

## CHAPTER 1

### GENERAL PROVISIONS

#### SECTION:

- 11-1-1: Title
- 11-1-2: Intent
- 11-1-3: Purpose, Word Usage
- 11-1-4: Definitions
- 11-1-5: Compliance
- 11-1-6: Exceptions
- 11-1-7: Variances

11-1-1: **TITLE:** This Title shall be known as the “Burnsville Subdivision Title” and will be referred to herein as “this Title.”

11-1-2: **INTENT:** Each new subdivision becomes a permanent unit in the physical structure of the City. Few activities have a more lasting effect upon the City’s appearance and environment than its land subdivisions. **Piecemeal planning of subdivisions without correlation to the City’s Comprehensive Plan can result in a disconnected patchwork of plats and poor traffic circulation.** This Title is hereby promulgated in order to guide the design of new subdivisions and to insure that new subdivisions will contribute toward an attractive, safe, orderly, stable and wholesome community environment, including adequate municipal services and safe streets.

11-1-3: **PURPOSE, WORD USAGE:** It is the purpose of this Title to define words, terms and phrases contained within this Title. In the interpretation of this Title, the provisions and rules of this Chapter shall be observed and applied.

- (A) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (B) Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- (C) “Shall” is mandatory.
- (D) “May” is permissive.

11-1-4: **DEFINITIONS:** For the purpose of this Title, the following words and terms, wherever they occur in this Title, are defined as follows:

**APPLICANT:** The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

**BASE:** A lot meeting all the specifications within its zoning district prior to being divided into two (2) or more unit lots.

**BLOCK:** An area of land within a subdivision that is entirely bounded by streets, or by streets and the 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.

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

**CITY COUNCIL:** The Burnsville City Council.

**COMMON OPEN SPACE:** Land, water or a combination of land and water within a planned development which is designed and intended for the use and enjoyment of residents of the development. Common open space includes all land within a development, except for individual building lots and land accepted for public dedication.

**COMPREHENSIVE PLAN:** The Burnsville Comprehensive Plan and all maps, charts and explanatory materials thereto, as adopted by the Burnsville City Council.

**DESIGN STANDARDS:** The specifications to landowners 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.

**DEVELOPER:** The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

**EASEMENT:** Authorization by a property owner of the use by another and for a specified purpose of any designated part of said property.

**GRADE, PERCENTAGE OF:** The rise or fall of a street by feet and tenths of a foot for each one hundred (100) feet of horizontal distance measured at the center line of the street.

**INDIVIDUAL SEWAGE TREATMENT SYSTEM:** A facility for receiving or treating sewage which is not a part of or connected to a public sewer system.

**LOT:** The smallest unit of a subdivision individually numbered or designated on the plat for purposes of description, recording, conveyance, development and taxation.

**LOT OF RECORD:** Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances and regulations.

**LOT AREA:** The area of a horizontal plane bounded by the front, side and rear lot lines measured within the lot boundaries.

**LOT BASE:** See Base.

**LOT CORNER:** A lot situated at the junction of, and abutting on two (2) or more intersecting streets, on a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.

**LOT DEPTH:** The mean horizontal distance between the front lot line and the rear lot line.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT LINE:** The property line bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this Title.

**LOT LINE, FRONT:** That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot, it shall be the shortest dimension on a public street except that a corner lot in a non-residential area shall be deemed to have frontage on both streets.

**LOT LINE, REAR:** That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

**LOT LINE, SIDE:** Any boundary of a lot which is not a front lot line or a rear lot line.

**LOT, THROUGH; DOUBLE FRONTED LOT:** A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lines for applying this Title.

**LOT, UNIT:** See Unit.

**LOT, WIDTH:** The maximum horizontal distance between the side lot lines of a lot measured parallel to the front lot line and at the rear of the required front yard.

**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.

**METES AND BOUNDS:** A method of property description whereby properties are described by means of their direction and distance from an easily identifiable location.

**OUTLOT:** A parcel of land on a plat which has not been designated as a buildable lot, due to insufficient size or frontage, peculiar site characteristics, topographical problems or one which is not ready for development due to lack of public improvements.

**PARCEL:** Any unit of land, platted or described by metes and bounds or combination thereof, subject to this Title and other City ordinances.

**PARKS AND PLAYGROUNDS:** Public land and open spaces in the City dedicated or reserved for recreational use and other public purpose.

**PARKS ADVISORY COMMISSION:** The Burnsville Parks Advisory Commission.

**PLANNING COMMISSION:** The Burnsville Planning Commission.

**PLAT, FINAL:** The drawing or map of a subdivision proposed for filing and recording pursuant to Minnesota Statutes Chapter 505 and containing all elements and requirements set forth in this Title.

**PLAT, PRELIMINARY:** A tentative drawing or map of a proposed subdivision meeting the requirements herein enumerated.

**PUBLIC IMPROVEMENT:** Any facility for which the City or other governmental agency may ultimately assume the responsibility for maintenance and operation.

**RIGHT-OF-WAY:** Land dedicated and publicly owned for use as a street or for other public purpose.

**SETBACK:** The minimum required distance between a sign, parking lot or the vertical wall of a building and a lot line as regulated by this Title.

**STREET, COLLECTOR:** Roadways which are designed to perform the function of collecting traffic from local streets and distributing it to thoroughfares and arterials. Collector streets are identified in the City's **Comprehensive Plan**.

**STREET, INTERMEDIATE ARTERIAL:** Roadways which are designed to accommodate medium distance to long trips at higher speeds within the urban area. They perform the function of connecting two (2) or more sub-regions within the Metropolitan Area, provide secondary access to out state areas, and they complement principal arterials in high volume designated corridors. Trunk Highway 12 is the only intermediate arterial within the City and it is located on the City's Transportation Plan.

**STREET, LOCAL:** Local streets are designed to accommodate short trips at low speeds. They serve almost exclusively to collect and distribute traffic by connecting blocks within neighborhoods and specific activities within similar land use areas. Access to local streets is to collectors, other local streets, and direct land access.

**STREET, MINOR ARTERIAL:** These thoroughfares are designed to accommodate medium to short trips at moderate to lower speeds within the urban area. They serve to connect adjacent sub-regions and activity centers within sub-regions. Access to minor arterials is limited to principal arterials, intermediate arterials, other minor arterials, and collectors. Direct land access to minor arterials is restricted. The MTC has designated these roadways for local transit runs.

**STREETS, PRINCIPAL ARTERIAL:** Roadways which are designed to accommodate long trips at the highest allowable speeds within and through the Metropolitan Area. They connect all sub-regions within the area and urban and rural service areas within metropolitan centers, as well as by providing connections to out state cities. There is no direct land access to principal arterials. The two (2) principal arterials within the City are depicted on the City's Transportation Plan.

**STREET, THOROUGHFARE:** Roadways of higher carrying capacity than collector streets which perform the function of accommodating medium to short trips within the sub-regional and activity centers within sub-regions. Such roadways are designed to carry traffic at somewhat higher speeds than collectors, and direct land access to them is more restricted. Thoroughfares are identified on the City's Transportation Plan.

**STREET, 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 street right-of-way width measured at right angles to the center line of the street.

**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 these 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 adjustments of a lot line by the relocation of a common boundary.

**UNIT LOTS:** Lots created from the subdivision of a base lot for the purpose of creating separate lots of record for two (2) or more family, attached dwelling units.

11-1-5: **COMPLIANCE:** After the adoption of this Title, no lot in a subdivision shall be sold and no permit shall be issued to erect or alter any building upon land in a subdivision unless a subdivision plan has been approved and recorded and until the improvements required by the City Council relative to subdivision have been constructed or guaranteed as provided herein.

- (A) Required Approvals of Subdivision Plats: Before any plat shall have any validity, it shall have been approved by the City Council and recorded in the Office of the County Recorder and/or Registrar of Titles of the County.
- (B) Conflict: It is not intended by this Title to annul or interfere with any other official regulations or ordinances of the City; provided, however, that where there is a difference between minimum standards or dimensions herein and those contained in other official regulations or ordinances of the City, the highest standards shall apply.

11-1-6: **EXCEPTIONS:** The following land divisions are exempted from the provisions of this Title and upon request, the City Clerk shall within ten (10) days, certify that this Title does not apply to such land divisions: Divisions of land where the division is to permit the adding of a parcel of land to an abutting lot or create two (2) lots and the newly created property line will not cause the land or any structure to be in violation of this Title or the Zoning Ordinance. (See Section 11-6-1 of this Title.)

11-1-7: **VARIANCES:**

- (A) Purpose: The Council may grant a variance from the strict application of this Title and impose conditions and safeguards on the variance so granted only in instances where their strict enforcement would cause undue hardships because of circumstances unique to the individual property under consideration, and may grant a variance only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Title. "Undue hardships" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his property not created by the landowner, and the variances, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this Title. Undue hardship also includes, but is not limited to, direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in 116H.02, subdivision 3, when in harmony with the Title. A variance shall not be granted to allow a use not otherwise permitted in the zoning district allowed.
- (B) Application: An application for a variance shall be filed with the Director of Community Development and shall state the unique circumstances claimed as a basis for the variance. The application shall contain at least the following information:
  1. The signature of each owner or affected property or their agent.
  2. The legal description of the property and the common address.
  3. A description of the variance requested and a statement demonstrating that the variance would conform to the requirements necessary for approval.

4. The present use.
  5. Any maps, drawings and plans that the Community Development Director considers to be of value in considering the application.
- (C) Referral to Planning Commission: The application shall be referred to the Planning Commission for study concerning the effect of the proposed variance upon the Comprehensive Plan, and upon the character and development of the surrounding neighborhood. The Planning Commission shall make a recommendation to the City Council to grant or deny the variance, and may recommend imposing conditions in the granting of the variance. The conditions may include considerations such as location, character and other features of the proposed building.
- (D) Approval; Denial: Variances require the approval of a majority vote of the entire City Council. Variances may be denied by motion of the City Council and such motion shall constitute a determination that the findings required for approval do not exist. No application for a variance which has been denied in whole or in part shall be resubmitted within six (6) months of the date of the order of denial, except upon grounds for new evidence or upon proof of change of conditions. The City Council may impose conditions upon the granting of a variance. The conditions may include considerations such as location, aesthetics and other features of the proposed building.
- (E) Action Without the Recommendation of Planning Commission: If no recommendation is transmitted by the Planning Commission within sixty (60) days after the referral of the application for variance to the Planning Commission, the Council shall take action without further awaiting such recommendation.
- (F) Revocation: A violation of any condition attached to the approval of a variance shall constitute a violation of this Title and shall constitute sufficient cause for the termination of the variance by the City Council.
- (G) Expiration: If development does not proceed within one (1) year of the date on which the variance was granted, such variance shall become void, except that on application, the City Council may extend the variance for such additional period as it deems appropriate. (Ord. 250, 2-22-1983).

**CHAPTER 2**  
**PROCEDURES**

SECTION:

- 11-2-1: Sketch Plan
- 11-2-2: Administrative Plat
- 11-2-3: Preliminary Plat
- 11-2-4: Final Plat
- 11-2-5: Certification of Taxes Paid

11-2-1: **SKETCH PLAN:** In order to insure that all applicants are informed of the procedural requirements and minimum standards of this Title and the requirements or limitations imposed by other City ordinances or plans, prior to the preparation of a preliminary plat, all applicants are encouraged to present a sketch plan to the Director of Community Development.

11-2-2: **ADMINISTRATIVE PLAT:** An administrative platting procedure that will expedite the platting process in certain instances is available, providing all the following conditions are met:

- (A) The subdivision shall contain no more than six (6) lots.
- (B) The resulting parcels shall conform to all applicable Zoning Ordinance requirements.
- (C) Municipal utilities are available and adequately sized to service the proposed subdivision or the project will meet the standards in Chapter 11 of the Burnsville Zoning Ordinance.
- (D) Future streets will not be obstructed and the proposed subdivision shall not interfere with the proper development of adjacent properties.
- (E) Sketch plans, preliminary and final plat shall be reviewed by the Development Review Committee prior to formal application.
- (F) The City Council shall hold the public hearing with a notice of hearing published ten (10) days in advance.
- (G) The Development Review Committee shall forward a recommendation to the City Council for consideration at the hearing.

11-2-3: **PRELIMINARY PLAT:**

- (A) Filing: Ten (10) copies of the preliminary plat and list of property owners located within three hundred fifty (350) feet of the subject property obtained from and verified by an abstract company, shall be submitted to the Director of Community Development. The required filing fee as established by City Council resolution shall be paid and any necessary applications for variances from the provisions of this Title shall be submitted with the required fee. The proposed plat shall be placed on the agenda of the first possible Planning Commission meeting occurring from the date of submission. The plan shall be considered as being officially submitted when all the information requirements are met.

- (B) **Hearing:** Upon receipt of an application, the City Clerk shall set a public hearing for public review of the preliminary plat. The hearing shall be held after 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 the hearing shall consist of a general property description and description of request and shall be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of the 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.
- (C) **Development Review Committee Duties:** The Development Review Committee shall consist of staff members and consultants designated on an ad-hoc basis by the City Manager, who shall determine technical conformance of proposed developments with the requirements of this Chapter. The Development Review Committee may make recommendations for approval or denial to the Planning Commission and City Council of all requests for the subdivision of land in the City.
- (D) **Planning Reports:** The Director of Community Development shall instruct the appropriate staff to prepare technical reports where appropriate and provide general assistance in preparing a recommendation for Planning Commission and City Council consideration.
- (E) **Review by Other Commissions or Jurisdictions:** The Director of Community Development shall refer copies of the preliminary plat to the Park Advisory Commission, County, Metropolitan, State or other public jurisdictions for their review and comment, where appropriate and when required.
- (F) **Planning Commission Action:** The Planning Commission shall make a recommendation to the City Council following the close of the public hearing. If the Planning Commission has not acted upon the preliminary plat within sixty (60) days following delivery of a subdivision application completed in compliance with this Title, the Council shall act on the preliminary plat without the Planning Commission's recommendations.
- (G) **City Council Actions:**
1. The Council shall approve or disapprove the preliminary plat within one hundred twenty (120) days following delivery of an application completed in compliance with this Title unless an extension of the reviewed period has been agreed to by the applicant and may impose conditions and restrictions which are deemed appropriate.
  2. If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the Council. If the preliminary plat is approved, subsequent approval will be required of the engineering proposals and other features and requirements as specified by this Title 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.

11-2-4: **FINAL PLAT:**

- (A) **Filing for Final Plat:** After the preliminary plat has been approved, the final plat shall be submitted for review as set forth in the subsections which follow. The City may agree to review the preliminary and final plats simultaneously.

- (B) Filing: Ten (10) copies of the final plat shall be submitted to the Director of Community Development for distribution to the City Council and appropriate City staff. The City staff shall examine the final plat and prepare a recommendation to the City Council.
- (C) Approval of the City Council: After review of the final plat by the City staff, such final plat shall be submitted to the City Council for approval. If accepted, such acceptance 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.
- (D) Recording Final Plat: If the final plat is approved by the City Council, the subdivider shall record it with the Dakota County Recorder and/or the Registrar of Titles within one year after said approval or approval of the final plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council. The subdivider shall, immediately upon recording, furnish the City Clerk with a print and reproducible tracing of the final plat showing evidence of the recording. No building permits shall be let for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by Dakota County. (Ord. 250, 2-22-1983)

11-2-5:       **CERTIFICATION OF TAXES PAID:** Prior to the City processing or approving any subdivision application or permit under the City's official controls, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due for the property to which the application relates. Applications or permits shall not be processed until outstanding amounts are paid in full. Property taxes which are being paid under the provisions of a stipulation, order, or confession of judgment, or which are being appealed as provided by law, are not considered delinquent for purposes of this section provided all required payments that are due under the terms of the stipulation, order, confession of judgment, or appeal have been paid. (Ord. 1190, 1-19-2010)

## CHAPTER 3

### PLAT AND DATA REQUIREMENTS

#### SECTION:

- 11-3-1: Sketch Plat
- 11-3-2: Preliminary Plat
- 11-3-3: Final Plat
- 11-3-4: Address Map
- 11-3-5: Certification Required

11-3-1: **SKETCH PLAT:** Sketch plans shall contain, at a minimum, the following information:

- (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.

11-3-2: **PRELIMINARY PLAT:** The subdivider shall prepare and submit a preliminary plat, together with any necessary supplementary information. The preliminary plat shall contain the information set forth in the subsections which follow.

(A) General Requirements:

1. Proposed name of subdivision, names shall not duplicate or too closely resemble names of existing subdivisions. Symbols shall not be allowed as subdivision names.
2. Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property.
3. Names and addresses of all persons having property interest, the developer, designer and surveyor together with the surveyor's registration number.
4. Graphic scale of plat, not less than one inch to one hundred feet (1" = 100').
5. Date and north arrow.

(B) Existing Conditions:

1. Boundary line and total acreage of proposed plat, clearly indicated.
2. Existing zoning classification for land within and abutting the subdivision.

3. Location, widths and names of all existing or previously platted streets or other public ways, showing type, width and condition of improvements, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance up to three hundred fifty (350) feet beyond the tract.
4. 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.
5. Boundary lines of adjoining unsubdivided or subdivided land, up to three hundred fifty (350) feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.
6. Topographic data, including contours at vertical intervals of not more than two (2) feet. Watercourses, wetlands, rock outcrops, power transmission poles and line, and other significant features shall also be known. In addition, data shall be submitted to insure compliance with Title 10, Chapter 8 of the City Code.
7. Pursuant to the requirements of Title 10, Chapter 11 of the City Code, 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. The information on existing conditions required in Section 11-3-2(B) (1-6) is generally available in records kept by the City. In the event that the necessary information is not a matter of record at the City, the subdivider shall provide this information as a part of the application for preliminary plat approval. Distances away from the tract to be subdivided shall be considered maximum distances.

(C) Proposed Design Features:

1. Layout of proposed streets showing the right-of-way widths, center-line gradients, typical cross-sections, and proposed names of streets in conformance with City and County street identification policies. The name of any street heretofore used in the City or its environs shall not be used, unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.
2. Locations and widths of proposed pedestrian ways.
3. Locations and size of proposed sewer lines and water mains.
4. Location, dimension and purpose of all easements.
5. Layout, numbers, lot areas and preliminary dimensions of lots and blocks.
6. Minimum front and side street building setback lines.
7. When lots are located on a curve, the width of the lot at the building setback line.
8. The approximate location, dimensions, and areas of all parcels of land proposed to be set aside for park or playground use or other public use or for the use of the property owners in the proposed subdivision.
9. Preliminary proposals for connection with existing water supply and sanitary sewer systems, preliminary provisions for collecting and discharging surface water discharge.

(D) Supplementary Information:

1. Any or all of the supplementary information requirements set forth in this subsection shall be submitted when deemed necessary by the City staff, consultants, advisory bodies and/or City Council.
2. Proposed protective covenants may be submitted.
3. Whenever the preliminary plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at a scale of not more than one inch equals two hundred feet (1" = 200'), a sketch in pen or pencil of the proposed subdivision area, together with its proposed street systems and an indication of probable future street and drainage systems for the remaining portion of the tract.
4. A vicinity map showing streets and other general development of the surrounding area at a scale of one inch equals one thousand feet (1" = 1,000'); the preliminary plat shall show all school district lines and zoning district lines with the zones properly designated.
5. A generalized plan illustrating the manner in which the project is anticipated to be staged.
6. Preliminary engineering drawings as may be required to demonstrate the nature and effect of all measures proposed to comply with the City's environmental overlay ordinance.
7. 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 resubdivided in the future.
8. Such other information as may be required.

11-3-3: **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 Dakota County regulations, and such final plat shall contain the following information:

- (A) Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision.
- (B) Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close.
- (C) 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 or 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 registration number of the 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 and other public areas not previously dedicated as follows: Streets and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated.
- (L) An attorney's opinion of title showing title or control of the property to be subdivided by the applicant shall be included with the application for final plat approval.
- (M) An eleven by seventeen inch (11" x 17") photo positive of final plat at a scale of one inch equals two hundred feet (1" = 200').
- (N) Square footage of lots and/or parcels and front footage at the building line shown on City copy of final plat.

11-3-4: **ADDRESS MAP:** Following final plat approval and prior to recording of the subdivision with Dakota County, the City shall provide addresses for all lots within the approved plat. The subdivider shall include this information on all City copies of the final plat.

11-3-5: **CERTIFICATION REQUIRED:**

- (A) Certification by registered surveyor in the form required by Section 505.03, Minnesota Statutes, as amended.
- (B) Execution of all owners of any interest in the land, any holders of a mortgage thereon and the certificates required by Section 505.03, Minnesota Statutes, as amended, and which certificate shall include a dedication of the utility easements and other public areas in such form as approved by the City Council.
- (C) Space for certificates of approval and review to be filled in by the signatures of the chairperson of the City Planning Commission and the Mayor and City Clerk. The form of certificate by the Planning Commission as follows:

Reviewed by the Planning Commission of the City of Burnsville:

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signed: (Chairperson)

Attest: (Secretary)

We do hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the City Council

of \_\_\_\_\_, Minnesota, approved this plat.

Mayor

Clerk

(Ord. 250, 2-22-1983)

**CHAPTER 4**  
**DESIGN STANDARDS**

**SECTION:**

- 11-4-1: Conformance to Applicable Rules and Regulations
- 11-4-2: Blocks
- 11-4-3: Lots
- 11-4-4: Streets
- 11-4-5: Easements
- 11-4-6: Storm Drainage
- 11-4-7: Protected Areas
- 11-4-8: Dedication for Public Purpose
- 11-4-9: Minimum Design Features

11-4-1: **CONFORMANCE TO APPLICABLE RULES AND REGULATIONS:** In addition to the design standards, all subdivision plats shall comply with the following, if applicable:

- (A) Minnesota Statutes 462.351 through 462.364;
- (B) Requirements of the City Code, the City Council approved Future Land Use, Thoroughfare and Public Utility Plans, and Official Map of the City;
- (C) The rules and regulations of the Minnesota Department of Health and Department of Transportation; and
- (D) State laws relating to platting requirements and registered land surveys.

11-4-2: **BLOCKS:**

- (A) **Block Length:** In general, intersecting streets, determining block lengths, shall be provided at such intervals so as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions should not exceed one thousand three hundred twenty-five (1,325) 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 eight hundred (800) feet, pedestrian ways and/or easements through the block may be required near the center of the block.
- (B) **Block Width:** The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for 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.

11-4-3: **LOTS:**

- (A) **Area:** The minimum lot area, width and depth shall not be less than that established by the City Zoning Ordinance in effect at the time of adoption of the final plat.

- (B) **Corner Lots:** Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the Zoning Ordinance.
- (C) **Side Lot Lines:** Side lines of lots shall be appropriately at right angles to street lines on radial to curved street lines.
- (D) **Frontage:** Every lot must have the minimum frontage on a City approved street, as required in the City Zoning Ordinance, or be approved subject to Section 11-1-7 of this Title.
- (E) **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 City Zoning Ordinance in effect at the time of adoption of the final plat.
- (F) **Watercourses:** Lots abutting a watercourse, wetland, ponding area or stream shall have additional depth and width as required under the provision of the City Zoning Ordinance.
- (G) **Features:** In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- (H) **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.
- (I) **Political Boundaries:** No singular plat shall extend over a political boundary or school district line without the City Clerk notifying the affected units of government.
- (J) **Frontage of 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.
- (K) **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.

11-4-4: **STREETS:**

- (A) **Streets, Continuous:** Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining 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, collector streets and arterial streets shall be consistent with the provisions of transportation elements of the Burnsville Comprehensive Plan.** Streets shall be designed and located in relationship to existing and planned streets, to natural terrain features such as streams, contours and existing tree growth, to public convenience and safety, and to the proposed uses of land to be served by such streets.
- (B) Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- (C) The use of curvilinear streets, cul-de-sacs or u-shaped streets shall be encouraged where such use will result in a more desirable layout than that of a rectangular gridiron pattern.

- (D) Proposed streets and utilities shall be constructed to the boundary lines of the subdivision, unless prevented by topography or other physical conditions or unless in the opinion of the City Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous feature development of adjacent tracts.
- (E) 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 schematic plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.
- (F) Temporary Cul-de-Sac: In those instances where a street is terminated pending future extension in conjunction with future subdivision, a temporary turn-around facility shall be provided at the closed end, in conformance with cul-de-sac requirements and subject to the approval of the Director of Community Development.
- (G) 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.
- (H) 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 from centerline to centerline shall be avoided.
- (I) Sidewalks: Sidewalks and/or bike paths shall be provided in the subdivision on one or both sides of all “collector” and “arterial” streets and in such other areas as are necessary to adequately provide for the safety and welfare of pedestrians. Where sidewalks are required, they shall be five (5) feet in width, constructed of concrete material, and be handicap accessible. Bicycle paths shall be of a design approved by the City Engineer and constructed of bituminous material.
- (J) 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.
- (K) Compliance with the Transportation Element of the Burnsville Comprehensive Plan: All subdivisions incorporating streets which are identified in the Transportation element of the Burnsville Comprehensive Plan, as amended, shall comply with minimum right-of-way, surfaced width and design standards as outlined in said plan.
- (L) Street grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves:

Street Type	Percentage Grade
Arterial	5 percent
Collector	7 percent
Minor	8 percent

- (M) Wherever feasible, no street grade shall be less than one (1) percent.

- (N) Curb Radius: The minimum curb radii for thoroughfares, collector streets, and local streets shall be as follows:

Arterial Streets, Collector Streets, and Local Streets	15 feet
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- (O) Reverse Curves: Minimum design standards for collector and arterial streets shall comply with Minnesota State Aid standards.
- (P) Reserve Strips: Reserve strips controlling access to streets shall be prohibited except under conditions accepted by the City Council.
- (Q) Street Right-of-Way Width: Street right-of-way widths shall conform with the following standards:

Arterial Street	120 feet
Thoroughfare	100 feet
Collector Street	80 feet
Local Street	60 feet

11-4-5: **EASEMENTS:**

- (A) Width and Location: An easement for utilities at least ten (10) feet wide shall be provided along the front lot lines. Easements along side and rear lot lines shall be five (5) feet in width on each side of the lot line. 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.
- (B) Continuous Utility Easement Locations: Utility easement shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council after a public hearing.
- (C) Guy Wires: Additional easements for pole guys should be provided, where appropriate, at the outside of turns, where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along side lot lines.

11-4-6: **STORM DRAINAGE:** All subdivision design shall incorporate adequate provisions for stormwater runoff consistent with the Burnsville Drainage Plan, as amended, and be subject to review and approval of the City Engineer.

11-4-7: **PROTECTED AREAS:** Where land proposed for subdivision is deemed environmentally sensitive by the City, due to the existence of wetlands, drainageways, watercourses, floodable areas, steep slopes or other environmental features, the design of said subdivision shall clearly reflect all necessary measure of protection to insure against adverse environmental impact, in accordance with the provisions of Title 10, Chapter 8 of the Burnsville City Code. (Ord. 250, 2-22-1983)

11-4-8: **DEDICATION FOR PUBLIC PURPOSE:**

- (A) Pursuant to Minnesota Statutes, section 462.358, subdivision 2, the City Council shall require all developers requesting platting or replatting, or the development of unplatted land in the City to

contribute lands, in the amounts listed below, to be dedicated to the public for their use as either parks, playground, public open space, trail systems, water ponding, public lands or to contribute an equivalent amount of cash, based upon the conditions outlined below. The form of contribution (cash or land, or any combination thereof) shall be decided by the City Council based upon need and conformance with approved City plans. Property being replatted with the same number of lots and same number of dwelling units shall be exempt from additional park land dedication requirements. If the replat increases the number of lots and/or number of dwelling units, or if land outside the previously recorded plat is added, then the park land dedication shall be based on the additional dwelling units being added. (Ord. 345, 6-19-1989)

- (B) **Special Fund:** All monies collected from cash contributions shall be placed in a special fund from which only those public uses, as listed in subsection (A) of this Section may be constructed or improved, or land for those same uses may be acquired. The City may elect to receive a combination of cash, land and development of the land for park use. Cash contributions shall be due prior to the issuance of the first building permit in the subdivision.
- (C) **Proposed Public Uses:** 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 master 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 under this Section hereof for such proposed public site, the Council shall not be required to act to approve or disapprove the plat of the subdivision for a period of ninety (90) days after the subdivider meets all the provisions of the Subdivision Title in order to permit the Council, school board or other appropriate governmental unit to consider the proposed plat and to take the necessary steps to acquire, through purchase or condemnation, all or part of the public site proposed under the official map or master plan.
- (D) **Dedication Location:** In such cases where the developer is required to dedicate land area, the City Council shall have the right to determine the geographic location and configuration of said dedication.
- (E) **Dedication Formula:** The dedication formula for residential land shall be based on the national standard of providing ten (10) acres of parks and open spaces per one thousand (1,000) population and residential subdivisions shall be computed on the proposed number of dwelling units in a project and the average population for dwelling unit type as established by the Metropolitan Council. The dedication formula for commercial and industrial district development shall be five (5) percent of the gross land area. Where the City Council elects to take cash in lieu of land, such contribution shall be based upon land dedication requirement multiplied by the average cost per acre by zoning district as established, from time to time, by the City Council.
- (F) **Density or Floor Coverage:** In no case shall dedication of lands for public uses as listed in subsection (A) of this Section restrict or limit proposed density or floor area coverage where proposed plans are found to be in total compliance with this Code.
- (G) **Park and Recreational Facilities:** In residential subdivisions where active park and recreational facilities are proposed (specifically designated on development plans) for either public or private use, and where a cash contribution or combination dedication is required, the City Council may waive up to two (2) percent of the dedication requirements as listed in subsection (E) of this Section.

(H) Wetlands and Ponding Areas: Wetlands, ponding areas and drainageways accepted by the City shall not be considered in the open space land and/or cash contribution to the City. (Ord. 250, 2-22-1983)

(I) Dedication Formula for Interim Uses:

1. If land is being final platted in conjunction with the issuance of an interim use permit for the entire plat under Title 11 of the City Code, the dedication formula set forth in subsection (E) of this Section shall apply except as modified herein. If land dedication is required, the dedication must be made at the time of final platting; if a cash dedication is required, the following formula shall be used:

Five (5) percent of the gross land area X two (2) percent X the average land value per acre for the zoning district = the cash dedication for each year of the interim use permit. At the issuance of subsequent interim use permits for the land, the same formula will apply using the average land value per acre for the zoning district in effect at that time.

2. The developer shall have two (2) options for paying the park dedication fees:

a. The park dedication for the whole term of the interim use permit can be paid at the time of issuance of the permit; or

b. The fee can be paid on an annual basis over the term of the interim use by means of an interest free special assessment on the property.

3. When a building permit is issued for a permitted use or conditional use of any part of the plat, the final park dedication will be calculated and immediately payable based upon the average land value per zoning district in effect at the time the building permit is issued. The following formula will be used to figure any cash park dedication due:

Five (5) percent of the gross land area X the average land value per acre for the zoning district in effect at the time the building permit is issued minus the amount of park dedication paid during the interim use period(s) = balance of cash dedication due the City. (Ord. 482, 4-19-1993)

11-4-9: **MINIMUM DESIGN FEATURES:** The design features set forth in this Chapter are minimum requirements. In keeping with the spirit and intent of this Title, the City may impose additional or more stringent requirements or safeguards concerning lot size, streets and overall design as deemed appropriate considering the property being subdivided. (Ord. 250, 2-22-1983)

## CHAPTER 5

### REQUIRED BASIC IMPROVEMENTS

#### SECTION:

- 11-5-1: Development Agreement
- 11-5-2: Monuments
- 11-5-3: Street Improvements
- 11-5-4: Public Utilities
- 11-5-5: Requirements Applicable to Trees in New Subdivisions

#### 11-5-1: **DEVELOPMENT AGREEMENT:**

- (A) Before a final plat is delivered by the City, 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 heirs, personal representatives and assigns.
- (B) Prior to the delivery of the approved final plat, the subdivider shall deposit with the City Treasurer an amount equal to a minimum of one hundred twenty-five (125) percent of the City Engineer's estimated cost of the required improvements within the plat, either in a cash escrow, performance bond or letter of credit. The surety shall be approved by the City. As portions of the project construction are completed, inspected and accepted by the City, the amount of the surety requirement shall be reduced. The cash escrow, letter of credit or performance and indemnity bond shall be conditioned upon:
  1. The making and installing of all of the improvements required by the terms and conditions and within the time period set forth by the City unless an extension is granted by the City Council.
  2. 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.
  3. The payment of the subdivider to the City of all expenses incurred by the City, which expenses shall include, but not be limited to, expenses for engineering, planning, fiscal, legal, construction and administration. In instances where a 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 the approved time period, 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 may be assessed against the subdivision. Any balance remaining in the cash escrow fund after such improvements have been made and all expenses therefore have been paid, shall be returned to the subdivider. In instances where a letter of credit is used in lieu of a cash escrow or performance and indemnity bond, the 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 bond shall be in a form acceptable to the City and shall comply with all requirements set forth in Minnesota Statutes, as amended, which Statutes relate to surety bonds.

- (C) No final plat shall be approved by the Council without first receiving a report from the City Engineer that the improvements described therein together with the agreements and documents required under this Section meet the requirements of the City.
- (D) The City 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.
- (E) 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.
- (F) All of the required improvements to be installed under the provisions of this Title 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 required improvements shall be paid either directly, indirectly or by reimbursement to the City by the subdivider.

11-5-2: **MONUMENTS:**

- (A) Official monuments as designated and adopted by the Dakota County Surveyor’s Office shall be set at each corner or angle point on the outside boundary of the final plat or in accordance with a plan as approved by the City Engineer. Said monuments shall consist of a one-half (1/2) inch iron pipe with a plastic cap which contains the registration number of the land surveyor responsible for setting the monument. The boundary line of the property to be included with the plat to be fully dimensioned; all angles of the boundary to be indicated; all monuments and surveyor’s irons to be indicated; each angle point of the boundary perimeter to be so monumented.
- (B) Pipes or steel rods shall be placed at each lot corner and at each intersection of street center lines. All United States, State, County or other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary bearings pertaining to the lots and blocks, as an aid to future surveys shall be shown on the plat. No ditto marks will be permitted in indicating dimensions.
- (C) To insure that all irons and monuments are correctly in place, monumentation shall be required following the final grading of a plat. Proof of the monumentation shall be in the form of a surveyor’s certificate and this requirement shall additionally be a condition of certificate of occupancy as provided for in the City Zoning Ordinance, as may be amended.

11-5-3: **STREET IMPROVEMENTS:**

- (A) The full width of the right-of-way shall be graded in accordance with the provisions for construction as outlined in Chapter 4 of this Title, Design Standards.
- (B) All streets shall be improved in accordance with the standards and specifications for street construction as required by the City Council.
- (C) 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 Engineer. The portion of the right-of-way outside the area surfaced shall be sodded, or if appropriate, seeded by the developer.

- (D) The curb and gutter shall be constructed in accordance with the standards and specifications for street construction as set forth and approved by the City Engineer.
- (E) The grade and drainage requirements for each plat shall be approved by 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 stormwater disposal plan, without damage to properties outside the platted area, and said stormwater disposal plan shall be submitted to the City Engineer, who shall report to the City Council on the feasibility of the plan presented. No plat shall be approved before an adequate stormwater disposal plan is presented and approved by the City Engineer. The engineer's report shall be presented to the City Council in accordance with Chapter 11-2-3.(G).1 of this Title. The use of dry wells for the purpose of stormwater disposal is prohibited.
- (F) Street signs of the design approved by the City Engineer shall be installed at each street intersection.
- (G) Driveway approaches and sidewalks of standard design or pedestrian pathways as may be required by the City Council shall be installed.
- (H) Street lighting shall be required in all subdivisions and shall be installed in accordance with the provisions of Title 8, Chapter 7 of the Burnsville City Code.

11-5-4: **PUBLIC UTILITIES:**

- (A) **Sanitary Sewer and Water Facilities:** Sanitary sewer 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. 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 regulations and the provisions of Title 10, Chapter 11 of this Code.
- (B) **Storm Sewer:** Storm sewers, open drainage, retention ponds or other facilities and easements shall be installed as will adequately provide for the drainage of surface waters.
- (C) **Other Public Utilities:**
  - Underground Placement:** All utility distribution facilities (including, but not limited to, electric, communication and cable television lines) installed in and for the purpose of supplying permanent service to any newly platted subdivision shall be placed underground.
  - Utility Company Responsible:** The utility company is responsible for complying with the requirements of this Chapter. The subdivider shall make any necessary arrangements with utility companies for the installation of said facilities.
- (D) **Election by City to Install Improvements:** It is the subdivider's responsibility to install all required improvements except that, when necessary, the City reserves the right to elect to install all or any part of the improvements required under the provisions of this Title pursuant to Minnesota Statutes, Chapter 429, as amended. If the City elects to install the improvements, the developer shall post a cash escrow or letter of credit guaranteeing paying of the developer's share of costs. (Ord. 250, 2-22-1983)

**11-5-5: REQUIREMENTS APPLICABLE TO TREES IN NEW SUBDIVISIONS:**

- (A) The preservation of existing vegetation is a goal which should be addressed prior to the review of a subdivision by staff, Planning Commission and the City Council. A woodland survey shall be completed by the developer to identify all existing trees on the site with a trunk diameter of four (4) inches or more, measured at four (4) feet above the ground. The survey shall also identify all areas where trees will be saved or removed. The amount of trees remaining on the site will determine the need for additional trees. (Ord. 1016, 2-21-2006)
- (B) In new subdivisions, two (2) trees, one (1) overstory, and either one (1) ornamental or evergreen tree, or two (2) overstory trees shall be planted per platted lot as long as they are not identical species. Council may determine that no additional trees are required if the developer has ensured by means of a woodland survey (see Section 10-8-9 of this Code), which identifies all trees within a project area, that an adequate amount of existing trees will remain on the lot after the property is developed.
- (C) Trees required to be planted in subdivisions shall be planted only on private property at least five (5) feet from the right-of-way line. Trees shall be installed in the front yard or in a side yard that abuts a street. The trees shall be planted before a certificate of occupancy is issued.
- (D) The minimum required tree sizes shall be as follows:

Overstory Trees	2 ½ inches in diameter
Ornamental Trees	1 ½ inches in diameter
Evergreen Trees	6 feet tall

Trunk diameter shall be measured four (4) feet above the planting line of the tree.

- (E) In subdivision plantings, no less than two (2) species of trees shall be planted in any block and neither less than twenty (20) percent nor more than fifty (50) percent of the total trees planted in a block may be of the same species.
- (F) The subdivider shall not select trees from the following list:

Acer negundo	—	Box elder
Acer saccharinum	—	Silver maple
Catalpa speciosa	—	Northern catalpa
Elaeagnus	—	Russian olive
Ginkgo biloba	—	F. Ginkgo (female only)
Morus alba	—	Mulberry
Populus deltoides	—	Cottonwood
Populus species	—	Poplars

- (G) Before a building permit is issued for construction of a single family house or twin home or remodeling of either type of dwelling, a cash escrow or irrevocable letter of credit for five hundred (500) dollars shall be furnished by the builder to the City to guarantee compliance with the subdivision requirements of the lot.
- (H) If the trees are not planted within the appropriate period of time, the City may enter the lot, perform the work and apply the cash escrow or letter of credit toward the cost. Upon satisfactory completion of the installation, the escrow funds or letter of credit, without interest, less any draw made by the City, shall be returned to the person who established the guarantee with the City. Responsibility for tree growth and maintenance rests upon the homeowner. (Ord. 381, 8-20-1990)

## CHAPTER 6

### SUPPLEMENTAL REQUIREMENTS

#### SECTION:

- 11-6-1: Lot Division and Consolidation
- 11-6-2: Registered Land Surveys
- 11-6-3: Restrictions on Filing and Recording Conveyances
- 11-6-4: Building Permits
- 11-6-5: Erosion Control Guarantee

#### 11-6-1: **LOT DIVISION AND CONSOLIDATION:**

(A) Conditions: For purposes of conveying or securing building permits, Chapters 1 through 6 of this Title shall not apply to the division of one or more lots platted into lots and blocks and designated in a subdivision plat on file and of record in the Office of the Register of Deeds or Registrar of Titles of Dakota County, into one or more separately described tracts, nor shall said title apply to the consolidation of two (2) or more such platted lots or parts thereof into one or more tracts, upon compliance with the following conditions:

1. The owner or owners of such platted lot or lots to be so divided shall file in the office of the Clerk a proposed survey plat or registered land survey of the lot or lots to be divided or consolidated. Such plat or survey shall show the dimensions of said lots as measured upon the recorded plat, and also the proposed division thereof. A written description of the separately described tract or tracts which will result from the proposed subdivision or consolidation shall be filed with such plat or survey.

2. The separately described tract of land to be conveyed or designated for building permit purposes by reason of such division or consolidation as described upon said proposed plat or registered land survey shall not be less than the minimum dimensions required to secure the minimum lot area specified in the building and zoning titles of this Code or Chapter 5 of this Title.

3. As a result of such division or consolidation as herein authorized, no remaining part of an original subdivision lot shall become a separately described lot upon said proposed plat or registered land survey, with a size less than the minimum dimensions required to secure the minimum lot area specified in the building and zoning titles of this Code or Chapter 5 of this Title.

4. Certification of Taxes Paid: Prior to the City processing or approving any subdivision application or permit under the City's official controls, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due for the property to which the application relates. Applications or permits shall not be processed until outstanding amounts are paid in full. Property taxes which are being paid under the provisions of a stipulation, order, or confession of judgment, or which are being appealed as provided by law, are not considered delinquent for purposes of this section provided all required payments that are due under the terms of the stipulation, order, confession of judgment, or appeal have been paid. (Ord. 1190, 1-19-2010)

- (B) Application for the Issuance of Building Permits: Upon the application of an owner or owners who shall have complied with subsection (A) of this section, the Clerk, subject only to other applicable provisions of this Code, is hereby authorized to issue the building permit requested for on any separately described tract designated and set forth upon such proposed plat or survey. (Ord. 250, 2-22-1983)

11-6-2: **REGISTERED LAND SURVEYS:**

- (A) Registered Land Surveys: All registered land surveys in the City shall be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards set forth in this Title for preliminary plats and the Planning Commission shall first approve the arrangement, sizes and relationships of proposed tracts in such registered land surveys, and tracts to be conveyed for public purposes should be so indicated. Unless a recommendation and approval have been obtained from the Planning Commission and City Council respectively, in accordance with the standards set forth in this Title, building permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys and the City may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts unless so approved.
- (B) Review and Approval: Registered land surveys shall not be used to avoid the requirements of the subdivision regulations. A registered land survey for parcels of less than five (5) acres in size or three hundred (300) feet in width shall be reviewed by the Planning Commission and approved by the City Council in the same manner as a subdivision plat. Such approval shall be attached to the survey.
- (C) Preparation: All registered land surveys shall be prepared in conformance with Minnesota Statutes 508.47, subdivision 4, which is incorporated herein for reference.
- (D) Land for Public Purposes: Prior to approval of a registered land survey, the Council reserves the right to require the conveyance of tracts of land for public purposes. (Ord. 250, 2-22-1983)

11-6-3: **RESTRICTIONS ON FILING AND RECORDING CONVEYANCES:**

- (A) Mets and bounds, or by
- (B) Reference to an unapproved registered land survey after April 21, 1961; or by
- (C) An unapproved plat made after such regulations become effective.

There are certain exceptions to these restrictions on filing and recording conveyances. The above restrictions do not apply if the land described in the conveyance:

- (A) Was a parcel of record on April 1, 1945; or
- (B) Was subject to a written agreement to convey entered into prior to such time; or
- (C) Was a separate parcel of not less than two and one-half (2.5) acres and one hundred fifty (150) feet in width on January 1, 1966; or
- (D) Was a separate parcel of not less than five (5) acres in area and three hundred (300) feet in width on July 1, 1980; or

- (E) Is a single parcel of commercial or industrial land of not less than five (5) acres in area and having a width of not less than three hundred (300) feet, and its conveyance does not result in the division of the parcel into two (2) or more parcels, any one of which is less than five (5) acres in area or three hundred (300) feet in width; or
- (F) Is a single parcel of residential or agricultural land of not less than twenty (20) acres in area and having a width of not less than five hundred (500) feet, and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than twenty (20) acres in area or five hundred (500) feet in width. (Ord. 250, 2-22-1983)

11-6-4:       **BUILDING PERMITS:** No building permit shall be issued for construction or improvement on any land required to be subdivided by this Title until all requirements of this Title have been fully met. (Ord. 250, 2-22-1983)

11-6-5:       **EROSION CONTROL GUARANTEE:** Prior to the issuance of a building permit for construction or improvement on any land required to be subdivided by this Title, the owner shall comply with the erosion and sediment control requirements in Section 1-8-8 of this Code and provide the City with security in an amount to be set by City Policy Number 2.050. (Ord. 1162, 5-19-2009)