropriate relation to the proposed uses of the area to be served.
- b. Local Streets and Dead-End Streets: Local streets should be planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but cul-de-sac streets shall be permitted where topography or other physical conditions justify their use. Cul-de-sac streets shall not be longer than seven hundred (700) feet including a terminal turn-around which shall be provided at the closed end. The cul-de-sac shall have a right-of-way radius of not less than fifty (50) feet.
- c. Temporary Cul-De-Sac: In those instances where a street is terminated pending future extension in conjunction with future subdivision, a temporary turn-around facility shall be provided at the closed end in conformance with cul-de-sac requirements.
- d. Frontage Roads: Wherever the proposed subdivision contains or is adjacent to the right-of-way of a state highway or an arterial street, provision may be made for a marginal access street approximately parallel and adjacent to the boundary of such right-of-way 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 lot depths.
- e. Half-Streets: Half-street shall be prohibited, except where essential to the reasonable development of the subdivision and adjoining unsubdivided areas.
- f. Private Streets: Private streets shall be prohibited, except where absolutely essential to the enjoyment of property rights. When permitted, private streets shall serve no more than three lots and shall be designed to standards established by the City Engineer.
- g. Street Intersections: 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 no conditions shall the minimum angle of intersection of streets be less than eighty (80) degrees. Street intersection jogs with an offset of less than one hundred twenty-five (125) feet shall be avoided.
- h. Street Right-Of-Way Width: Street right-of-way widths shall conform with following standards:
  - 1. Arterial Street.....100 feet
  - 2. Collector Street..... 60 feet
  - 3. Local Street..... 50 feet



All subdivisions incorporating streets which are identified in the Hennepin County Thoroughfare Plan shall comply with the minimum right-of-way, surfaced width and design standards as outlined in said plan.

- i. Street Grades: Except upon the recommendation of the City Engineer, and the topography warrants a greater maximum, the grades in all streets, thoroughfares, collector streets, local streets and alleys in any subdivision shall not be greater than eight (8) percent. In addition there shall be a minimum center line grade on all streets and thoroughfares of not less than one (1.0) percent.
- j. Reverse Curves: Minimum design standards for collector and arterial streets shall comply with Minnesota State Aid Standards.
- k. Reserve Strips: Reserve strips controlling access to streets shall be prohibited except under conditions accepted by the City Council.
- l. 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 unsubdivided portion shall be prepared and submitted by the subdivider.
- m. Hardship to Owners of Adjoining Property: Proposed street arrangements shall not cause hardship to owners of adjoining property in platting their own land and providing convenient access thereto.

Subd. 5. Provisions for Resubdivision of Large Lots and Parcels: When a tract is subdivided into larger than required 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 resubdivision with provision for adequate utility connections for such resubdivision. Streets and utilities shall be extended to the boundary of the plat.

Subd. 6. Easements:

- a. Width and Location: An easement for utilities at least ten (10) feet wide shall be provided on each side of all lot lines. If necessary for the extension of city water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.
- b. 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.
- c. 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.

Subd. 7. Erosion and Sediment Control:

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

- b. Existing Topography: The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
- c. Staging: Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control erosion.
- d. Limitations on Exposed Ground: 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. When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the development agreement.
- e. Removal/Replacement of Topsoil: Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. Top soil 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.
- f. Tree Preservation and Reforestation: Natural vegetation shall be protected in accordance with the Shorewood Tree Preservation and Reforestation Policy.
- g. Best Management Practices: All erosion control measures shall be installed according to the Minnesota Urban Small Sites Best Management Practices Manual and the City of Shorewood Department of Public Works Standard Specifications and Detail Plates, as may be amended.

Subd. 8. Storm Drainage: All subdivision design shall incorporate adequate provisions for storm water runoff consistent with the Shorewood Comprehensive Water Resource Management Plan, as amended, and be subject to review and approval of the City Engineer.

Subd. 9. Protected Areas: Where land proposed for subdivision is deemed environmentally sensitive by the City because of the existence of wetlands, drainage ways, water courses, floodprone areas or steep slopes, the design of said subdivision shall clearly reflect all necessary measures of protection to insure against adverse environmental impact.

Based upon the necessity to control and maintain certain sensitive areas, the City shall determine whether said protection will be accomplished through lot enlargement, redesign, conservation easement, dedication of those sensitive areas in the form of outlots or through the use of protective covenants in Planned Unit Developments.

Measures of protection shall include design solutions that allow for construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the subdivider shall be required to demonstrate that the proposed design will not require construction on slopes that exceed twelve (12) percent or result in significant alteration to the natural drainage system, such that adverse impacts cannot be confined within the plat boundary.

**SECTION 1202.06: PUBLIC LANDS:**

**Subd. 1. Park Dedication – Land:** Because a new subdivision or commercial land development creates a need for parks, playgrounds and open space, eight (8) percent of the total area of each new subdivision or its equivalent shall be dedicated for such use. Such area must be suitable for parks and playgrounds and shall conform to the City plan for parks and playgrounds within the City

**Subd. 2. Park Dedication – Fees:** In lieu of requiring dedication of an area for parks and playgrounds, the City, at its option, may require a developer to pay into the City Park Fund a sum of money equivalent to eight (8) percent of the value of the raw land contained in the proposed subdivision or commercial land development. The value of the raw land contained in the proposed subdivision or development shall be determined by the City Assessor; or as an alternative, the City may require the subdivider to pay into the City Park Fund a park dedication fee as provided in Section 1301.02 of this Code.

**SECTION 1202.07: REQUIRED IMPROVEMENTS:**

**Subd. 1. General Provisions:**

- a. **Development Agreement:** 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 development agreement that shall be binding on its heirs, personal representatives and assigns, a part of which agreement shall 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.
- b. **Financial Guarantee:** Prior to the delivery of the approved final flat, the subdivider shall deposit with the City financial security in an amount of one hundred fifty (150) percent of the City Engineer's estimated cost of the required improvements within the plat, either in a cash escrow or letter of credit. The surety involved in said financial guarantees shall be approved by the City. Release of the the cash escrow or letter of credit shall be conditioned upon:
  1. The making and installing of all of the improvements required by the terms and conditions set forth by the City within one (1) year.
  2. Satisfactory completion of the work and payment therefore, which was undertaken by the subdivider in accordance with the developer's agreement referred to above.
  3. 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, planning, fiscal, legal, construction and administration. In instances where a letter of credit is used in lieu of a cash escrow, the letter of credit shall be in a form satisfactory to the City.
- c. **City Engineer Approval:** No final plat shall be approved by the Council without first receiving a report signed by the City Engineer 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.

- d. Maintenance Bond: The City of Shorewood shall require a subdivider to submit a warranty/maintenance bond in the amount of the original cost of the improvements, which shall be in force for two (2) years following the final acceptance of any required improvements and shall guarantee satisfactory performance of the said improvement.
- e. As-Built Drawings: "As-built" drawings of all required improvements as required by the City Engineer shall be furnished to the City by the subdivider in mylar form and electronic form at no cost to the City of Shorewood. Such "as-built" drawings and files shall meet format requirements of the City Engineer. Such "as-built" drawings shall be certified to be true and accurate by the registered professional engineer responsible for the installation of the improvements.
- f. Inspection/Reimbursement of City Expenses: All of the required improvements to be installed under the provisions of this Ordinance shall approved by and subject to the inspection of the City Engineer, or designees. The City Engineer shall assign a field representative to observe the project from initial construction through completion and acceptance by the City. All of the City's expenses incurred as the result of the requirement improvements shall be paid to the City by the subdivider.

Subd. 2. Monuments:

- a. Location of Boundary Monuments: Official monuments, as designated and adopted by the Hennepin County Surveyor's Office and approved by the Hennepin County District Court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the City Engineer. The boundary line of the property to be included within the plat shall be fully dimensioned on the plat. All angles of the boundary, excepting the closing angle, are to be indicated on the plat and all monuments and surveyor's irons are to be indicated on the plat. Each angle point of the boundary perimeter shall be so monumented.
- b. Location of Monuments Within the Plat: Pipes or steel rods shall be placed at each lot and at each intersection of street right-of-way lines. All United States, State, County or other official bench marks, monuments or triangular stations in or adjacent to the 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.
- c. Second Monumentation: To insure that all irons and monuments are correctly in place following the final grading of a plat, a second monumentation shall be required. Proof of the second monumentation shall be in the form of a surveyor's certificate and this requirement shall additionally be a condition of certificate of occupancy as provided for in the Shorewood Zoning Ordinance, as may be amended. As an alternative the subdivider's surveyor may, upon approval by the City Engineer, place official monuments within the plat after the site grading has been completed, but no later than one year of the recording of the plat. In such cases a letter of credit or cash escrow in form and dollar amount acceptable to the City shall be submitted to guarantee that the monumentation will be completed.

Subd. 3. Street Improvements:

- a. Conformance with City Standards: All street improvements shall be designed and conform to the Minnesota Department of Transportation Road Design Manual, Section 5-291.523, and the City of Shorewood Department of Public Works Standard Specifications and Detail Plates. Design and construction specifications shall be subject to the review and approval of the City Engineer.
- b. Acceptance of Streets: No street within the City of Shorewood will be accepted as a public street, except under the following conditions:
  - 1. The final bituminous wear course shall not be placed until such time as the approved bituminous base course has been placed and has sustained one full winter and spring season. Prior to placement of the wearing surface, the Developer shall obtain written approval by the City Engineer. Failure to obtain such approval shall result in removal and replacement of the wearing surface at no expense to the City of Shorewood.
  - 2. The Developer shall be responsible for all snowplowing, sanding, and maintenance of all roadways within a proposed subdivision until such time as the final lift of bituminous wearing course has been placed, the City Engineer has reviewed and recommended acceptance by the City, and City Council has accepted the project, pursuant to inspections.
  - 3. The street will not be accepted until the Council has received a recommendation from the City Engineer that this street is in good condition and not breaking up or deteriorating in any way. Upon receipt of such recommendation, the Council will consider a resolution accepting the street as a public street for snowplowing and maintenance.
- c. Boulevards: Boulevards shall be uniformly finished to match the top of the curb and sodded or seeded to present a finished appearance.

Subd. 4. Community Facilities Improvements:

- a. Sanitary Sewer System: Municipal sanitary sewer facilities shall be provided for all proposed subdivisions and all lots within such subdivision shall be served by the municipal sanitary sewer system.
- b. Water System: Where the City determines it is technically and financially feasible, municipal water service facilities shall be provided for all proposed subdivisions containing more than three lots and all lots within such subdivision shall be served by the municipal water system.

Subd. 5. Semi-Public Utilities: Telephone, cable television, electric and gas service shall be installed underground in accordance with the provisions of all applicable City ordinances.

Subd. 6. Election by City to Install Improvements: In accordance with Shorewood City policy, it is the subdivider's responsibility to install all required improvements. Pursuant to City policy the subdivider may petition the City for the installation of required improvements. The City reserves the right to elect to install all or any part of the improvements required under the provisions of this Ordinance in lieu of requiring the subdivider to install such improvements, pursuant to Minnesota Statutes 429, as amended.

SECTION 1202.08      **NON-PLATTED SUBDIVISIONS:**

Subd. 1. Registered Land Surveys: It is the intention of this Ordinance that all registered land surveys in the City of Shorewood should be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards set forth in this Ordinance for preliminary plats. The Planning Commission shall first recommend the arrangement, sizes and the relationships of proposed tracts in such registered land surveys, and tracts to be used as easements or roads should be so dedicated. Unless a recommendation and approval have been obtained from the Planning Commission and City Council respectively, in accordance with the standards set forth in this Ordinance, building permits will be withheld for buildings on tracts that 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.

Subd. 2. Minor Subdivision and Lot Combination:

a. Application: This Subdivision shall apply to the following applications:

1. Requests to divide a portion of a lot or lots where the division is to permit the adding of a parcel of land to an abutting lot or lots so that no additional lots are created and all new lots conform to the Zoning Code minimum lot size standards.
2. Requests to combine two (2) existing platted lots or lots of record in the R-1D zoning district.
  - (a) Of which one or both lots are nonconforming due to insufficient lot size, width or depth; and
  - (b) That results in a single lot that is not greater in area than one hundred twenty five (125) percent of the minimum lot size for the R-1D zoning district.
3. Requests to divide a lot from a larger tract of land thereby creating no more than two (2) lots, each of which meet the minimum size and area requirements for the zoning district in which the property is located. In the R-1D, Single-Family Residential zoning district, as provided for in the Shorewood Zoning Code, neither lot may be greater than one hundred twenty five (125) percent of the minimum lot size for the zoning district. To qualify, neither of the lots resulting from the division may be capable of being further divided. Nor may the property have been part of a previous minor subdivision or metes and bounds conveyance since 1985.
4. Requests to divide a base lot, as defined by the Shorewood Zoning Code, upon which has been constructed a two-family dwelling, townhouse or quadraminium, where the division is to permit individual private ownership of a single dwelling unit within such structure and the newly created property lines will not cause any of the unit lots, as defined by the Shorewood Zoning Code, or the structure to be in violation of this Ordinance, the Zoning Code or the State Building Code.

b. Data Requirement for Minor Subdivision or Lot Combination:

1. Certificate of Survey: The requested minor subdivision shall be prepared in the form of a certificate of survey by a registered land surveyor.

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 set forth in Section 1202.04 Subd. 2. of this Ordinance. The Zoning Administrator may exempt the subdivider from certain of the informational requirements.
  3. **Proposed Legal Descriptions/Drainage Utility Easements:** The subdivider's registered land surveyor shall prepare legal descriptions for the proposed new lots, any street right-of-way or conservation easements that may be required as part of the minor subdivision approval, and for drainage and utility easements, ten feet on each side of each lot line. Additional easement width may be required based upon the recommendation of the City Engineer.
  4. **Proof of Ownership:** Prior to release of a Council resolution approving a minor subdivision, the subdivider shall submit an up-to-date from within the last thirty (30) days title opinion for review and approval by the City Attorney.
  5. **Deeds for Easements and Street Right-of-Way:** Prior to release of a Council resolution approving a minor subdivision, the subdivider shall submit deeds in favor of the City of Shorewood for any easements or public right-of-way that may be required as part of the minor division.
- c. **Minor Subdivision or Lot Combination Procedure:** The procedure for considering a minor subdivision or lot combination as described in Subd. 2.a., above shall be as follows:
1. The subdivider shall schedule a meeting with the Zoning Administrator to determine whether the application qualifies as a minor subdivision as described in Subd. 2.a., above. A lot combination, as described in Subd. 2.a., above, may be approved for recording with the Hennepin County Recorder by the Zoning Administrator.
  2. The subdivider must submit an application, all required information and a fee as required in Chapter 1301 of the Shorewood City Code by the first Tuesday of any given month in order to be placed on the Planning Commission agenda for the first Tuesday of the following month.
  3. The Zoning Administrator shall refer the application to all appropriate City staff for review and comment.
  4. The application and any reports prepared by City staff shall be considered at a regular meeting of the Planning Commission at which the subdivider shall be present to answer questions concerning the proposed subdivision.
  5. The Planning Commission shall make its recommendation to the City Council within sixty (60) days of the date of the Planning Commission meeting at which the application is first considered.
  6. Upon receipt of the application, any reports prepared by City staff, and the Planning Commission's recommendation, the City Council shall take action within forty-five (45) days of the date of the Council meeting at which the application is first considered. Approval of the application requires a simple majority vote of the full City Council.

7. The subdivider must record the minor subdivision, and any required deeds for easements or street right-of-way with the Hennepin County Recorder within thirty (30) days of the date it receives the resolution approving the subdivision. Failure to record the subdivision within thirty (30) days shall void the approval. No building permits shall be issued for new lots until the subdivider has provided proof of recording.

## SECTION 1202.09      **VARIANCES AND APPEALS**

Subd. 1. Findings: The Planning Commission may recommend a variance from the minimum standards of this Ordinance, but not procedural provisions, when in its opinion, undue hardship may result from strict compliance. In recommending any variance, the Commission shall prescribe any conditions that it deem necessary to or desirable for the public interest. In making its recommendations, the Planning Commission 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 and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be recommended when the Planning Commission finds:

- a. There are special and highly unique circumstances or conditions affecting said property that 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 its land.
- b. That the granting of the variance will not be detrimental to the public health or welfare or injurious to other property in the vicinity in which the property is situated.
- c. That the variance is to correct inequities resulting from an extreme hardship limited to topography, soils or other physical factors of the land.

After consideration of the Planning Commission recommendations, the City Council may grant variances, subject to a.,b. and c. above.

Subd. 2. Variance Application Procedures:

a. **Procedure:**

1. **Application:** Appeals or requests for variances, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a fee as provided for by City Council resolution. This fee shall not be refunded. Such application shall also be accompanied by five (5) copies of detailed written and graphic materials fully explaining the proposed change, development, or use and a mailing list of property owners located within five hundred feet (500') of the subject property obtained from and certified by Hennepin County.
2. **Staff Review/Technical Assistance Reports:** Upon receipt of an application for appeal or variance, the Zoning Administrator shall, when deemed necessary, refer the request to appropriate staff to insure that informational requirements are complied with. When all informational requirements have been complied with, the request shall be considered officially submitted. Also, when deemed necessary, the Zoning



Administrator shall instruct the appropriate staff persons to prepare technical reports and/or provide general assistance in preparing a recommendation on the request to the Planning Commission and City Council.

3. **Public Hearing:** Upon official submission of the request, the Zoning Administrator shall set a public hearing on the request for the next regularly scheduled Planning Commission meeting occurring at least ten (10) days from such date as a notice of the hearing is published in the official newspaper. Such notice shall contain a legal property description, a description of the request, and shall be published no more than thirty (30) days and no less than ten (10) days prior to the hearing. Written notification of the hearing shall also be mailed at least ten (10) days prior to the date of the hearing to all owners of land within five hundred (500) feet of the boundary of the property in question. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.
4. **Planning Commission Action:** The Planning Commission shall conduct the public hearing, at which time the applicant or a representative thereof shall be present to answer questions concerning the proposed request.
  - a. The Planning Commission shall consider possible adverse effects of the appeal or variance. In the case of a variance request, the Planning Commission's judgment shall be based upon (but not limited to) the conditions set forth in Subd. 1., above.
  - b. The Planning Commission and City staff shall have the authority to request any additional information from the applicant deemed necessary to establish performance conditions pertaining to the request.
  - c. The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Ordinance. Such recommendation shall be in writing and accompanied by any report and recommendation of the City staff. The written recommendation of the Planning Commission shall be forwarded to the Zoning Administrator for referral to the City Council within sixty (60) days of the opening of the public hearing.
5. **Referral to City Council:** Upon receipt of the Planning Commission report and recommendation, or within sixty (60) days of the opening of the public hearing by the Planning Commission, the Zoning Administrator shall place the request and any report or recommendation on the agenda of the next regularly scheduled meeting of the City Council.
6. **City Council Action:** Upon receiving the request and any report or recommendation of the Planning Commission and the City staff, the City Council shall have the option to set and hold a public hearing if deemed necessary and shall make a recorded finding of fact.
  - a. Approval of a request shall require passage by a simple majority vote of the full City Council.
  - b. The Council may impose any condition it considers necessary to protect the public health, safety and welfare.
  - c. Whenever an application for a variance has been considered and denied by the City Council, a similar application for the variance affecting substantially the

same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or City Council for an additional six (6) months from the date of the second denial, unless a decision to reconsider such matter is made by not less than a simple majority vote of the full City Council.

- d. The City Council serving as the Board of Adjustment and Appeals shall, after receiving the written report and recommendation of the Planning Commission and the City staff, make a finding of fact and make a decision on appeals where it is alleged by the appellant that an error has occurred in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance. However, said appeal shall be filed not later than ninety (90) days after the applicant has received a written notice from the Zoning Administrator or said appeal shall be considered void.

**SECTION 1202.10 VIOLATIONS AND PENALTY:**

Subd. 1. 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.

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

**SECTION 1202.11 ENACTMENT:**

This Ordinance shall take effect upon its adoption and publication.

Adopted this 11<sup>th</sup> day of February, 2002

City of Shorewood

BY: \_\_\_\_\_  
Woody Love, Mayor

**ATTEST:**

\_\_\_\_\_  
Craig W. Dawson

Published in the Official Newspaper (Sun-Sailor) of the City of Shorewood the 20<sup>th</sup> day of February, 2002.