

WHITE BEAR LAKE SUBDIVISION CODE

A CODE ESTABLISHING REGULATIONS FOR SUBDIVISION AND PLATTING WITHIN THE CITY OF WHITE BEAR LAKE, DEFINING CERTAIN TERMS USED THEREIN; PROVIDING FOR THE PREPARATION OF PLATS; PROVIDING FOR THE INSTALLATION OF STREETS AND OTHER IMPROVEMENTS; PROVIDING FOR THE DEDICATION OF CERTAIN LAND FOR PARKS AND PLAYGROUNDS; ESTABLISHING PROCEDURES FOR APPROVAL AND THE RECORDING OF PLATS; PROVIDING PENALTIES FOR VIOLATION OF THIS CODE AND REPEALING CODES AND ORDINANCES OR PARTS OF CODES AND ORDINANCES INCONSISTENT HEREWITH.

THE COUNCIL OF THE CITY OF WHITE BEAR LAKE DOES ORDAIN:

§1401. GENERAL PROVISIONS

§1401.010 TITLE AND APPLICATION.

Subd. 1. Short Title. This Code shall be known as the "SUBDIVISION CODE OF THE CITY OF WHITE BEAR LAKE", and referred to herein as "This Code."

Subd. 2. Purpose. In order to safeguard the best interests of the City of White Bear Lake and to assist the subdivider in harmonizing his interests with those of the City at large, the following Code is adopted so that the adherence to same will bring results beneficial to both parties. It is the purpose of this Code to make certain regulations and requirements for the platting of land within the City of White Bear Lake pursuant to the authority contained in Minnesota Statutes Annotated, which regulations the City Council deems necessary for the health, safety and general welfare of this community.

Subd. 3. Jurisdiction. The regulations herein governing plats and the subdivision of land shall apply within the corporate limits of the City of White Bear Lake.

Subd. 4. Interpretation. The interpretation and application of the provisions of this Code shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.

Subd. 5. Approvals Necessary for Acceptance of Subdivision Plats. Before any plat shall be recorded or be of any validity, it shall be referred to the City Planning Commission and approved by the City Council of White Bear Lake as having fulfilled the requirements of this Code.

Subd. 6. Conditions for Recording. No plat of any subdivision shall be entitled to record in the Ramsey or Washington County Recorder's Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Code.

Subd. 7. Building Permits. No building permits shall be considered for issuance by the City of White Bear Lake for the construction of any building, structure or improvement of the land or to any lot in a subdivision as defined herein, until all requirements of this Code have been fully complied with.

Subd. 8. Exceptions. When requesting a subdivision, if either of the following conditions exist, the Zoning Administrator shall bring the request to the attention of the City Council, whereupon the said request shall be reviewed and the City Council may exempt the subdivider from complying with any procedural requirements that are deemed inappropriate.

- a) In the case of a request to divide a lot which is a part of a recorded plat, where the division is to permit the adding of a parcel of land to an abutting lot, or to create two (2) lots and the newly created property line will not cause the other remaining portion of the lot or any structure to be in violation with this Code or the Zoning Code.
- b) In the case of a request to divide a base lot upon which a two family dwelling or a quadraminium which is a part of a recorded plat, where the division is to permit individual private ownership of a single dwelling unit within such a structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of this Code or the Zoning Code.

Subd. 9. Separability. If any section, subsection, sentence, clause or phrase of this Code is for any reason found to be invalid, such decision shall not affect the validity of the remaining portions of this Code.

Subd. 10. Conflict. Whenever there is a difference between minimum standards or dimensions specified herein and those contained in other official regulations, resolutions, codes or ordinances of the City, the most restrictive standards shall apply.

Subd. 11. Repeal. Ordinances No. 316 and 438 are hereby repealed in their entirety.

§1401.020 RULES. The language set forth in the text of this Code shall be interpreted in accordance with the following rules of construction.

Subd. 1. The singular number includes the plural, and the plural the singular.

Subd. 2. The present tense includes the past and the future tenses, and the future the present.

Subd. 3. The word "shall" is mandatory while the word "may" is permissive.

Subd. 4. The masculine gender includes the feminine and neuter.

Subd. 5. Whenever a word or term defined hereinafter appears in the text of this Code, its meaning shall be construed as set forth in such definition thereof.

Subd. 6. All measured distances expressed in feet shall be the nearest tenth of a foot.

§1401.030 DEFINITIONS. The following words and terms, whenever they occur in this Code, shall be interpreted as herein defined:

Sub. 1. "A" Definitions.

Abutting. Making contact with or separated only by public thoroughfare, railroad, public utility right-of-way or navigable waters.

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 for his representation. Consent shall be required from the legal owner of the premises.

Subd. 2. "B" Definitions.

Block. An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

Boulevard. The portion of the street right-of-way between the curb line and the property line.

Buildable Area. The portion of the lot remaining after the required yards have been provided.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

Subd. 3. "C" Definitions.

City. The City of White Bear Lake.

City Council. The governing body of the City of White Bear Lake.

Comprehensive Plan. The group of maps, charts and texts that make up the Comprehensive Long-Range Plan of the City.

Subd. 4. "D" Definitions.

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.

Drainage. The removal of surface or groundwater from land.

Dredging. To enlarge or clean out a waterbody, water course or wetlands.

Subd. b. "E" Definitions.

Easement. A grant by a property owner for the use of a strip of land and for the purpose of constructing and maintaining drives, utilities, including, but not limited to wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

Engineering Design Standards. A stormwater design manual set forth by the City for land disturbing activities. These standards are created to preserve, protect, and manage the City's water resources as well as to meet federal, state, and watershed stormwater regulations. (Ref. Ord. 15-05-2002, 5/12/15).

Essential Services. The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings.

Subd. 6. "F" Definitions.

Filling. The act of depositing any rock, soil, gravel, sand, or other material so as to fill a waterbody, water course, or wetland.

Final Plat. A drawing or map of a subdivision, meeting all of the requirements of the City and in such a form as required by Ramsey or Washington County for the purpose of recording.

Subd. 7. "G" Definitions.

Grade (Adjacent Ground Elevation). The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and lot line five (5) feet from the building.

Grading. Changing the natural or existing topography of the land.

Subd. 8. "H" Definitions. No definitions.

Subd. 9. "I" Definitions.

Individual Sewage Disposal System. A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

Subd. 10. "J" Definitions. No definitions.

Subd. 11. "K" Definitions. No definitions.

Subd. 12. "L" Definitions.

Lot of Record. A parcel of land, whether subdivided or otherwise legally described and

recorded with the County, as of the effective date of this Code, or approved by the City as a lot subsequent to such date and which is occupied by or intended for occupancy by one (1) principal building, or principal use together with any accessory buildings and such open spaces as required by this Code, and having its principal frontage on a street or a proposed street approved by the City Council.

Lot. Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this zoning regulation, having not less than the minimum area required by this Zoning Code for a building site in the district in which such lot is situated and having its principal frontage on a city-approved street. (Ref. Ord. 10-1-1065, 1/12/10)

Lot Area. The area of a horizontal plane within the lot lines.

Lot, Base. Lots meeting all the specifications in the zoning district prior to being subdivided into a two family dwelling, townhouse, or quadraminium subdivisions.

Lot, Corner. A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

Lot, Depth. The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.

Lot, Double Frontage. An interior lot having frontage on two (2) streets.

Lot, Frontage. The front of a lot shall be, for purposes of complying with this Code, that boundary abutting a city-approved street having the least width. (Ref. Ord. 10-1-1065, 1/12/10)

Lot Improvement. Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

Lot, Interior. A lot, other than corner lot, including double frontage lots. (Ref. Ord. 10-1-1065, 1/12/10)

Lot Line. A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

Lot, Unit. Lots created from the subdivision of a two family dwelling, townhouse, or quadraminium having different minimum lot size requirements, than the conventional base lots within the zoning district.

Lot, Width. The minimum required horizontal distance between the side lot lines measured at right angles to the lot depth, at the minimum building setback line.

Subd. 13. "M" Definitions. No definitions.

Metes and Bounds. A surveyor's description of unplatted property which commences and terminates at a specific point and utilizes a combination of directions, distances and angles to outline the boundaries or extent of the parcel. (Ref. Ord. 10-1-1065, 1/12/10)

Subd. 14. "N" Definitions. No definitions.

Subd. 15. "O" Definitions.

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

Owner. Includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm association, public or quasi-public corporation, private corporation, or a combination of them.

Subd. 16. "P" Definitions.

Parks and Playgrounds. Public land and open spaces in the City of White Bear Lake dedicated or reserved for recreation purposes.

Person. An individual, firm, partnership, association, corporation or organization of any kind.

Percentage of Grade. On street center line, means the distance vertically from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.

Pedestrian Way. A public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lines.

Planning Commission. The Planning Commission of the City of White Bear Lake.

Preliminary Plat. A tentative drawing or map of a proposed subdivision meeting the requirements herein enumerated.

Protective Covenants. Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Subd. 17. "Q" Definitions.

Quadraminiums. Single structures which contain four (4) subdivided dwelling units all of which have individually separate entrances from the exterior of the structure.

Subd. 18. "R" Definitions. No definitions.

Subd. 19. "S" Definitions.

Setback. The distance between a building and the property line nearest thereto.

Street. A public right-of-way affording primary access by pedestrian or vehicles or both, to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue, or boulevard.

Streets, Thoroughfares, Arterial Street. Those streets carrying larger volumes of traffic and serving as links between various subareas of the community. Thoroughfares or arterial streets are intended to provide for collection and distribution of traffic between highways and collector streets; hence regulation of direct access to property is critical.

Streets, Collector Street. Those streets which carry traffic from local streets to the major system of arterials and highways. Collector streets primarily provide principal access to residential neighborhoods, including, to a lesser degree direct land access.

Streets, Local Street. Those streets which are used primarily for access to abutting properties and for local traffic movement.

Streets, Marginal Access Street. Those local streets which are parallel and adjacent to thoroughfares and highways; and which provide access to abutting properties and protection from through traffic.

Streets, Cul-de-sac. A local street 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 Code.

Subdivision. The separation of an area, parcel, or tract of land under single ownership into two (2) 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:

- a) Where all the resulting parcels, tracts, lots, or interests will be twenty (20) acres or larger in size and five hundred (500) feet in width for residential uses and five (5) acres or larger in size for commercial and industrial uses;
- b) Creating cemetery lots;

- c) Resulting from court orders, or the adjustment of lot line by the relocation of a common boundary.

Subd. 20. "T" Definitions.

Tangent. A straight line which is perpendicular to the radius of a curve where a tangent meets a curve.

Townhouses. Structure having three (3) or more dwelling units, contiguous to each other only by the sharing of one (1) common wall. Such structures to be of the town or row house type as contrasted to multiple dwelling apartment structures. No single structure shall contain in excess of eight (8) dwelling units and each dwelling unit shall have separate and individual front and rear entrances.

Two-family Dwelling. A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

Subd. 21. "U" Definitions.

Use. The purpose or activity for which the land or building thereon is designated, arranged, or intended or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this Code.

Usable Open Space. A required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways and parking areas shall not constitute usable open space.

Unit Lots. Lots created from the subdivision of a two-family dwelling or a quadraminium having different minimum lot size requirements than the conventional base lot within the zoning district.

Subd. 22. "V" Definitions.

Vegetation. Means the sum total of plant life in some area; or a plant community with distinguishable characteristics.

Vertical Curve. The surface curvature on a street, road and highway center line located between lines of different percentage of grade.

Subd. 23. "W" Definitions.

Waterbody. Means a body of water (lake, pond) or a depression of land or expanded part of a river, or an enclosed basin that holds water and surrounded by land.

Watercourse. Means a channel or depression through which water flows, such as rivers, streams, or creeks, and may flow year-around or intermittently.

Watershed. The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

Wetlands. An area where water stands near, at, or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominantly aquatic form of vegetation, and which may have the following characteristics:

- a) Vegetation belonging to the marsh (emergent aquatic), bog, fen, sedge meadow, shrub land, southern lowland forest (lowland hardwood), and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetland types 1, 2, 3, 4, 6, 7 and 8 described by the United States Fish and Wildlife Service, Circular 39, "Wetlands of the U.S. 1956").
- b) Mineral soils with gley horizons or organic soils belonging to the Histosol order (peat and muck).
- c) Soil which is water logged or covered with water at least three (3) months of the year.

Swamps, bogs, marshes, potholes, wet meadows, and sloughs are wetlands, and such property may be shallow water bodies, the waters of which are stagnant or actuated by very feeble currents, and may at times be sufficiently dry to permit tillage, but would require drainage to be made arable. The edge of a wetland is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Subd. 24. "X" Definitions. No definitions.Subd. 24. "Y" Definitions.

Yard. An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends a lot line at right angles to such lot line to a depth or width required in the yard regulations for the zoning district in which such lot is located.

Yard, Front. That area extending along the full length of a front lot line between side lot

lines and to the depth required in the yard regulations for the district in which it is located. In the case of a corner lot abutting one or more major roads, both yards shall be considered front yards. A major road is any road that is of a collector designation or greater.

Yard, Rear. A yard extending across the full width of the lot and the nearest line of the principal building.

Yard, Required. That distance specified in the yard requirements pertaining to setbacks. Setbacks and required yards are used interchangeably.

Yard, Side. A yard between the side line of the lot and the nearest line of the principal building and extending from the front lot line of the lot to the rear yard.

Subd. 26. "Z" Definitions.

Zoning Administrator. That person appointed by the City manager, who shall be responsible for the administration of the City's development controls (i.e., zoning, subdivision, etc.).

§1402. PROCEDURES FOR FILING AND REVIEW

§1402.010. SKETCH PLAN. In order to insure that all applicants are informed of the procedural requirements and minimum standards of this Code and the requirements or limitations imposed by other City codes or plans, the applicant shall submit three (3) copies of the plat sketch plan and arrange a pre-application meeting with City staff. The sketch plan shall be reviewed by the City Planner, City Engineer, and City Attorney and a preliminary staff report shall be prepared outlining possible development problems and concerns. The applicant shall meet with the City staff to review and discuss the proposed development.

§1402.020. PRELIMINARY PLAT.

Subd. 1. Filing. Ten (10) copies of the preliminary plat, a preliminary plat reduction (8-1/2 x 11" or 8-1/2 x 14"), and a list of property owners located within three hundred fifty (350) feet of the subject property, obtained from and certified by Ramsey or Washington County, shall be submitted to the Zoning Administrator. The required filing fee of four hundred fifty (\$450.00) dollars shall be paid and any necessary applications for variances from the provisions of this Code shall be submitted with the required fee. The proposed plat shall be placed on the agenda of the first possible Planning Commission meeting occurring after thirty (30) days from the date of submission. The plat shall be considered as being officially submitted when all the information requirements are complied with. (Ref. Ord. 01-03-984, 3/13/01, 01-04-1015, 1/13/04)

Subd. 2. Hearing. The Planning Commission upon receipt of said application shall instruct the Zoning Administrator to 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 consist of a legal property description, description of request and map detailing property location, and be published in the official newspaper at least ten (10) days prior to the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred fifty (350) feet of the boundary of the property in question.

Subd. 3. Technical Assistance Reports. After the public hearing has been set, the Zoning Administrator shall instruct the appropriate staff persons to prepared technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the City Council.

Subd. 4. Review by Other Commissions or Jurisdictions. The Zoning Administrator shall refer copies of the preliminary plat to the Park Advisory Commission, Watershed Districts, County, State or other public jurisdictions for their review and comment, where appropriate and when required.

Subd. 5. 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.

Subd. 6. City Council Action.

- a) If all requirements of this Code and as 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.
- b) If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the Council and transmitted to the applicant. If the preliminary plat is approved, such approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this Code to be indicated on the final plat. The City Council may require such revisions in the preliminary plat and final plat as it deems necessary for the health, safety,

general welfare and convenience of the City of White Bear Lake.

- c) If the preliminary plat is approved by the City Council, the subdivider must submit the final plat within one (1) year 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. The subdivider may file a final plat limited to such portion of the preliminary plat which he proposes to record and develop at this time, provided that such portion must conform to all requirements of this Code.

§1402.030. FINAL PLAT.

Subd. 1. Filing. After the preliminary plat has been approved, final plat shall be submitted for review as set forth in the subdivisions which follow.

Subd. 2. Approval of the Planning Commission. If changes have been made on the final plat in comparison to the originally approved preliminary plat, ten (10) copies of the final plat and a final plat reduction (8 1/2 x 11" or 8 1/2 x 14") shall be submitted to the Zoning Administrator for distribution to the Planning Commission, City Council and appropriate City Staff ten (10) days prior to a Commission meeting at which consideration is requested. During the said ten (10) days, the City Staff shall examine the final plat and prepare a recommendation to the Planning Commission. Nature of approval, disapproval, or delay in decision of the final plat will be conveyed to the subdivider within ten (10) days after the meeting of the City Planning Commission at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified in writing of the reasons for such action and what requirements shall be necessary to meet the approval of the Commission. (Ref. Ord. 749, 9/8/87)

If the plat is in substantial compliance with the preliminary plat, the Zoning Administrator may forward the final plat to the City Council without need of a Planning Commission review. (Ref. Ord. 749, 9/8/87)

Subd. 3. Approval of the City Council. After review of the final plat by the Planning Commission (if necessary), such final plat, together with the recommendation of the Planning Commission and/or the Staff shall be submitted to the City Council for approval. If accepted, the final plat shall be approved by resolution, which resolution shall provide for the acceptance of all agreements for basic improvements, public dedication and other requirements as indicated by the City Council. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the person or persons applying for such approval. (Ref. Ord. 749, 9/8/87)

Subd. 4. Special Assessments. When any existing special assessments which have been levied against the property described to be divided and allocated to the respective lots in the proposed plat, the Zoning Administrator shall estimate the clerical cost of preparing a revised assessment roll, filing the same with the County Auditor, and making such division and allocation, and upon approval by the Council of such cost, the same shall be paid to the City Clerk before the final plat approval.

Subd. 5. Street Addresses. With submission of the final plat, ten (10) copies of the plat map showing all addresses correctly labeled in conformance with all applicable Ramsey or Washington County and City ordinances, codes, and policies shall be supplied to the Zoning Administrator for subsequent distribution to the utility companies and local school districts.

Subd. 6. Recording Final Plat. If the final plat is approved by the City Council, the subdivider shall record it with the Ramsey or Washington County Recorder within one hundred (100) days after said approval or approval of the final plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council. The subdivider shall, immediately upon recording, furnish the Zoning Administrator with two (2) prints and reproducible tracing of the final plat showing evidence of the recording. No building permits shall be let for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by Ramsey or Washington County.

§1402.040. PREMATURE SUBDIVISIONS. Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the City Council of the City of White Bear Lake.

Subd. 1. Condition Establishing Premature Subdivisions. A subdivision may be deemed premature should any of the conditions set forth in the provisions which follow exist:

- a) Lack of Adequate Drainage. A condition of inadequate drainage shall be deemed to exist if:
 - 1) Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structures.
 - 2) The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.
 - 3) The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downhill or downstream land.
 - 4) Factors to be considered in making these determinations may include: Average rainfall for the area; the relation of the land to flood plains; the nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluent; and the presence of streams as related to effluent disposal.
- b) Lack of Adequate Water Supply. A proposed subdivision shall be deemed to lack an adequate water supply if the proposed subdivision does not have adequate sources of water to serve the proposed subdivision if developed to its maximum permissible density without causing an unreasonable depreciation of existing water supplies for surrounding areas.
- c) Lack of Adequate Roads or Highways to Serve the Subdivision. A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:
 - 1) Roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition, and when, with due regard to the advice of Ramsey or Washington County and/or the Minnesota Department of Transportation, said roads are inadequate for the intended use.
 - 2) The traffic volume generated by the proposed subdivision would create unreasonable highway congestion or unsafe conditions on highways existing at the time of the application or proposed for completion within the next two (2) years.
- d) Lack of Adequate Waste Disposal Systems. A proposed subdivision shall be deemed to lack adequate waste disposal systems if in subdivisions for which sewer lines are proposed, there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density after reasonable sewer capacity is reserved for schools, planned public facilities and commercial and industrial development projected for the next five (5) years; or if in subdivisions where sewer lines are neither available nor proposed, there is inadequate on-

site sewer capacity potential to support the subdivision if developed to the maximum permissible density indicated in the White Bear Lake Comprehensive Plan, as may be amended.

- e) Inconsistency with Comprehensive Plan. The proposed subdivision is inconsistent with the purposes, objectives, and recommendations of the duly adopted Comprehensive Plan of White Bear Lake as may be amended.
- f) Providing Public Improvements. If public improvements, such as recreational facilities, or other public facilities, reasonably necessitated by the subdivision, which must be provided at public expense, cannot be reasonably provided for within the next two (2) fiscal years.
- g) MEQC Policies. The proposed subdivision is inconsistent with the policies of MEQC 25, as may be amended, and could adversely impact critical environmental areas or potentially disrupt or destroy historic areas which are designated or officially recognized by the City Council in violation of federal and State historical preservation laws.

Subd. 2. Burden of Establishing. The burden shall be upon the applicant to show that the proposed subdivision is not premature.

§1403. PLAT AND DATA REQUIREMENTS

§1403.010. SKETCH PLAN. Sketch Plans shall contain, at a minimum, the following information:

Subd. 1. General Requirements.

- a) Plat boundary.
- b) North arrow.
- c) Scale.
- d) Street layout on and adjacent to plat.
- e) Designation of land use and current or proposed zoning.
- f) Significant topographical or physical features.
- g) General lot locations and layout.
- h) Preliminary evaluation by the applicant that the subdivision is not classified as premature based upon criteria established in Section 1402.040 of this Code.

§1403.020. 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.

Subd. 1. General Requirements.

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

Subd. 2. Existing Conditions.

- a) Boundary line and total acreage of proposed plat, clearly indicated.
- b) Existing zoning classifications for land within and abutting the subdivision.
- c) Location, widths and names of all existing or previously plotted streets or other public ways, showing type, width and condition of improvements, if any, railroad and utility rights-of-way, parks and other public, open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of three hundred fifty (350) feet beyond the tract.
- d) Location and size of existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract. Such data as grades, invert elevations, and locations of catch basins, manholes and hydrants shall also be shown.
- e) Boundary lines of adjoining unsubdivided or subdivided land, within three hundred fifty (350) feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.
- f) Topographical data, including contours at vertical intervals of not more than two (2) feet. Water courses, wetlands, rock outcrops, power transmission poles and lines, and other significant features shall also be known.
- g) In plats where public water and sewer are not available, the subdivider shall file a report prepared by a registered civil engineer on the feasibility of individual on-site sewer and water systems on each lot, and shall include soils boring analysis and percolation tests to verify conclusions.

Subd. 3. Proposed Design Features.

- a) Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross sections, and proposed names of streets in conformance with City and County street identification policies. The name of any street heretofore used in the City or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.
- b) Locations and widths of proposed pedestrian ways.
- c) Locations and size of proposed sewer lines and water mains.
- d) Location, dimension and purpose of all easements.
- e) Layout, numbers, lot areas, and preliminary dimensions of lots and blocks.
- f) Minimum front and side street building setback lines.
- g) When lots are located on a curve, the width of the lot at the building setback line.
- h) Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
- i. Water supply. Water mains shall be provided to serve the subdivision by extension of an existing community system wherever feasible. Service connections shall be stubbed into the property line and all necessary fire hydrants shall also be provided. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the standards of the City of White Bear Lake. In areas where public water supply is not available, individual wells shall be provided on each lot, properly placed in relation to the individual sewage disposal facilities on the same and adjoining lots. Well plans must comply with the Minnesota State Well Code, as may be amended, and be submitted for the approval of the City Engineer.
- j) Sewage disposal, public. Sanitary sewer mains and service connections shall be installed in accordance with the standards of the City of White Bear Lake.
- k) Sewage disposal, private. All on-site septic systems shall be installed in accordance with all applicable State Pollution Control Agency regulations and City Ordinance No. 655.

Subd. 4. Supplementary Information.

- a) 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 and/or City Council.
- b) Proposed Protective covenants.
- c) An accurate soil survey of the subdivision prepared by a qualified person.

- d) A survey prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density, and spacing.

- e) Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.
- f) 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.
- g) Provision for surface water disposal, ponding, drainage, and flood control.
- h) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, it shall be required that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing or potential adjacent subdivisions.
- i) Where structures are to be placed on large or excessively deep lots which are subject to potential replat, the preliminary plat shall indicate a logical way in which the lots could possibly be resubdivided in the future.
- j) 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.
- k) A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted.
- l) When the City has agreed to install improvements in a development, the developer shall furnish the City a Financial Statement satisfactory to the City. When the City has not undertaken to install improvements, the City may, at the City's option, require the developer to furnish a Financial Statement satisfactory to the City.
- m) Such other information as may be required.

§1403.030. FINAL PLAT. The owner or subdivider shall submit a final plat together with any necessary supplementary information. The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of Minnesota State Statutes and Ramsey and Washington County regulations, and such final plat shall contain the following information:

Subd. 1. General Requirements.

- a) Names 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. The allowable error closure or any portion of a final plat shall be one (1) foot in seventy-five hundred (7,500) feet.
- c) The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments.
- d) Location of lots, streets, public highways, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.
- e) Lots shall be numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block.
- f) The exact locations, widths, and names of all streets to be dedicated.
- g) Location and width of all easements to be dedicated.
- h) Name and address of surveyor making the plat.
- i) Scale of plat (the scale to be shown graphically on a bar scale), date and north arrow.
- j) 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".
- k) 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.

§1403.040. ADDRESS MAP. The Address Map shall be prepared in accordance with City and County policy and shall include all addresses of lots as platted.

§§1403.050. CERTIFICATION REQUIRED.

Subd. 1. Certification by registered surveyor in the form required by Section 505.03, Minnesota Statutes, as amended.

Subd. 2. 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 where certificate shall include a dedication of the utility easements and other public areas in such form as approved by the City Council.

Subd. 3. Space for certificates of approval and review to be filled in by the signatures of the Mayor and City Clerk. The form of approval of the City Council is as follows:

Approved by the City of White Bear Lake, Minnesota.

This ___ day of _____, 19__.

Signed _____
Mayor

Attest _____
City Clerk

§1404. DESIGN STANDARDS

§1404.010. BLOCKS.

Subd. 1. Block Length. In general, intersecting streets, determining block lengths, shall be provided at such intervals so as to serve cross traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions should not exceed eighteen hundred (1,800) feet nor be less than four hundred (400) feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than twelve hundred (1,200) feet, pedestrian ways and/or easements through the block may be required near the center of the block.

Subd. 2. Block Width. The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

§1404.020. LOTS.

Subd. 1. Area. The minimum lot area, width and depth shall not be less than that established by the White Bear Lake Zoning Code in effect at the time of adoption of the final plat.

Subd. 2. Corner Lots. Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the Zoning Code.

Subd. 3. Side Lot Lines. Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

Subd. 4. Frontage. Every lot must have the minimum frontage on a City approved street other than an alley, as specified in the lot width requirements of the White Bear Lake Zoning Code. (Ref. Ord. 10-1-1065, 1/12/10)

Subd. 5. 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 White Bear Lake Zoning Code, as may be amended.

Subd. 6. Water Courses. Lots abutting a water course, wetland, ponding area, or stream shall have additional depth and width, as required under the provisions of the White Bear Lake Zoning Code.

Subd. 7. Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

Subd. 8. Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

Subd. 9. Political Boundaries. No singular plat shall extend over a political boundary or school district line without document notification to affected units of government.

Subd. 10. Frontage on Two Streets. Double-frontage, or lots with frontage on two (2) parallel streets, shall not be permitted except: Where lots back on arterial streets or highways, or where topographic or other conditions render subdividing otherwise unreasonable. Such double-frontage lots shall have an additional depth of at least twenty (20) feet in order to allow space for screen planting along the back lot line.

Subd. 11. Turn Around Access. Where proposed residential lots abut a collector or arterial street, they should be platted in such a manner as to encourage turn around access and egress on each lot.

§1404.030. STREETS AND ALLEYS.

Subd. 1. Streets, Continuous. Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to turn-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.

Subd. 2. Local Streets and Dead-End Streets. Local streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but cul-de-sacs shall be permitted where topography or other physical conditions justify their use. Cul-de-sacs shall not be longer than five hundred (500) feet, including a terminal turnaround which shall be provided at the closed end, with a right-of-way radius of not less than sixty (60) feet.

Subd. 3. Street Plans for Future Subdivisions. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

Subd. 4. Temporary Cul-de-Sac. In those instances where a street is terminated pending future extension in conjunction with future subdivision, a temporary turn around facility shall be provided at the closed end.

Subd. 5. Provisions for Resubdivision of Large Lots and Parcels. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.

Subd. 6. Street Intersections. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of streets shall be eighty (80) degrees. Street intersection jogs with an offset of less than one hundred twenty-five (125) feet shall be avoided.

Subd. 7. Subdivisions Abutting Major Rights-of-Way. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. or State Highway or thoroughfare, provision may be made for a marginal access street approximately parallel and adjacent to the boundary of such right-of-way, provided that due consideration is given to proper circulation design, or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, or for lot depths.

Subd. 8. Sidewalks. In those cases where the City Council deems appropriate and necessary, sidewalks of not less than five (5) feet in width shall be provided. Where a proposed plat abuts or includes an arterial street, sidewalks, of not less than five (5) feet in width on both sides of the paved surface shall be provided. Where the proposed plats abut or includes a collector street, sidewalks of not less than five (5) feet in width, shall be required on one side of the street. In all cases where sidewalks are provided, provisions shall be made for handicapped access.

Subd. 9. Service Access, Alleys. Service access shall be provided in commercial and industrial districts for off-street loading, unloading and parking consistent with and adequate for the uses proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts. Alleys where provided, shall not be less than twenty (20) feet wide. Dead-end alleys shall be avoided wherever possible, but if unavoidable, such dead-end alleys may be approved if adequate turn around facilities are provided at the closed end.

Subd. 10. Half Streets. Dedication of half streets shall not be considered for approval except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations or where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided.

Subd. 11. Private Streets. Private streets shall be prohibited unless built to city standards and approved by the City Council. Existing private roads that become public streets shall be upgraded to City standards as much as possible. All private streets shall be maintained by a City-approved entity pursuant to a City-approved and recorded covenant or agreement. (Ref. Ord. 10-1-1065, 1/12/10)

Subd. 12. Street Grades. The grades in all streets, arterial highways, collector streets, minor streets and alleys in any subdivision shall not be greater than the maximum grades for each classification as follows:

Principal Arterial Highway	(As required by MNDOT
Intermediate Arterial Highway	4 percent
Minor Arterial Highway	4 percent
Collector Street	4 percent
Local Street	6 percent
Alley	6 percent

In addition, there shall be a minimum grade on all streets and arterial highways of not less than .03 percent.

Subd. 13. Curb Radius. The minimum curb radii for thoroughfares, collector streets, local streets and alleys shall be as follows:

Arterial Streets, Collector and Local Streets	10 feet
Alleys	4 feet

Subd. 14. Reverse Curves. Minimum design standards for collector and arterial streets shall comply to Minnesota State Aid Standards.

Subd. 15. Reserve Strips. Reserve strips controlling access to streets shall be prohibited except under conditions accepted by the City Council.

Subd. 16. Street Right-of-Way Width. For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets and thoroughfares shall be shown in the Comprehensive Plan and where not shown therein, the minimum right-of-way width for streets, arterial highways or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

<u>Classification</u>	<u>Right-of-Way</u>
Principal Arterial Highway	(As required by MnDot)
Intermediate Arterial Highway	100 feet
Minor Arterial Highway	80 feet
Collector Streets	70 feet
Local Streets	60 feet
Marginal Service Access Roads	50 feet
Alley	20 feet
Pedestrian Way	10 feet

Where existing or anticipated traffic on principal and minor arterial highways warrants greater widths of rights-of-way, these shall be required.

Subd. 17. All proposed streets shall be offered for dedication on public streets. Except that private streets may be permitted, following approval of the variance application, within the boundaries of property under one ownership.

§1404.040. EASEMENTS.

Subd. 1. Width and Location. An easement for utilities at least ten (10) feet wide, shall be provided along all lot lines. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

Subd. 2. Continuous Utility Easement Locations. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council after a public hearing.

Subd. 3. Guy Wires. Additional easements for pole guys should be provided, where appropriate, at the outside of turns. Where possible, lot lines shall be arranged to bisect the existing angle so that pole guys will fall along side lot lines.

§1404.050. SITE GRADING AND STORMWATER MANAGEMENT.

Subd. 1. Site grading and stormwater management shall comply with the City's Engineering Design Standards applicable watershed district standards and any other State regulations.

Subd. 2. The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.

Subd. 3. Erosion and sediment 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.

Subd. 4. 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.

Subd. 5. 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.

Subd. 6. Natural vegetation shall be protected wherever practical.

Subd. 7. Erosion and Sediment Control Plans and Stormwater Management Plans may be subject to review and approval of the applicable Watershed District and City Engineer. (Ref. Ord. 15-05-2002, 5/12/15).

§1404.060. STORM DRAINAGE.

Subd. 1. All subdivision design shall incorporate adequate provisions for storm water runoff consistent with the City of White Bear Lake's Engineering Design Standards and is subject to review and approval of the applicable Watershed District and City Engineer.

Subd. 2. Where municipal storm sewer systems do not exist or the introduction of said system is deemed inappropriate by the City Engineer, storm water drainage shall be discharged to retention basins or other treatment facilities. Diversion of storm water to marshlands or wetlands shall be considered for existing or planned surface drainage only when treated to the standards of the Wetland Conservation Act prior to being discharged. (Ref. Ord. 15-05-2002, 5/12/15).

§1404.070. PROTECTED AREAS.

Subd. 1. Where land proposed for subdivision is deemed environmentally sensitive by the City, due to the existence of significant trees, wetlands, drainage ways, watercourses, floodable 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 and redesign or dedication of those sensitive areas by easement. Platting of outlots for purposes of stormwater management shall not be permitted. (Ref. Ord. 15-05-2002, 5/12/15).

In general, measures of protection shall include design solutions which allow for construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the subdivider shall be required to demonstrate that the proposed design will not require construction on slopes over eighteen (18) percent, or result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary.

§1405. PARK LAND DEDICATION REQUIREMENTS

§1405.010. As a prerequisite to plat approval, subdividers shall dedicate land for parks, playground, public open spaces or trails and/or shall make a cash contribution to the City's park fund as provided by this Code. The form of contribution, cash or land (or any combination), shall be decided by the City.

§1405.020. Subdivision of land which has been previously platted and officially recorded and which contains less than one (1) acre, shall be exempt from the dedication requirements of Section 1405.

§1405.030. Land to be dedicated shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access and location.

§1405.040. The Park Commission shall recommend to the City Council the location of land and the amount of land to be conveyed or dedicated within a proposed subdivision.

§1405.050. The Park Commission shall recommend to the City Council the land dedication and cash contribution requirements for proposed subdivisions.

§1405.060. Changes in density of plats shall be reviewed by the Park Commission for reconsideration of park dedication and cash contribution requirements.

§1405.070. Because a new subdivision creates a need for parks, playgrounds, open space and trail systems for public recreational purposes, the City Council may require that 10% of the land area of a residential subdivision and 10% of the land area subdivided for non-residential purposes be dedicated for park and recreation purposes.

The land to be dedicated as a requirement of this section shall be reasonably acceptable for use as active park and recreational purposes and shall be at a location convenient to people to be served thereby or shall be of significant scenic value to be preserved by scenic easements. Factors used in evaluating the adequacy of the areas to be dedicated shall include the size, shape, topography, geology, vegetative cover, access and location.

At the option of the City, and in lieu of such land dedication, the owner of a subdivision shall pay to the City for park and recreational purposes the following sums for said subdivision.

- a. Single family dwelling(s) \$ 1,000 / unit
- b. Townhome, condominium and duplex dwellings \$ 750 / unit
- c. Apart dwellings \$ 500 / unit
for a one bedroom or
efficiency plus \$100 for
each additional bedroom
- d. Commercial and industrial..... \$3,500 / acre

The City may require additional park dedication fees if the number of residential units are increased in a subdivision after final plat approval.

§1405.010

SUBDIVISION REGULATIONS

§1405.070

In the case of land platted or otherwise subdivided before the approval of this chapter (June, 1995), the same fees shall be dedicated for park and recreation purposes. All park dedication fees shall be paid upon final plat approval or as building permits are issued at the discretion of the City. (Ref. Ord. 01-04-1015, 1/13/04, 10-1-1065, 1/12/10)

§1405.080. Where a proposed park, playground or other recreational areas, proposed school site or other public ground that has been indicated in the official map and/or comprehensive plan is located in whole, or in part, within a proposed subdivision such proposed public site shall be designated as such and should be dedicated to the City, School District or other proper governmental unit. If the subdivider chooses not to dedicate an area in excess of the land required hereunder for such proposed public site, the City shall not be required to act to approve or disapprove the preliminary plat of the subdivision for a period of sixty (60) days after the subdivider meets all the provisions of the subdivision code in order to permit the Council, School Board or other appropriate governmental unit to consider the proposed plat and to consider taking steps to acquire, through purchase or condemnation, all or part of the public site proposed under the official map or master plan.

§1405.090. Land area conveyed or dedicated to the City shall be in addition to and not in lieu of open space requirements for Planned Unit Developments. (Section 1302.040, Subd. 2, 10-1-1065, 1/12/10)

§1405.100. Where private open space for park and recreation purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, such areas may be used for credit at the discretion of the City Council against the requirements of dedication for park and recreation purposes, provided the City Council finds it is in the public interest to do so and that the following standards are met:

- a) That yards, court areas, setbacks and other open space required to be maintained by the zoning and building regulations shall not be included in the computation of such private open space; and
- b) That the private ownership and maintenance of the open space is adequately provided for by written agreement; and
- c) That the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be eliminated without the consent of the City Council; and
- d) That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, hydrological, geology, access and location of the private open space land; and
- e) That facilities proposed for the open space are in substantial accordance with the provisions of the recreational element of the comprehensive plan, and are approved by the City Council; and
- f) That where such credit is granted, the amount of credit shall not exceed twenty-five (25) percent of the park dedication requirements for the development.

§1405.110. The City shall maintain a separate fund into which all cash contributions received from owners or developers in lieu of conveyance or dedication of land for park and playground, public open space or trail purposes shall be deposited and shall make, from time to time, appropriations from such fund for acquisition of land for park and playground purposes, for developing existing park and playground sites, for public open space and trails, or for debt retirement in connection with land previously acquired for parks and playgrounds, which will benefit the residents of the City.

§1405.120. If a subdivider is unwilling or unable to make a commitment to the City as to the type of building that will be constructed on lots in the proposed plat, then the land and cash contribution requirement will be a reasonable amount as determined by the City Council.

§1405.130. Wetlands, ponding areas, and drainage ways accepted by the City shall not be considered in the park land and/or cash contribution to the City.

§1406. REQUIRED BASIC IMPROVEMENTS§1406.010. GENERAL PROVISIONS.

Subd. 1. Before a final plat is delivered by the City to the subdivider, the subdivider of the land covered by said plat shall pay all applicable fees and execute and submit to the City Council a developer's agreement which shall be binding on his or their heirs, personal representatives and assigns, a part of which agreement shall be set forth that the subdivider will cause no private construction to be made on the lands within said plat, nor shall the subdivider file or cause to be filed any application for building permits for such construction until all improvements required under this Code have been made or arranged for in the manner and conforming to the requirements as set forth herein.

Subd. 2. Prior to the delivery of the approved final plat, the subdivider shall deposit with the City Treasurer an amount equal to a minimum one hundred twenty-five (125) percent of the City Engineer's estimated cost of the required improvements within the plat, either in a cash escrow fund performance and indemnity bond, or letter of credit. The surety involved in said financial guarantees shall be approved by the City. The said cash escrow letter of credit or performance and indemnity bond shall be conditioned upon:

- a) The making and installing of all of the improvements required by the terms and conditions set forth by the City within one (1) year.
- b) Satisfactory completion of the work and payment therefore, which work was undertaken by the subdivider in accordance with the developer's agreement referred to above.
- c) The payment by the subdivider to the City of all expenses incurred by the City, which expenses shall include but not be limited to expenses for engineering, fiscal, legal, construction and administration. In instances where a cash escrow is submitted in lieu of a letter of credit or performance and indemnity bond, there shall be a cash escrow agreement which shall provide that in the event the required improvements are not completed within one year, all amounts held under the cash escrow agreement shall be automatically turned over and delivered to the City and applied by the City to the cost of completing the required improvements. If the funds available within said cash escrow agreement are not sufficient to complete the required improvements, the necessary additional cost to the City shall be assessed against the subdivision. Any balance remaining in the cash escrow fund after such improvements have been made and all expenses therefor have been paid, shall be returned to the subdivider. In instances where a letter of credit is used in lieu of a cash escrow or performance and indemnity bond, the said letter of credit shall be in a form satisfactory to the City and the terms thereof shall substantially comply with the procedure set forth for a cash escrow fund. In instances where a performance and indemnity bond is used in lieu of a cash escrow or letter of credit, the said bond shall be in a form acceptable to the City and shall comply with all requirements as set forth in Minnesota Statutes as amended, which statutes relate to Surety Bonds.

Subd. 3. No final plan shall be approved by the Council without first receiving a report signed by the City Engineer and the City Attorney certifying that the improvements described therein together with the agreements and documents required under this Section of the Code, meet the requirements of the City. The City Treasurer shall also certify that all fees required to be paid to the City in connection with the plat have been paid.

Subd. 4. The City of White Bear Lake shall, where appropriate, require of a subdivider submission of a Warranty/Maintenance Bond in the amount equal to the original cost of the improvements, which shall be in force for one year following the final acceptance of any required improvements and shall guarantee satisfactory performance of the said improvements.

Subd. 5. Reproducible "as built drawings" as required by the City Engineer shall be furnished to the City by the subdivider of all required improvements. Such "as built drawings" shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvements.

Subd. 6. All of the required improvements to be installed under the provisions of this Code shall be approved by and subject to the inspection of the City Engineer. All of the City's expenses incurred as the result of the requirement improvements shall be paid either directly, indirectly or by reimbursement to the City by the subdivider.

§1406.020. MONUMENTS.

Subd. 1. Official monuments, as designated and adopted by the Ramsey or Washington County Surveyor's Office and approved by the Ramsey or Washington 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 with the plat to be fully dimensioned; all angles of the boundary excepting the closing angle to be indicated; all monuments and surveyor's irons to be indicated, each angle point of the boundary perimeter to be so monumented.

Subd. 2. Pipes or steel rods shall be placed at each lot and at each intersection of street center lines. All United States, State, County or other official benchmarks, 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 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 the future surveys shall be shown on the plat. No ditto marks will be permitted in indicating dimensions.

Subd. 3. 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 condition of certificate of occupancy as provided for in the White Bear Lake Zoning Ordinance, as may be amended.

§1406.030. STREET IMPROVEMENTS.

Subd. 1. The full width of the right-of-way shall be graded, in accordance with the provisions for construction as outlined in Section 1404, Design Standards.

Subd. 2. All streets shall be improved in accordance with the standards and specifications for street construction as required by the City Council.

Subd. 3. All streets to be surfaced shall be of an overall width in accordance with the standards and specifications for construction as approved by the City Council. The portion of the right-of-way outside the area surfaced shall be so sodded or rip-rapped by the developer if deemed necessary.

Subd. 4. Where required, the curb and gutter shall be constructed in accordance to the standards and specifications for street construction as set forth and approved by the City Council.

Subd. 5. The grade and drainage requirements for each plat shall be approved by the applicable Watershed District and the City Engineer at the expense of the applicant. Every plat presented for final signature shall be accompanied by a Certificate of the City Engineer that the grade and drainage requirements have been met. In an area not having municipal storm sewer trunk the applicant shall be responsible, before platting, to provide for a storm water disposal plan, without damage to properties outside the platted area, and said storm water disposal plan shall be submitted to the City Engineer and applicable Watershed District, who shall report to the City Council on the feasibility of the plan presented. No plat shall be approved before an adequate storm water disposal plan is presented and approved by the City Engineer and City Council. The use of dry wells for the purpose of storm water disposal is prohibited.

Subd. 6. Trees and Boulevard Sodding.

- a) Trees having a trunk diameter of not less than one and three-fourths (1-3/4) inches (measured twelve [12] inches above the ground) shall be planted along all streets where trees do not exist, and not less than one per lot. This requirement shall be satisfied and it is preferable if an equivalent number and same size trees exist or are planted in a naturalistic way in the front yards of the lots.
- b) Trees shall be planted in at least one (1) cubic yard of growing soil.
- c) Trees shall be planted not less than two (2) feet from public property or easements.
- d) Boulevards shall be sodded in conformance with the standards and specifications as required by the City Council.

Subd. 7. Street signs of the design approved by the City Council shall be installed at each street intersection.

Subd. 8. Driveway approaches and sidewalks of standard design or pedestrian pathways as may be required by the City Council shall be installed.

Subd. 9. Street lighting fixtures as may be required by the City Council, shall be installed.

§1406.040. SANITARY SEWER AND WATER DISTRIBUTION IMPROVEMENTS.

Subd. 1. Sanitary sewers and water facilities shall be installed in accordance with the standards and specifications as required by the City Council and subject to the approval of the City Engineer.

Subd. 2. Where City sewer and water facilities are not available for extension into proposed subdivision, the Council may permit the use of individual water and sewer systems in accordance with all appropriate state and local regulations.

§1406.050. PUBLIC UTILITIES.

Subd. 1. All new electric distribution lines (excluding main line feeders and high voltage transmission lines), telephone service lines, and services constructed within the confines of and providing service to customers in a newly platted residential area shall be buried underground; unless the Council specifically shall find, after study and recommendation by the Planning Commission, that:

- a) The placing of utilities underground would not be compatible with the development planned.
- b) Topographical, soil or any other conditions make the underground installation unreasonable or impractical.

Subd. 2. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles. The Planning Commission may recommend, and the City Council require, that the type of overhead pole used be of a quality and durability aesthetically in conformance with the nature of the residential development.

Subd. 3. Where telephone, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such a manner so as not to conflict with other underground services.

Subd. 4. All drainage and other underground utility installations which traverse privately owned property shall be protected by easements.

Subd. 5. The subdivider is responsible for complying with the requirements of this section, and shall submit to the Zoning Administrator a written record from the utilities showing that the necessary arrangements with the utility involved for the installation of said facilities have been made.

§1406.060. ELECTION BY CITY TO INSTALL IMPROVEMENTS. In accordance with White Bear Lake City policy, it is the subdivider's responsibility to install all required improvements except that the City reserves the right to elect to install all or any part of the improvements required under the provisions of this Code in lieu of requiring the subdivider to install such improvements, pursuant to MSA 429, as amended.

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§1406.070. RAILROAD CROSSINGS. No street dedications will be accepted which require a crossing of a railroad unless sufficient land as determined by the City Council is dedicated to insure a safe view.

§1407. NON-PLATTED SUBDIVISION

§1407.010. REGISTERED LAND SURVEYS. It is the intention of this Code that all registered land surveys in the City of White Bear Lake should be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards set forth in this Code for preliminary plats and that the Planning Commission shall first approve the arrangement, sizes, and relationships of proposed tracts in such registered land surveys, and that tracts to be used as easements or roads should be so dedicated. Unless a recommendation from the Planning Commission and approval from the City Council have been obtained in accordance with the standards set forth in this Code, building permits will be withheld for the buildings or tracts which have been so subdivided by registered land surveys and the City may refuse to take over tracts as streets or roads or to improve, repair, or maintain any such tracts unless so approved.

§1407.020. CONVEYANCE BY METES AND BOUNDS. No division of one (1) or more parcels in which the land is described by metes and bounds shall be made or recorded if the parcels described in conveyance are twenty (20) acres or less in size and five hundred (500) feet or less in width for residential uses and five (5) acres or less in size for commercial and industrial uses unless such parcel was a separate parcel of record at the effective date of this Code. Building permits will be withheld for buildings or tracts which have been subdivided and conveyed by this method and the City may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts.

§1407.030 MINOR SUBDIVISION.

In the case of a subdivision resulting in three (3) or less parcels, situated in an area where public utilities and street right-of-ways already serve the proposed parcels, the subdivider may be exempt from complying with some of the more formal platting requirements of these regulations, so long as the new legal description does not rely on a metes and bounds description or is not excessive in length or complexity, as determined by the City Zoning Administrator. In the case of a request for a minor subdivision to create not more than three (3) new lots, and the newly created property lines will not cause any resulting lot to be in violation of these regulations or the Zoning Code, the proposed subdivision, in sketch form, shall be submitted to the Planning Commission for a recommendation (no public hearing required), along with a fee of two hundred twenty five (\$225.00) dollars, and then may be approved by the City Council, after which a Certificate of Survey by a registered land surveyor showing the original lot and the proposed subdivision and any required easements or dedications shall be supplied to the City Engineer within sixty (60) days after Council approval. The survey shall be recorded by the applicant with the Ramsey County Land Records Office within ninety (90) days after approval by the City Engineer. (Ref. Ord. 1015, 1/13/04, 10-1-1065, 1/12/10)

§1407.040 RECOMBINATION SUBDIVISION.

In the case of a request to divide one lot which is a part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot to create two lots and the newly created property line will not cause the other remaining portion of the lot to be in violation with this regulation or the Zoning Code, the division, in sketch form, shall be submitted to the Planning Commission for a recommendation (no public hearing required), along with a fee of two hundred twenty five (\$225.00) dollars, and then may be approved by the City Council, after which a Certificate of Survey with a written legal description for all parcels and showing the original lot, the proposed subdivision, and all dimensions shall be supplied to the City Engineer, within sixty (60) days after Council approval. The survey shall be recorded by the applicant with the Ramsey Land Records Office within ninety (90) days after approval by the City Engineer. (Ref. Ord. 10-1-1065, 1/1/210)

§1407.050 CORRECTIVE SUBDIVISION.

In any case where the survey or description of a division of one parcel into two parcels or lots has been found to be inadequate to describe the actual boundaries, a corrective survey and/or subdivision may be necessary. This type of subdivision creates no new lots or streets and may be approved administratively. The subdivision shall not create a lot(s) which is in violation of this regulation or the Zoning Code. A Certificate of Survey shall be completed by a registered land surveyor describing existing and proposed property boundaries on both parcels or lots and a letter signed by both parties agreeing to the new subdivision. The Certificate of Survey shall be presented to the Zoning Administrator, who shall approve or deny the correction within ninety (90) days of receipt of said survey or corrected legal description. After approval by the City Engineer, the survey shall be recorded by the applicant with the Ramsey County Land Records Office with both properties within 90 days of said approval. (Ref. Ord No. 719, 6/10/86, 10-1-1065, 1/12/10)

§1408. VARIANCES, PLANNING COMMISSION RECOMMENDATIONS, STANDARDS

§1408.010. FINDINGS. The Planning Commission or Variance Board may recommend a variance from the minimum standards of this Code (not procedural provisions) when, in its opinion, undue hardship may result from strict compliance. Whenever, in the rest of this section, "Planning Commission" or "the Commission" is used, it shall also mean "Variance Board" or "The Board". Whether the variance shall be forwarded to the Planning Commission or the Variance Board shall be the decision of the Zoning Administrator. In recommending any variance, the Commission shall prescribe any conditions that it deems 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: (Ref. 10-1-1065, 1/12/10)

Subd. 1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Code would deprive the applicant of the reasonable use of the land.

Subd. 2. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which the property is situated.

Subd. 3. That the variance is to correct inequities resulting from an extreme physical hardship such as topography, etc. After considerations of the Planning commission recommendations, the City Council may grant variances, subject to subdivisions 1, 2 and 3 immediately above.

§1408.020. PROCEDURES.

Subd. 1. Requests for a variance or appeal shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a fee as established by the City Council resolution. Such application shall also be accompanied by ten (10) copies of detailed written and graphic materials necessary for the explanation of the request.

Subd. 2. Upon receiving said application, the Zoning Administrator shall refer the application, along with all related information, to the City Planning Commission for a report and recommendation to the City Council.

Subd. 3. The Planning Commission shall consider the variance at its next regular meeting unless the filing date falls within fifteen (15) days of said meeting, in which case the request would be placed on the agenda and considered at the regular meeting following the next regular meeting. The Zoning Administrator shall refer said application, along with all related information to the City Planning Commission for consideration and a report and recommendation to the City Council.

Subd. 4. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed variance request.

Subd. 5. The variance application shall be referred to the City staff for a report and recommendation to be presented to the Commission. A preliminary draft of the City staff's report and recommendations shall be given to the City Planning Commission at least seven (7) days prior to the meeting at which said report and recommendations are to be presented. The final report and recommendations to the City staff is to be entered in and made part of the permanent written record of the Planning Commission meeting.

Subd. 6. The Planning Commission and City staff shall have the authority to request additional information for the applicant concerning the variance or to retain expert testimony with the consent and at the expense of the applicant concerning said variance where said information is declared necessary to insure preservation of health, safety and general welfare.

Subd. 7. The Planning Commission shall request the Zoning Administrator to set a date for a public hearing. Notice of such hearing shall be published in the official newspaper at least ten (10) days prior to said hearing, and individual notices shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the hearing to all owners of property within three hundred fifty (350) feet of the parcel included in the request.

Subd. 8. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Code.

Subd. 9. 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 Code. Such recommendation shall be in writing and accompanied by the report and recommendation of the City staff and forwarded to the City Council.

Subd. 10. The City Council shall not grant a variance until they have received a report and recommendation from the Planning Commission and the City staff or until sixty (60) days after the first

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regular Planning Commission meeting at which the request was considered.

Subd. 11. Upon receiving the report and recommendation of the Planning Commission and City staff, the City Council shall place the report and recommendations on the agenda for the next regular meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

Subd. 12. Upon receiving the report and recommendation of the Planning Commission and City staff, the City Council shall make a recorded finding of fact and impose any condition it considers necessary to protect the public health, safety and welfare.

Subd. 13. The City Council shall decide whether to approve or deny a request for a variance or an appeal within thirty (30) days after the public hearing on said request.

Subd. 14. A variance of this Subdivision Code or grant of an appeal shall be by a majority vote of the full City Council.

Subd. 15. The Zoning Administrator shall notify the originator of the variance request or appeal of the City Council's decision in writing.

§1408.030. AMENDMENTS.

Subd. 1. Requests for text amendments to this code shall be filed with the Zoning Administrator and processed pursuant to and as defined in the "Amendments" section of the City Zoning Code, Section 1301.040.

§1409. VIOLATIONS AND PENALTY

§1409.010. SALE OF LOTS FROM UNRECORDED PLATS. It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or replat of any subdivision or area located within the jurisdiction of this Code unless said plan, plat or replat shall have first been recorded in the Office of the Recorder of Ramsey or Washington County.

§1409.020. RECEIVING OR RECORDING UNAPPROVED PLATS. It shall be unlawful for a private individual to receive or record in any public office any plans, plats of land laid out in building lots and streets, alleys, or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this Code, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.

§1409.030. 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.

§1409.040. PENALTY. Any person who violates any of the provisions of this Code shall, upon conviction thereof, be fined not more than the maximum penalty for a misdemeanor prescribed under state law. Each day that a violation is permitted to exist shall constitute a separate offense.

§1410. ENACTMENT

§1410.010 EFFECT. This Code shall be in full force and effect from and after its passage and publication.

Passed and approved this 13th day of December, 1983.

/s/ Brad Stanius
Mayor

ATTEST:

/s/ Raymond R. Siebenaler
City Clerk