

**August 7, 2025  
6:30 PM**

The Planning Commission Meeting will be conducted on **August 7, 2025** at 6:30 p.m. in the City Council Chambers of City Hall, located at 2400 Margaret St., North St. Paul.

You can watch the meeting on our YouTube channel here: <https://tinyurl.com/NSPYouTube>

**I. Call to Order**

**II. Roll Call**

COMMISSION

Patrick Blee, Chair

Andrew Wise, Vice-Chair

Arthur Alvarez, Jr. Commissioner

Stephanie Kane-Burback, Commissioner

Elizabeth Gadbois, Commissioner

Cameron Muhic, Commissioner

Jim Rathe, Commissioner

STAFF/LIAISONS

Jason Nordby, City Council Liaison

Ken Roberts, Community Development Director

Chris Cherne, Planning Commission Secretary

**III. Adopt Agenda**

**IV. Approval of Minutes**

A. Approval of July 9, 2025 Special Meeting Minutes

**V. Meeting Open to the Public**

*This Open Forum is an opportunity for persons to address the Planning Commission on items not on the agenda. A completed public comment form should be presented to the staff liaison prior to the meeting. Comments will be limited to 3 minutes per person. While the Commission may ask clarifying questions of the speaker, no formal action by the Commission or discussion will be held on these items.*

**VI. Public Hearings**

**VII. Commission Business, Action Items & Recommendations**

A. Zoning Ordinance Amendments - Encroachments

B. Subdivision Ordinance Update

**VIII. Reports**

**IX. Adjournment**

**The next regularly scheduled Planning Commission meeting is September 4, 2025**



To	Date
Planning Commissioners	August 7, 2025

**Agenda Placement # IV.A**  
Approval of Minutes

**Subject**  
Approval of July 9, 2025 Special Meeting Minutes

**Background/Facts**  
N/A

**Recommended Action**  
Staff recommend approval of the July 9, 2025 Planning Commission Special Meeting Minutes.

**Attachments**  
1. PC Minutes 07-09-2025 (Special Meeting)

Respectfully submitted,  
Chris Cherne, Community Development Administrative Assistant



**Planning Commission  
Special Meeting Minutes  
June 9, 2025  
6:30 PM**

North St. Paul City Hall – Council Chambers  
2400 Margaret Street

**I. CALL TO ORDER**

Chair Blee called the meeting to order at 6:30 PM.

**II. ROLL CALL**

COMMISSION

Patrick Blee, Chair  
Andrew Wise, Vice-Chair  
Arthur Alvarez, Jr., Commissioner  
Stephanie Kane-Burback, Commissioner  
Elizabeth Gadbois, Commissioner  
Cameron Muhic, Commissioner  
Jim Rathe, Commissioner

STAFF/LIAISONS

Jason Nordby, City Council Liaison Absent  
Ken Roberts, Community Development Director

**III. ADOPT AGENDA**

Blee asked for a motion to adopt the July 9, 2025, special meeting agenda.  
M/Gadbois, S/Rathe.  
Motion carried 7-0.

**IV. APPROVAL OF MINUTES**

A. Approval of June 5, 2025, Meeting Minutes  
Blee asked for a motion to approve the June 5, 2025, meeting minutes.  
M/Rathe, S/Alvarez.  
Motion carried 7-0.

**V. MEETING OPEN TO THE PUBLIC**

Tim Taylor, 2718 16<sup>th</sup> Ave E, stated his frustration with code compliance. Mr. Taylor indicated that his neighbor went on to his property with an unlicensed tree trimmer and cut down his private trees. In addition, he indicated a “No Parking” sign in front of his home is in disrepair and in need of replacement. Mr. Taylor also stated there are screening requirements in between commercial and residential uses and there is currently no screening at this location. Mr. Taylor also brought up concerns about parking lot setbacks, the condition of the current retaining wall, pollution, garbage bins and handicap parking on the adjacent commercial property.

## **VI. PUBLIC HEARINGS**

### **A. Land Use Plan Amendment & Zoning Map Amendment**

Roberts presented the staff report on the Land Use Plan Amendment & Zoning Map Amendment item. City staff have identified two areas along South Ave E and 7<sup>th</sup> Ave E for which the city should consider amending the future land use map and zoning map designations. The future land use designation for these areas is MU-3: Corridor Mixed-Use. The current zoning of this area is the same. Staff have indicated their doubts about these lots ever being redeveloped into something that is mixed-use. All the existing residential uses in these areas are legal nonconforming uses. If the property owners wanted to expand their homes or uses, they would not be allowed to do so according to the current zoning ordinance. Staff recommend rezoning these lots from MU-3: Corridor Mixed Use to R-2: Mixed-Residential Zoning District that allows for single family homes, duplexes and townhomes, thus bringing the current uses into compliance.

Chair Blees opened the public hearing at 6:53 PM.

Randy Reynolds, 2297 South Ave E, stated he wants assurance that the city will not take his land and that he won't be negatively affected by these changes.

Jeff Hansen, 2219 Oak Hill Pl, asked if there will be any effect on his taxes. Chair Blees stated that this designation does not have an effect on taxes.

Betty Schultz, 2395 7<sup>th</sup> Ave E, clarified the lots included within the proposed map amendments.

John Mcgehee, 2183 Belmont Ln, asked what the zoning designation was prior to the current zoning and why it was changed back then.

Chair Blees closed the public hearing at 6:58 PM.

Chair Blees asked for a motion to recommend to the City Council approval of the Comprehensive Plan Amendment for the Future Land Use Plan Map.

On motion by Commissioner Muhic, seconded by Commissioner Rathe, with Commissioners Muhic, Rathe, Gadbois, Kane-Burback, Alvarez and Blees voting aye, Commissioner Wise voting nay. Motion carried 6-1.

Chair Blees asked for a motion to recommend to the City Council approval of a zoning map amendment to change the zoning for the residential properties in the study area from MU-3 (Corridor Mixed Use) to R-2 (Mixed Residential).

On motion by Commissioner Alvarez, seconded by Commissioner Rathe, with Commissioners Muhic, Rathe, Gadbois, Kane-Burback, Alvarez and Blees voting aye, Commissioner Wise voting nay. Motion carried 6-1.

### **B. Zoning Ordinance Text Amendment – Home Occupations**

Roberts presented the staff report on the Zoning Ordinance Text Amendment – Home Occupations item. At the previous meeting, the Commission reviewed a draft home occupation ordinance and provided suggestions for revisions. Staff have since made those revisions based on Planning Commission discussion and written comments from the public and presented the current draft home occupation for the Commission's review. The Commission discussed home occupations of in-home daycare, small engine repair and building trades, animal boarding and cottage food producers. The Commission agreed to strike "Animal Boarding" from the prohibited home occupations as that is already regulated in the Use Table of the zoning ordinance. Alvarez indicated his concerns about the regulation of building trades, and he does not want to see the city restrict people from making a living doing this work.



There were no members of the public present to provide comments on the proposed home occupation ordinance. Elaine Barton submitted a written comment to the Planning Commission regarding clarification items for the home occupation ordinance.

Blees asked for a motion to recommend to the City Council approval of Ordinance 2025-XXX, a zoning ordinance text amendment to repeal and replace the existing City Code language related to Home Occupations in North St. Paul as presented, including the following changes: striking "Animal Boarding" from prohibited home occupations, striking "In-Home Daycare" from the ordinance, designating "Cottage Food" as a Level 2 home occupation.

M/Wise, S/Gadbois.  
Motion carried 7-0.

## **VII. COMMISSION BUSINESS, ACTION ITEMS & RECOMMENDATIONS**

There was no commission business, action items or recommendations.

## **VIII. REPORTS**

Wise asked what should be done about the comment provided during the Meeting Open to the Public portion of the meeting. Blees asked staff to follow up with the complaints.

Blees encouraged everyone to look at the city newsletter as there are many exciting things going on. Blees also recommended everyone to attend City Council meetings.

Roberts stated there will be no City Council meeting on August 5, 2025, as that is National Night Out. Roberts stated that the Comprehensive Plan and Zoning Ordinance Amendments will go to City Council for action at their upcoming meeting on July 15, 2025. At the upcoming Planning Commission meeting on August 7, 2025, there will be discussion regarding the revised Subdivision Ordinance.

## **IX. ADJOURNMENT**

Blees asked for a motion to adjourn the meeting at 7:43 PM.  
M/Rathe, S/Alvarez.  
Motion carried 7-0.

**The next regularly scheduled Planning Commission Meeting is Thursday, August 7, 2025, at 6:30 PM.**

Members, please notify any planned absences to:

Chris Cherne  
Planning Commission Secretary  
651-747-2440  
[chris.cherne@northstpaul.org](mailto:chris.cherne@northstpaul.org)

# City of North St. Paul

## Planning Commission Report



From: Ken Roberts, Community Development Director  
Meeting Date: August 7, 2025  
Agenda Item: Zoning Ordinance Text Amendments

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### INTRODUCTION

City staff have prepared a set of zoning ordinance text amendments related to standards for permitted encroachments and small additions to nonconforming structures in North Saint Paul. Staff are proposing the ordinance changes to clarify the types of improvements the city will not consider to be encroachments on yard setback requirements and it adds language to the code about the expansion of structures that have nonconforming setbacks.

### BACKGROUND

On June 5, 2025, City staff presented information to the Planning Commission about the proposed work plan for 2025-2026 for the Planning Commission. The Commission agreed that staff should review the zoning code and proposed amendments to the Code to better clarify what types of improvements the City should consider as non-encroachments.

### GENERAL INFORMATION – DISCUSSION

#### Zoning Ordinance Text Amendment

The attached zoning ordinance text amendment will update four sections of the zoning code related to supplemental regulations, non-encroachments and non-conformities. The proposed changes include:

1. Clarifies the definition of pergola and adds standards to the Zoning Code about the placement and lot coverage standards related to pergolas.
2. Adds several types of improvements to the code the City should consider to not be encroachments on yard setbacks. These additions include ramps, patios, awning, arbors and trellises, outdoor fireplaces and grills, recreation equipment, air conditioning equipment, generators and covered porches. The proposed ordinance amendment also includes standards and requirements for several of the additional improvements.
3. Adding language to the Code that will allow the expansion of a structure with a non-conforming setback if the addition would be built with the same nonconforming setback

The proposed additions to the Code are shown with bold and underline in the attached ordinance (attached) for ease of review by the Planning Commission.

#### Ordinance Requirements

Per Section 154.004(D), the city may grant a zoning ordinance text amendment or a zoning map amendment (rezoning) if the proposed amendment is compliant with the following findings (items 1-5 below, with analysis follows):

1. The proposed amendment is consistent with the general purposes and intent of the Comprehensive Plan.

*The proposed zoning ordinance text amendments would be consistent with the purposes and intent of the Comprehensive Plan.*

2. The proposed amendment will not adversely affect the health, safety, or general welfare of the city.

*The proposed zoning ordinance text amendment will not adversely affect the health, safety or welfare of the city. In fact, the proposed text amendment should help to better protect the health, safety and general welfare of the residents of North Saint Paul.*

3. The proposed amendment is compatible with present and future land uses in the surrounding area and reasonably related to the overall needs of the city.

*The proposed amendment is not directly applicable to any one property but is related to the overall needs of the City.*

4. The proposed amendment is compatible with adjacent properties.

*The proposed zoning ordinance text amendment is not directly related or applicable to any one property.*

5. The proposed amendment can be adequately supported by public urban services including the water supply, transportation system and capacity, police and fire protection, utilities, and sanitary waste disposal and stormwater disposal systems.

*The proposed zoning ordinance text amendment can be adequately supported by the existing public services.*

## **RECOMMENDATION**

Staff are recommending the Planning Commission:

1. Review the existing City Code sections related to non-encroachments and nonconformities; and
2. Review the proposed code amendments and be prepared to discuss these at the Planning Commission meeting.

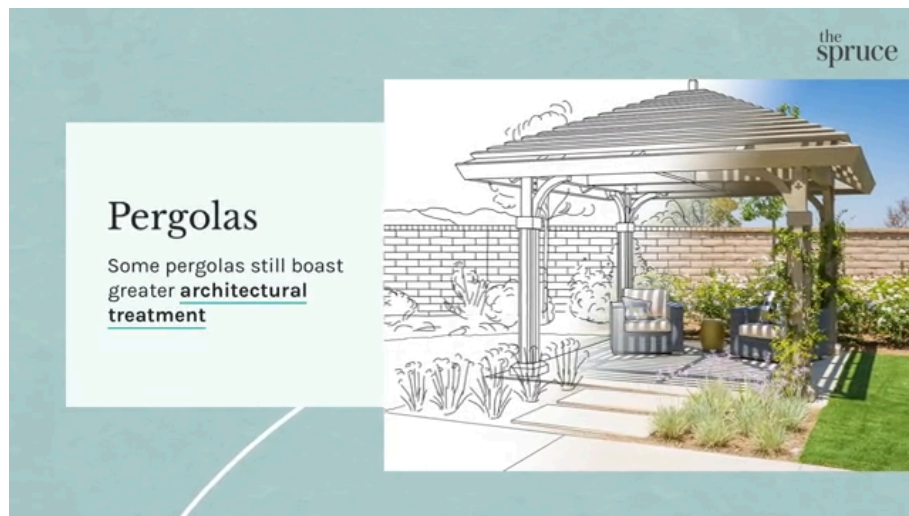
After review and discussion by the Planning Commission, staff will be looking for direction from the Commission as to any changes they want staff to include in the final version of the proposed ordinance.

## **ATTACHMENTS:**

1. Information from the Spruce about Arbors and Pergolas
2. Draft Ordinance No. 2025 – XXX amending portions of Chapter 154 of the zoning ordinance

# What Is a Pergola?

By [DAVID BEAULIEU](#) | Updated on 06/13/24



## Pergolas

Some pergolas still boast greater architectural treatment

### IN THIS ARTICLE

[Arbors](#)

[Gazebos and Carports](#)

[Trellises and Latticework](#)

[Vines to Grow](#)

[FAQ](#)

A pergola is an outdoor structure with columns supporting a roofing grid of beams and rafters. This roofing grid may be left open or covered to create an area sheltered from the elements. [Pergola plans](#) can be freestanding or attached to a house.

Pergolas differ from arbors, gazebos, trellises and lattices, and carports. Continue reading to learn more about the distinction between these different structures.

[SKIP TO CONTENT](#)



Credit: The Spruce / Christopher Lee Foto

## Arbors vs. Pergolas

Some experts [distinguish pergolas from arbors](#) by noting that the columns of pergolas may form a "colonnade," which harks back to grand masonry pergolas of the Italian Renaissance.

Landscape Architect Cynthia Cash says, "The primary difference between an "arbor" and a "pergola" is that an arbor is a free-standing structure also used to support vines, whereas a pergola is a long linear structure over a garden pathway."

Pergolas are typically larger structures in every dimension (height, width, and length) and are often [costlier than arbors](#). They are usually attached to houses and form an outdoor living space, extending a home's indoor rooms.

### Arbor

- Small structure; less expensive
- Uses arches
- May use vinyl construction materials
- Freestanding or may be gate entryway

### Pergola

- Large structure; costlier
- Usually flat top
- Most often made of wood and may have masonry and columns



Credit: The Spruce / Ashley Nicole Deleon



## Gazebos and Carports vs. Pergolas

### Gazebo

A [gazebo](#) is a related outdoor structure, usually wooden, although it can be constructed of many materials. Most gazebos are further distinguished from pergolas by having:

- A closed roof
- A raised floor
- A rounded shape

Credit: Kevin Miller / Getty Images

## Carport

A "carport" is a structure defined more by its purpose than by how it is made. Carports are used to shelter one's automobile at home instead of the more expensive option: a garage. The [basic carport](#) is a roof supported by posts. But we have seen more elaborate carports that are essentially pergolas co-opted for car storage.

## Covered Pergolas

Some people use covered pergolas to provide complete shade and rain protection. Fiberglass is sometimes used as a covering, but more upscale homeowners may be interested in [retractable shade canopies](#).

## Trellises and Latticework

Pergolas, arbors, trellises, and latticework are all traditionally used to support vines. A trellis is a portable wood, metal, or vinyl framework to support vines and climbing rose bushes. A lattice (or latticework) is a criss-cross or checkboard pattern.<sup>[1]</sup> Latticework is often tacked to the sides of an arbor or pergola to give vines something to climb up.

## Vines to Grow on Pergolas

Vines can form a canopy over a pergola, affording shade in summer. Select a large, vigorous vine for this purpose, such as:

- [Dutchman's pipe](#)
- [Virginia creeper](#)
- [Hardy kiwi](#)
- [Climbing hydrangea](#)

## FAQ

### What is the value of having a pergola?

An uncovered pergola allows light and air to reach the area while giving you privacy and a filtered shade.

### What is a pergola with a roof called?

Pavilions are pergolas with a roof, although a pergola structure with a roof can also be called a pergola.

### What are the disadvantages of a pergola?

Open-roofed pergolas still let in rain and the elements. Most are made of wood, so they require maintenance, such as periodic painting, staining, or sealing. They are also prone to termite or rot damage.

### How much does it cost to build a pergola?

The average cost for a pergola is about \$4,000, although you can probably build Home Design & Decorating Room Design Outdoor Spaces Pergolas & Gazebos Ex. design complexity will influence the price.

### Are pergolas okay in the rain?

SOL Pergolas are exterior structures. Most are made of wood and require sealing to protect against the sun and weather. Some are designed with permanent roofs or retractable roof features that give the structure another level of protection from the elements.

READ NEXT: [31 Backyard Pergola Ideas That Add Style and Shade](#)

## More from The Spruce

CITY OF NORTH SAINT PAUL  
RAMSEY COUNTY, MINNESOTA

ORDINANCE NO. 2025 - XXX

AN ORDINANCE AMENDING THE NORTH SAINT PAUL CITY CODE REGARDING  
THE STANDARDS FOR PERMITTED ENCROACHMENTS AND SMALL ADDITIONS TO  
NONCONFORMING STRUCTURES

THE CITY COUNCIL OF THE CITY OF NORTH SAINT PAUL ORDAINS AS FOLLOWS:

**SECTION 1. Repeal and Replace.** The definition of Pergola in Section 154.003 of the North Saint Paul City Code is hereby repealed and replaced as follows:

**Sec.154.003. DEFINITIONS.**

~~**PERGOLA.** A building-like structure with columns supporting an elevated trellis over which vines or plants may grow.~~

**PERGOLA.** An outdoor structure usually consisting of parallel columns supporting an open roof of girders and cross rafters that is at least 50 percent open to the sky.

**SECTION 2. AMENDMENT.** North St. Paul City Code Section 154.010 (D) is hereby amended to read with proposed new language **bold and underlined** and deleting the ~~striketrough~~ language as follows:

**Sec. 154.010 GENERAL DEFINITIONS.**

(D) *Supplemental regulations.* Supplemental regulations are established to address the unique characteristics of certain land uses. The standards and conditions listed for land uses in this chapter are applicable to permitted, conditional, and interim use permits, as specified for each zoning district, unless otherwise noted.

**54. Pergolas.**

- (a) **Attached pergolas shall be subject to the same setback requirements as attached decks while detached pergolas shall be considered detached accessory structures when determining height and setback requirements.**
- (b) **A detached pergola shall not count towards the total limit on the number of detached accessory structures that are permitted on a property.**
- (c) **Pergolas do count towards total lot coverage.**

**SECTION 3. AMENDMENT.** Section 154.010 (A) (5) is hereby amended to read with proposed new language **bold and underlined** and deleting the ~~strikethrough~~ language as follows:

**Section 154.010 (A)(5).**

5. *Non-encroachments.* The following shall not be encroachments on yard setback requirements:

(a) Cornices, canopies, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, eaves, gutters and the like, provided they do not extend more than two feet into a yard, except awnings and canopies, if located within the boundaries of the Downtown Design Manual, are subject to the provisions of the Downtown Design Manual.

(b) Bays and bay windows not to exceed an area of more than 20 square feet may extend into a front or rear yard four and one-half feet and into a side yard no more than two feet, provided the encroachment is no closer than four feet from all lot lines.

~~(c) A landing place or uncovered porch may extend into the required front yard or rear yard a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building, an open railing may be placed around such place.~~

~~(d) Decks, terraces, steps, stoops, ramps or similar structures that do not extend more than six feet into a yard and which do not extend in elevation above the height of the ground floor level of the principal building, provided the extension is no closer than four feet from all lot lines.~~

~~(e) (c) In rear yards: balconies, breezeways, **and** detached outdoor recreation shelters. ~~and~~ recreational equipment.~~

**(d) In all zoning districts:**

**1. Decks, terraces, steps, stoops, and landings. Decks, terraces, steps, stoops and exterior landings are permitted in a front, side or rear yard provided they do not extend more than six feet into a yard, are no closer than four feet to a property line and meeting all Building Code requirements. The Building Code may require additional setbacks for steps, stoops, and landings if they are built out of combustible materials.**

**2. Ramps and other devices in compliance with the ADA. Uncovered ramps and other devices for access to buildings and sites by disabled persons in compliance with the American Disabilities Act may encroach into any required front, side or rear setback provided all Building Code requirements are met. Ramps over 30 inches in height and/or physically attached to a structure require a building permit. The Building Code may require additional setbacks for ramps that are built out of combustible materials. Ramps under 30 inches in height and not attached to a structure only require a zoning permit. Such access ramps are not permitted to cross property lines and may not be placed in public rights-of-ways or in drainage and utility easements.**

**3. Window Wells. Egress window wells may encroach up to 3 feet into a required or actual front, side or rear yard setback, subject to review and approval by the Building**

**Official. Window wells are not permitted to cross property lines and may not be placed in public drainage and utility easements.**

(e) In the R-1, R-2 and R-3 Residential zoning districts:

1. ***Patios.* Patios are paved outdoor areas of the ground usually adjoining a dwelling designed, established and/or installed to provide a space for outdoor living. Uncovered concrete and paver patios that are built flush at grade level shall have at least a 3-foot setback from the side or rear property line and shall be built to ensure that drainage is directed to a public way (toward the street or alley), so the drainage does not adversely affect a neighboring property. In no instance shall a patio cover more than one-half of the rear yard. Uncovered concrete and paver patios that are built flush at grade also may encroach up to six (6) feet into any required or actual front yard.**
2. ***Awnings.* Fixed or permanent awnings may encroach three feet into a required front, side or rear setback, provided the front and rear setbacks of not less than 22 feet and a side setback of not less than three feet shall be maintained. An awning may encroach up to six feet into a required front or rear setback and up to three feet into a required side setback when placed over steps, stoops or an exterior landing, provided the encroachment shall not exceed eight feet in width along the wall plane and the front and rear setbacks of not less than 20 feet and a side setback of not less than three feet shall be maintained.**
3. ***Arbors and trellises.* Arbors, trellises or other growing support structures that do not exceed 20 square feet in area may be located in a required setback area or in actual front, side or rear yard. Such encroachments shall not exceed 9 feet in height. Both the sides and the roof of these structures must be at least fifty (50) percent open, or, if latticework is used, shall be less than sixty (60) percent opaque. Such structures shall not be constructed out of a razor wire, chain link, chicken wire, railroad ties, utility poles, plywood, or other similar materials. Detached arbors and trellises larger than what are described above must comply with the setback and height requirements for a detached accessory building.**
4. ***Permanently installed outdoor fireplaces, grills and barbeques.* Permanently installed outdoor fireplaces, grills and barbeques are not permitted within the front yard and shall be located only in side and rear yards. Such features shall not encroach into the required side setbacks and may encroach up to ten feet into the required rear setback provided that a rear setback of not less than 15 feet shall be maintained. In instances where the side or rear yard abuts a public street or alley, a setback of not less than the required front setback shall be maintained. In all cases, fireplaces, grills and barbeques are not permitted to cross property lines and may not be placed in public drainage and utility easements.**

5. Recreation equipment. Permanent recreational equipment and play apparatus over four feet in height are not permitted within the front yard. Such features are permitted in side and rear yards provided the side and rear setbacks of not less than five feet be maintained, including those instances where the side or rear yard abuts a public street.
6. Air conditioning equipment. Air conditioning equipment may encroach up to five feet into a required or actual side or rear yard provided it does not cross the property line, may not be placed in public drainage and utility easements and if the placement will not negatively affect grading and drainage. Air conditioning equipment may encroach five feet into any required front yard, provided a front setback of not less than 15 feet is maintained. Air conditioning equipment encroaching into a front yard setback shall be screened from view from the public street by landscaping, a fence, or a wall.
7. Standby or permanent generators. Property owners may locate standby or permanent generators only in side or rear yards subject to the following conditions:
  - a. The units must be kept at least five feet away from property lines, buildings and designated means egress systems (stairs, ramps, window wells).
  - b. The installation shall meet all NFPA 37 (National Fire Prevention Association) requirements.
  - c. The exhaust needs to be positioned to prevent creating nuisance. A minimum clearance of 10 feet shall be maintained from any openings that could allow fumes into a building including doors, windows, vents and air intakes.
  - d. The placement shall verify that all potential sources of water intrusion such as sprinklers, roof run-off, down spouts and sump pump discharge is directed away from the generator.
  - e. The placement shall take into consideration the location of doors, windows and other openings on adjoining properties so as to not create a nuisance from noise and exhaust.
  - f. The installation of standby or permanent generator requires a building permit, electrical permit and a mechanical permit.
8. Covered but open porches. Covered but open porches without walls, doors, windows or screens may encroach six feet into any required front setback, provided that a front setback of not less than 15 feet is maintained. No covered but open porch shall encroach into a required side or rear yard setback. Permitted encroachments under this section shall be constructed with high-quality durable materials that are consistent with the front of the principal structure and are consistent with the zoning regulations for the district. Roofing on these encroachments shall be asphalt shingle or standing seam metal roofing; corrugated metal or plastic are not permitted roofing materials. A railing and spindles must be used around the covered but open

**porch. The base of the covered porch, defined as the area from the floor of the porch down to grade, shall not be open; the base shall be either a masonry perimeter foundation (note: frost footings will be required for a building permit), or be screened by a solid fascia consistent with the front of the principal structure or lattice with openings no larger than two inches by two inches and painted to be consistent with the front of the principal structure. If unfinished wood components are used to construct the porch, the wood must be stained, painted, or sealed.**

**SECTION 4. AMENDMENT.** Section 154.009 of the North Saint Paul City Code is hereby amended to read with proposed new language **bold and underlined** and deleting the ~~striketrough~~ language as follows:

**§ 154.009 NONCONFORMITIES.**

This section does not prohibit the City of North St. Paul from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses.

(A) Continuation of legal non-conformities. Except as otherwise provided by law, any nonconformity may be continued per the following standards including non-conforming uses (the lawful use or occupation of land or premises), non-conforming structures, and non-conforming lots (as defined in 154.003). Non-conformities may not continue through expansion (except as in division (C) "MU-3 zone expansion exception" which follows) but may be continued through repair, replacement, restoration, maintenance, or improvement, unless:

1. The nonconformity or occupancy is discontinued for a period of more than one year; or
2. The nonconforming use is destroyed by fire or other peril to the extent of greater than 50% of its estimated market value, as indicated in the records of the county assessor at the time of damage and no building permit has been applied for within 180 days of when the property is damaged. In this case:

(a) A municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body; and

(b) When a nonconforming structure in the Shoreland District with less than 50% of the required setback from the water is destroyed by fire or other peril to greater than 50% of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

(B) Subsequent use or occupancy. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

(C) MU-3 Zone Expansion exception. A building permit may be granted to a nonconforming use in the MU-3 zone if all of the following are met:

1. The expansion of the use involves an expansion of no more than 10% of the gross floor area of the building;
2. The modification of the use consists of an expansion amounting to no more than 10% of the approved gross floor area;
3. When the expansion of the use is otherwise consistent with all other sections of this chapter;
4. And, when such expansion of the use eliminates an adverse effect or condition which is inconsistent with the MU-3 District or the approved plan for the area, and/or when such modification is determined to result in an improvement consistent with the objectives of the area and the total use of the site, and/or when such modification would lead to a more rapid implementation of the Comprehensive Plan and MU-3 District objectives while providing good aesthetics and functionality during the interim (time period between the nonconforming use and a conforming use of the property).

(D) Nuisances. In order to reasonably prevent and abate nuisances and to protect the public health, welfare, or safety, nothing in this chapter shall prevent the placing of a structure in safe conditions when said structure is declared unsafe by the building codes and standards of the city

(E) **Nonconforming building or structure.**

**1. Nonconformities. Except as provided in this subsection, a nonconforming building or structure shall not be added to, enlarged, or expanded in any manner unless such additions and enlargements are made to conform with all the requirements of the zoning district in which such a building or structure is located.**

**a. Additions to an existing single-family or two-family dwelling with a nonconforming side lot line or rear lot line setback. An addition to a single-family or two-family dwelling with a nonconforming side or rear property line setback may be built with the same or greater nonconforming setback without City approval of a variance provided:**

**1. The building addition does not encroach further into the required setback than the existing structure and at least a three-foot setback from the property line is maintained.**

**2. The building addition's footprint must not exceed 50 percent of the footprint of the principal structure in order to be approved administratively. The City may approve an addition with a footprint that exceeds 50 percent of the footprint of the principal structure by conditional use permit.**

**3. The building addition meets all other applicable City Code and Building Code requirements.**

**SECTION 5. SUMMARY PUBLICATION.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

This ordinance updates the setback standards for certain permitted encroachments and creates language to allow small additions onto single or two-family residential properties with a side or rear yard setback nonconformity.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective upon its passage and publication as provided by law.

**ADOPTED** by the North St. Paul City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Motion by Council Member \_\_\_\_\_

Second by Council Member \_\_\_\_\_

Voting:    Aye:    Council Member  
   Council Member  
   Council Member  
   Council Member  
   Mayor

Nay:  
Abstain:  
Absent:

\_\_\_\_\_  
John Monge, Mayor

Attest: \_\_\_\_\_  
Brian Frandle, City Manager

# City of North St. Paul

## Planning Commission Report

From: Ken Roberts, Community Development Director  
Meeting Date: August 7, 2025  
Agenda Item: Subdivision Ordinance Update



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### INTRODUCTION

The City Attorney has indicated to City staff that the North Saint Paul Subdivision Ordinance is dated and confusing. I have reviewed the existing ordinance and agree with the City Attorney that the City should update the Ordinance.

On June 5, 2025, City staff gave the Planning Commission an introduction and overview of the expected update to the City subdivision ordinance. The Commission appeared supportive of the potential updates to the ordinance as outlined by the City staff.

On July 9, 2025, City staff provided the Planning Commission an overview of the comments from the City Attorney about the existing subdivision ordinance and a draft of the proposed subdivision ordinance update.

### GENERAL INFORMATION – DISCUSSION

Chapter 153 of the City Code, titled Land Development, is the City's Subdivision Ordinance. This chapter includes the set of rules or laws that developers, landowners and the city are to follow when land is subdivided in North Saint Paul. It includes sections with the general provisions and information about the preparation and approval of plats (subdivisions) in North Saint Paul. It appears the last significant update the City made to the ordinance was in 1999. The City also revised Section 153.05, Public Land Dedication, in 2015.

City staff have prepared a major update to the City's Subdivision Ordinance. This update will repeal and replace the existing City Subdivision Ordinance with a new, updated ordinance that addresses the following issues in the existing ordinance as identified by the City Attorney:

- First, we would like to see some more solid analysis of park dedication fees (current code Section 153.05). Given the recent *Puce v. Burnsville* case (from 2022) we would like to see some more justification for how those fees are calculated and ensure that there is an opportunity for individualized analysis as required by *Puce*.

**Note:** The case the Attorney is referring to was a dispute between the City of Burnsville and a developer about park dedication fees and how the City should and could calculate the fees for their project. The Minnesota Supreme Court decided this case in favor of the City after the city revised how it would calculate park dedication fees.

The City will need to ensure the revised ordinance language is consistent with State law and the Court findings of the *Puce* case to lessen the chances of being challenged in the future when requiring a developer or property to pay a park dedication fee. The proposed new language in

the subdivision code about park dedication will meet the needs of the city while also meeting the requirements of State law. Please see Sections 153.091-153.094 on pages 43-46 of the proposed ordinance regarding this matter.

- Second, we would like to see a lot more detail in the provisions requiring development contracts. Right now, the code essentially just says that a development contract is required. We would like to see more detail in what is required and the terms imposed by a development contract.

The proposed ordinance addresses this concern in Section 153.086 on pages 40 - 42.

- Third, the current code allows developers to post security in the form of a performance bond. We have had such enormous difficulty working with bond companies to try and collect to complete deficient infrastructure that we now generally ask that cities only allow security in the form of an Irrevocable Letter of Credit from a bank.

Section 153.086 (B) on pages 41 and 42 of the proposed ordinance addresses this concern by requiring developers to provide the City with a Letter of Credit or cash escrow when their project includes installing public improvements.

In addition to the concerns noted by the City Attorney above, City staff have included the following changes and additions in the proposed Subdivision Ordinance:

1. Adding a purpose section as there currently is no such language in the ordinance. (Section 153.002 on page 3.)
2. Expanding and updating the definitions. This is to ensure all the terms that need defining are included in the ordinance, they are consistent with the definitions in Chapter 154 (Zoning Regulations) and remove terms that are no longer needed. See Section 153.021 on pages 5 through 14 for the proposed definitions.
3. Adding language about the general provisions and administration of the Ordinance. These are included in Sections 153.030 – 153.036 on pages 14-16.
4. Updating all references in the Code about the application submittal requirements. This information is included in the ordinance in several locations.
5. Created a new section (153.037) for Administrative Subdivisions. This new section consolidates into one location the code language about the City process for administrative (staff) review of lot divisions, lot consolidations and lot line adjustments. The proposed language allows City staff to approve simple lot divisions or lot splits, lot combinations and lot line adjustments rather than requiring such requests to be reviewed and approved by the Planning Commission and City Council. Please see pages 17-20 of the draft ordinance for proposed code language.

## **RECOMMENDATION**

Staff are requesting the Planning Commission review the draft update of the Subdivision Ordinance and be prepared to discuss the proposed ordinance during the meeting.

## **ATTACHMENT:**

Draft update of Chapter 153 of the City Code (Subdivision Ordinance) (v.2)

**CHAPTER 153: SUBDIVISION REGULATIONS August 1, 2025. (V.2)**

**Section**

Title and Application

- 153.001 Title
- 153.002 Purpose
- 153.003 Platting authority
- 153.004 Relation to other laws and regulations
- 153.005 Policy
- 153.006 Administration

Rules and Definitions

- 153.020 Application of rules
- 153.021 Definitions

General Provisions/Administration

- 153.030 Premature Subdivision Prohibited
- 153.031 Fees
- 153.032 Acceptance and recordation conditions
- 153.033 (Reserved)
- 153.034 Building permits
- 153.035 Variances/exceptions
- 153.037 Administrative Subdivisions
- 153.038 Filing and Review of Application
- 153.039 Required Application Information
- 153.040 Recording, Procedure and Timeframe

Preliminary Plat

- 153.070 Purpose

- 153.071 Filing and review of application
- 153.072 Information required for preliminary plat
- 153.073 Reserved
- 153.074 Approval or denial of preliminary plat

Final Plat

- 153.080 Purpose
- 153.081 Timing of final plat application
- 153.082 Filing and review of final plat application
- 153.083 Information required for final plat; final plans
- 153.084 Approval or denial of final plat
- 153.085 Public Improvements
- 153.086 Development Agreement
- 153.087 Recording
- 153.088 Dedication
- 153.089 Record plans (as-built plans)

Park Land Dedication Requirements

- 153.091 Land dedication or cash contribution
- 153.092 Dedication of land
- 153.093 Cash contribution
- 153.094 Disputes and appeals

153.095 Lot Splits for Two Family Dwellings

153.096 Special Subdivision Regulations in the Mixed-Use Zoning Districts

Enforcement

- 153.101 Violations
- 153.102 Application to city personnel
- 153.103 Injunction

153.999 Penalty

## **TITLE AND APPLICATION**

### **§ 153.001 TITLE.**

This chapter shall be known, cited, and referred to as the “North Saint Paul Subdivision Regulations,” and will be referred to as “this chapter.”

### **§ 153.002 PURPOSE.**

The City Council, being aware of the responsibility that it has for the adoption of ordinances, rules, and regulations designed for the protection of public health, safety, and general welfare, deems it necessary to provide regulations for platting and subdividing of property within the city. Piecemeal planning of subdivisions, without correlation to the Comprehensive Plan, can bring a disconnected patchwork of plats, poor traffic circulation, and an undesirable atmosphere. All subdivisions platted within the jurisdiction of the city after the adoption of this chapter shall, in all respects, fully comply with the regulations set forth in this chapter to ensure new subdivisions contribute toward an attractive, orderly and stable community environment, and be designed with adequate municipal services and efficient movement of traffic.

### **§ 153.003 PLATTING AUTHORITY.**

The City Council shall serve as the platting authority of the city in accordance with M.S. § 462.358, as may be amended. No plat or replat shall be filed or accepted for filing by the Office of the County Recorder or Registrar of Titles unless approved by a majority of the members of the City Council voting on such plat or replat. The Building Official shall not issue building permits for any structure on a lot in any proposed subdivision that has not been approved by the City Council and does not have improved road or street frontage. The City Council shall not permit any property owner or developer to install any public improvement unless the final plat is approved. The City does not permit any land disturbance, site grading or the installation of public utilities and services before the City Council approval of a development agreement and the applicant having filed all required financial securities.

### **§ 153.004 RELATION TO OTHER LAWS AND REGULATIONS.**

The City does not intend by the provisions of this chapter to repeal, abrogate, annul or in any way impair or interfere with private restrictions placed upon property by deed, covenant or other private agreements that are equal to or more restrictive, or with restrictive covenants running with the land to which the city is a party except that the most restrictive shall apply. The city shall not be obligated to enforce private restrictions. In their interpretation and application, the provisions of this chapter shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.

§ 153.005 POLICY.

(A) It is hereby declared to be the policy of the city to consider the subdivision of land and the subsequent development of a plat to be subject to the control of the city pursuant to the Comprehensive Plan for the orderly, planned, efficient, and economical development of the city.

(B) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health from fire, flood, or other hazard. Land shall not be subdivided unless proper provisions have been made for drainage, stormwater management, wetland protection, potable water, domestic wastewater and sanitary sewer, streets, and capital improvements such as parks, trails, recreation facilities, transportation facilities, stormwater improvements, and any other necessary improvements.

(C) The existing and proposed public improvements shall conform to and be properly related to the Comprehensive Plan and Capital Improvement Plan of the city.

(D) The provisions of this chapter are in addition to and not in replacement of provisions of all building and zoning regulations. Any provision of the building and zoning regulations shall remain in full force and effect except as may be contradictory to the provisions hereof where any provision conflicts with another provision, the more restrictive provision shall be applied.

§ 153.006 ADMINISTRATION.

This chapter shall be administered by the Zoning Administrator who is appointed by the City Manager.

**RULES AND DEFINITIONS**

§ 153.020 APPLICATION OF RULES.

The language contained in this chapter shall be interpreted in accordance with the following rules of construction as applicable:

(A) The singular includes the plural and the plural the singular.

(B) The present includes the past and future tenses, and the future tense includes the present tense.

(C) The masculine gender includes the feminine and the feminine gender includes the masculine.

(D) Whenever a word or term defined hereinafter appears in this chapter, its meaning shall be construed as set forth in such definition.

(E) In the event of conflicting provisions, the more restrictive provision shall apply.

(F) The words "shall" and "must" are always mandatory and not merely discretionary.

(G) All measured distances expressed in feet shall be to the nearest tenth of a foot.

(H) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of health, safety, and welfare.

## **§ 153.021 DEFINITIONS.**

For the purpose of this chapter, wherever a term, phrase, word and their derivatives appear in this chapter such term, phrase, word and their derivatives shall have the meaning given them solely and for the purposes of implementation of this chapter:

**ABUT/ABUTTING.** Contiguous; having a common boundary, wall, or property line.

**ADMINISTRATIVE SUBDIVISION.** The division of property by metes and bounds description, subject to City staff approval.

**ALLEY.** See 'Street-Alley'.

**APPLICANT.** Any person who wishes to obtain a building permit, zoning, or subdivision approval, or a permit to allow land-disturbing activities. **APPLICANT** also means that person's agents, employees, and others acting under this person's direction.

**AREA MAP.** See "key map."

**ASSESSED VALUE.** The value of real property as established by the county assessor.

**BLOCK.** An area of land within a plat, containing lots, that is entirely bounded by streets, or by a combination of streets, shorelines, waterways, railroad right-of-way, the exterior boundary or boundaries of the subdivision.

**BOULEVARD.** That portion of the street right-of-way between the curb line or edge of pavement and the property line.

**BOUNDARY LINES.** Lines indicating the bounds or limits of any tract or parcel of land.

**BOXES.** All mailboxes, newspaper boxes, and advertising boxes wherein either mail is distributed, newspapers and magazines are distributed, or advertising is placed for the use of residents of the city.

**BUILD OUT PLAN.** See "ghost plat."

**BUILDABLE AREA.** The space remaining on a parcel after the minimum setback, drainage provisions, ponding, compensatory storage, soils, open space and other site constraint requirements and building restriction lines of this chapter have been met.

**CAPITAL IMPROVEMENT PLAN.** An itemized program setting forth the schedule and details of specific contemplated public improvements by fiscal year, together with their estimated cost, the justification for each improvement, the impact that the improvements will have on the current operating expense of the government, and other information on capital improvements as may be pertinent.

**CITY ADVISORY COMMITTEE.** A committee that may consist of Council members or non-council members or both such as the Planning Commission and the Parks and Recreation Commission.

**COMMON OPEN SPACE.** An area of land, water or combination thereof planned for active or passive recreation that is an integral part of a development and is not owned on an individual basis by each owner of the dwelling unit. COMMON OPEN SPACE does not include areas used for streets, alleys, driveways or private roads, off-street parking or loading areas, or required yards. The area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

**COMPREHENSIVE PLAN.** A compilation of policy statements, goals, standards, and maps, and action programs for guiding the future development of private and public property. The term includes a plan designating types of uses for the entire city as well as a specialized plan showing specific areas or specific types of land uses, such as residential, commercial, industrial, public or semipublic uses or any combination of such uses. A land use plan also may include the proposed densities for development.

**CONDITIONS OF APPROVAL.** Conditions which are established by city staff and/or the City Council and approved by the City Council which must be met by a developer to obtain approval of a development proposal.

**CONSULTANTS.** Professionals hired by the city, such as the City Attorney and the City Engineer.

**CONTOUR MAP.** A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

**COUNTY.** Ramsey County, Minnesota.

**DEPOSIT.** The placing of funds in an account maintained by the city specifically for the purpose of ensuring fulfillment of certain obligations required by this chapter.

**DEVELOPABLE LAND.** Contiguous land area occurring within the property lines of parcel(s) or lot excluding wetlands, water courses, ponds, public waters below the ordinary high-water mark, and easements for pipelines and utility transmission lines.

**DEVELOPER.** A person, firm, corporation, sole proprietorship, partnership, state agency or political subdivision thereof engaged in the subdivision of land or land disturbance activity.

**DEVELOPMENT.** The acts of land preparation, building structures and installing site improvements or the subdivision of land.

**DEVELOPMENT AGREEMENT.** A written agreement between the city and a developer, drafted by the City Attorney.

**DEVELOPMENT DENSITY.** The number of individual dwelling units per acre of land that can be located on a parcel of land or within a particular project, development or subdivision as established through the Zoning Code and Comprehensive Plan.

**DRAINAGE COURSE.** A water course or indentation for the transmission of surface water.

**EASEMENT.** A grant by the owner of land to the general public or to others for a specific use of the land.

**ENGINEER.** The City Engineer of the City of North St. Paul.

**ENGINEERING 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 items as rights-of-way, streets, sidewalks, trails, and utilities, as approved by the City Council.

**EROSION.** Any process that wears away the surface of the land by the action of water, wind, ice or gravity. Erosion can be accelerated by the activities of man and nature.

**EROSION CONTROL.** Methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

**FINANCIAL GUARANTEE.** A financial security posted with the city upon the approval of a final plat, guaranteeing compliance with the approved final plat, construction plans, and conditions of approval set forth by the City Council.

**GHOST PLAT.** A subdivision or resubdivision concept plan illustrating possible future lot layout, street networks, and utility systems for oversized lots, outlots or undeveloped land adjoining a preliminary plat.

**GRADE, FINISHED.** The finished ground level adjoining the building at all exterior walls.

**GRADE, NATURAL.** The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall or other earthwork feature. Natural grades are determined by reference to a survey, or other information as determined by the City Engineer or the Zoning Administrator.

**GRADE, PERCENTAGE OF.** The rise or fall of a street in feet and tenths of a foot for each 100 feet of horizontal distance measured at the center line of the street, or similar ratio of land elevations measured against an established baseline.

**HIGH WATER LEVEL.** The water level in a watercourse which could be predicted to occur as a result of the 100-year, 24-hour rainfall event using U.S. Department of Agriculture Soil Conservation Service methodology, as approved by the City Council. In addition, developers shall model the 500-year, 24-hour rainfall event, if determined necessary by the City Engineer.

**IMPROVEMENT, PUBLIC.** Any project designed and constructed by or on behalf of the city and thereafter owned and maintained by the city.

**INFRASTRUCTURE.** The system of public works for a county, state, or city including, but not limited to, structures, roads, bridges, culverts, trails, sidewalks; stormwater management facilities, conveyance systems and pipes; pump stations, sanitary sewers and interceptors, hydraulic structures, permanent erosion control and stream bank protection measures, water lines, gas lines, electrical lines and associated facilities, and telephone lines and supporting facilities.

**KEY MAP (AREA MAP).** A map drawn to a comparatively small scale which shows the area proposed to be platted and the areas surrounding it, to a given distance.

**LAND DISTURBING OR DEVELOPMENT ACTIVITIES.** Any change of the land surface including removing or disrupting vegetative cover, excavating, filling, grading, soil compaction, stockpiling soil, any other change in the natural character of the land and the construction of any structure that may cause or contribute to erosion, or the movement of sediment into water bodies. The use of land for new and continuing agricultural activities shall not constitute a land disturbing activity under this chapter.

**LOT.** A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law.

**LOT AREA.** The area of a horizontal plane bounded by front, rear and side lot lines, excluding any public ways.

**LOT AREA PER UNIT.** The number obtained by dividing the lot area by the number of dwelling units on or proposed for the property.

**LOT, CONFORMING.** A lot or parcel legally existing on the effective date of this chapter that meets the minimum lot width and lot area requirements of this chapter.

**LOT, CORNER.** A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

**LOT DIVISION.** The division of property by metes and bounds description. (See Administrative Subdivision).

**LOT, DOUBLE FRONTAGE/LOT, THROUGH.** A lot other than a corner lot that has a property line abutting on one street and an opposite property line abutting on another nonintersecting street.

**LOT, FLAG.** Any lot having less frontage on a public way than is typical for the block in which the lot is proposed and is configured such that a narrow access corridor extends from the point of frontage to a larger portion of the lot (the "rear lot").

**LOT FRONTAGE.** The length of the property line of any one premises along an abutting public right-of-way.

**LOT, INTERIOR.** Any lot other than a corner, through or flag lot.

**LOT LINE.** A line of record bounding a lot that divides one lot from another lot or from a public or private street or alley or any other public space.

**LOT, NONCONFORMING.** See 'Nonconforming - Lot'.

**LOT OF RECORD.** A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this chapter, or approved by the city as a lot subsequent to such date, and which is occupied by or intended for occupancy by one principal use, together with any accessory buildings or the open spaces as required by this chapter and having its principal frontage on a street, or a proposed street approved by the Council.

**LOT WIDTH.** The maximum horizontal distance between the side lot lines of a lot measured within the first 30 feet of lot depth.

**METES AND BOUNDS DESCRIPTION.** A description of real property that is not described by reference to a lot or block shown on a map but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot, or area by described lines or portions thereof.

**NATURAL WATER WAY.** A natural passageway in the surface of the earth allowing water to flow from one point to another.

**NONCONFORMING LOT.** Any separate parcel or lot that does not meet the zoning district regulations for minimum lot width, lot depth and/or lot size.

**NORMAL WATER LEVEL (NWL).** For a reservoir with a fixed overflow, the NWL is the lowest crest level of that overflow. For a reservoir whose outflow is controlled wholly or partly by movable gates, siphons or other means, it is the maximum level to which water may rise under normal operating conditions, exclusive of any provision for flood storage. For a closed depression wetland, it is the maximum level to which the water may rise under normal precipitation conditions exclusive of any provision for flood storage. The NORMAL WATER LEVEL will typically be the outlet elevation of a pond, lake, or other standing water body.

**ORDINARY HIGH-WATER LEVEL (OHWL).** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

**OUTLOT.** A parcel of land shown on a subdivision plat that is not part of a block and is shown as an outlot, and designated alphanumerically, (for example - Outlot A). OUTLOTS are used to designate 1 of the following: land that is part of the subdivision but is to be final platted into lots and blocks at a later date; or land that is to be used for a specific purpose as designated in a development agreement or other agreement between the city and the developer.

**PARKS.** Public land and open spaces in the city dedicated or reserved for recreational purposes.

**PARKS AND RECREATION COMMISSION.** The Parks and Recreation Commission of the city, except when otherwise designated.

**PEDESTRIAN AND/OR BICYCLE TRAIL.** An easement or land dedication given to the city for the purpose of providing walking and/or bicycling areas to city residents. The trails shall provide recreational opportunities and access to parks, natural areas, and public land in accordance with the Comprehensive Plan.

**PERSON.** Any individual, firm, trustee, receiver, assignee, partnership, unincorporated society or association, limited liability company, corporation or any other type of business or association, including respective successors or assigns.

**PLANNING COMMISSION.** The Planning Commission of the City of North St. Paul established by the City Council to perform planning pursuant to M.S. § 462.354.

**PLAT.** The drawing or map of a subdivision prepared for filing of record pursuant to M.S. § 505 and containing all elements and requirements set forth in applicable local regulations adopted pursuant to M.S. § 462.358 and M.S. § 505, as may be amended.

**PLAT, COMMON INTEREST COMMUNITY (CIC).** A common interest community plat pursuant to M.S. § 515B.2-101, as may be amended. CIC means contiguous or noncontiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for real estate taxes levied against; insurance premiums payable with respect to; maintenance of; or construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies. Real estate subject to a master association, regardless of when the master association was formed, shall not collectively constitute a separate common interest community unless so stated in the master declaration recorded against the real estate.

**PLAT, FINAL.** The final map or drawings and accompanying material described in §§ 152.80 et seq. on which the developer's plan or subdivision is presented to the City Council for approval and which, if approved, will be submitted to the Office of the County Recorder or Registrar of Titles for filing.

**PLAT, PRELIMINARY.** The preliminary map or drawings and accompanying material described in §§ 152.70 et seq. indicating the proposed layout of the subdivision to be submitted to the city for its consideration for compliance with the Comprehensive Plan, Zoning Code, the official map, and this chapter along with the required supporting data.

**PRACTICAL DIFFICULTIES.** Used in connection with the granting of a variance, means that the property owner proposes to use or subdivide the property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

**PROPERTY LINE.** The legal boundaries of a parcel of property.

**PUBLIC IMPROVEMENT.** Any drainage ditch, roadway, parkway, street, sanitary sewer, storm sewer, water system, sidewalk, pedestrian way, tree, lawn, off-street parking area, street lights, lot improvement or other facility for which the city may ultimately assume ownership, responsibility for maintenance and operation, or which may affect an improvement, for which local government responsibility is or may be established.

**PUBLIC LAND.** Land owned or operated by a municipality, school district, county, state or other governmental unit.

**PUBLIC OPEN SPACE.** Open space owned by the city, county, state, school district or other special district.

**PUBLIC WATERS.** Water basins and watercourses of the state as defined in M.S. § 103G.005, Subd. 15.

**REGISTERED LAND SURVEY.** A survey map of registered land designed to simplify a complicated metes and bounds description by designating the same into a tract or tracts of a REGISTERED LAND SURVEY.

**REGISTERED LAND SURVEYOR.** A land surveyor licensed and registered in the state.

**RE-SUBDIVISION.** A change in an approved or recorded subdivision plat if the change affects any street layout on such map or area reserved for public use, or any lot line or if it affects any map, or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

**RIGHT-OF-WAY.** Land acquired by reservation or dedication intended for public use and to be occupied by a street, trail, railroad, utility lines, oil or gas pipeline, water line, sanitary sewer, storm sewer or other similar uses. RIGHT-OF-WAY includes any "Public Ways."

**SHORELAND.** Land located within 1,000 feet from the normal high-water level of a lake, pond, or flowage; and land within 300 feet of a river or stream.

**SHORELAND ALTERATION.** Grading or filling of shoreland areas or any alteration of the natural topography where the slope of the land is toward a public water or a watercourse leading to a public water.

**SHORELAND DISTRICT.** Land located within a floodplain, within 1,000 feet of the OHWL of a public water or public waters wetland or within 300 feet of a stream or river.

**SPECIAL FLOOD HAZARD AREA.** A term used for flood insurance purposes synonymous with "one hundred year floodplain."

**STREET (TYPES) -**

**ALLEY.** A thoroughfare through the middle of a block giving access to the rear of lots or buildings.

**CUL-DE-SAC.** A local street with only one outlet and having an appropriate terminal for the safe and convenient turn around for traffic movement.

**CUL-DE-SAC, TEMPORARY.** A temporary turn around whose purpose is to allow the safe and convenient turn around for traffic, until such time the street is extended.

**FRONTAGE.** A public or private street intended for the collection of traffic that would otherwise directly access minor or major collectors or arterial roadways whose function is to provide access to streets of higher classification.

**HIGHWAY.** Any public street or road designated as a highway by an appropriate local, state or federal agency.

**LOCAL STREET.** A roadway with traffic volumes generally less than 2,500 vehicle trips per day containing one lane of traffic in each direction whose primary function is to provide access to and from property.

**MAJOR COLLECTOR.** A roadway that links residential and commercial uses with a balance between mobility and access and whose function is to provide traffic circulation within the city and access to and from minor and major arterials.

**MINOR COLLECTOR.** A roadway whose primary function is to provide access to and from major collectors and local streets.

**MINOR ARTERIAL.** An interregional road containing one or two lanes in each direction with limited access and controlled intersections at other arterials and collector streets.

Minor arterials convey traffic between towns, cities or other urban centers. Efficient movement is the primary function of a minor arterial road.

**PEDESTRIAN WAY.** A public or private right-of-way across a block or within a block to provide access to be used by pedestrians and others.

**PRINCIPAL ARTERIAL.** A limited access interregional arterial route containing two or more lanes in each direction. They are designated exclusively for unrestricted movement, have no private access and intersect only with selected arterial highways or major streets by means of interchanges engineered for free-flowing movement.

**PRIVATE STREET.** A street serving as vehicular access to two or more parcels of land that is not dedicated to the public and that is owned, maintained and repaired by one or more private parties. **PRIVATE STREETS** are not owned or maintained by the city.

**SUBDIVISION.** This term means:

(1) The division of land by platting, conveyance, registered land survey or other means into two or more lots, plats, sites or other divisions, any of which is less than five acres in area;

(2) A division of land, regardless of area, if such division or plat provides for the granting or dedicating of a public street; or

(3) The re-subdivision of land heretofore divided or platted into lots, sites or parcels, where the total area of the land being re-subdivided is one acre or more.

**SURFACE WATERS.** Waters of the state excluding groundwater as defined in Minnesota Statutes, Section 115.01, subdivision 6.

**UNIT LOT.** A lot created from the subdivision of a 2-family dwelling, a multi-family dwelling or an attached or detached townhouse having different minimum lot size requirements than the conventional base lot within the zoning district.

**VACATION.** The act of relinquishing a recorded dedication or easement as in a street right-of-way, utility easement, etc.

**WATER BODY.** All surface waters, water basins, watercourse, and wetlands as defined in this Code.

**WATERS OF THE STATE.** Surface or underground waters, except surface waters that are not confined but are spread and diffused over the land. Waters of the state include boundary and inland waters and as defined in State Statutes.

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

**WETLAND.** An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that, under normal circumstances, does support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Any wetland as defined in M.S. § 103G.005, Subd. 19.

**ZONING CODE.** The North Saint Paul Zoning Code (Chapter 154), as may be amended, controlling the use of land within the city.

## **GENERAL PROVISIONS/ADMINISTRATION**

### **§ 153.030 PREMATURE SUBDIVISION PROHIBITED.**

- a. Any proposed subdivision deemed premature for development shall be denied by the City Council.
- b. The burden shall be upon the applicant to show the proposed subdivision is not premature.
- c. The city may deem a subdivision premature should any of the following conditions exist:
  - (1) Inconsistency with Comprehensive Plan, zoning code, regulations, engineering standards, or any policies adopted by the City Council.
  - (2) Lack of Adequate Water Supply. A proposed subdivision shall be deemed to lack an adequate water supply if municipal water is not available to each lot created or affected by the plat.
  - (3) Lack of Adequate Roads to Serve the Subdivision. A proposed subdivision shall be deemed to lack adequate roads if direct access to a public road is not possible or if the roads that serve the proposed subdivision are deemed inadequate by the City Engineer.
  - (4) Lack of Adequate Waste Disposal Systems. A proposed subdivision shall be deemed to lack adequate waste disposal systems if municipal sanitary sewer is not available to the plat or 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 indicated in the Comprehensive Plan, as may be amended.
  - (5) Lack of Adequate Drainage: A condition of inadequate drainage shall be deemed to exist if:
    - (a) Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structures and/or adjacent properties.
    - (b) The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.

- (c) The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downstream land.
- (d) Factors to be considered in making these determinations may include:
  - 1. Average rainfall for the area.
  - 2. The relation of the land to floodplains.
  - 3. The nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems.
  - 4. The slope of the land and its effect on effluents.
  - 5. The presence of streams as related to effluent disposal.
- (6) The proposed subdivision is inconsistent with the Minnesota Environmental Review Program, Minnesota Rules Ch. 4410, as may be amended, and could adversely impact critical environmental areas, or potentially disrupt or destroy historic areas that are designated or officially recognized by the city, in violation of federal and state historical preservation laws.

#### **§ 153.031 FEES.**

The fees for all applications and for all permits shall be established by the City Council by ordinance. No application shall be considered complete without payment of established fees. The acceptance of all applications, issuance of permits, or recording of any plat shall not occur until the appropriate fees have been paid.

#### **§ 153.032 ACCEPTANCE AND RECORDATION CONDITIONS.**

(A) Approvals necessary for acceptance of subdivision plats. Before any plat or subdivision shall be recorded or be of any validity, it shall be referred to the Planning Commission and approved by the City Council as having fulfilled the requirements of this chapter.

(B) Conditions for recording. No plat or subdivision shall be entitled to be recorded in the Office of the County Recorder or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this chapter.

#### **§ 153.033 RESERVED.**

#### **§ 153.034 BUILDING PERMITS.**

The city shall not issue a building permit for any construction, enlargement, alteration, repair, demolition, or moving of any building or structure on any lot or parcel until all the requirements of this chapter and/or the Zoning Code have been fully met or exceptions from this requirement have been formally established by a development agreement.

(A) Final plat conditions of approval. Unless otherwise stipulated by the City Council in the development agreement, the city will not issue building permits for new subdivisions until such time as the developer has completed all the final plat conditions of approval.

(B) Model homes. The City may grant building permits for model homes in a subdivision as provided in the development agreement.

### **§ 153.035 VARIANCES/EXCEPTIONS.**

The City Council may approve variances or exceptions from the minimum standards of this chapter (not procedural provisions) when, in its opinion, exceptional practical difficulties may result from strict compliance and the variance will not interfere with the purpose and intent of this chapter or when the variance is granted pursuant to an approved Planned Unit Development pursuant to § 154.008 (C).

(A) Variance or exception criteria. In approving any variance or exception, the City Council shall prescribe any conditions that it deems necessary or desirable to the public interest. In granting its approval, the City Council 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 who will reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. Hardship relating to economic difficulties shall not be considered for the purpose of granting a variance. A variance shall only be approved when the City Council finds that each and every one of the following apply:

(1) There are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land;

(2) The granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the vicinity in which the development site is situated;

(3) The granting of the variance will not increase the flood hazard or flood damage potential;

(4) The practical difficulties result from conditions such as topography or water conditions unique to the property and not common to other properties in the city, or inadequate access to direct sunlight for solar energy systems;

(5) The practical difficulties are not a result of an action or actions by the owner, applicant, or any agent thereof;

(5) Economic considerations alone cannot create practical difficulties; and

(6) The granting of the variance will not allow a use not otherwise permitted in the Zoning Code.

(B) Procedure. The procedures for processing variance applications shall comply with § 154.004 (E) as may be amended.

### **§ 153.037 ADMINISTRATIVE SUBDIVISIONS.**

Purpose:

The administrative subdivision is a city staff review and approval process in which there are limited requirements for an applicant to:

1. Divide an existing property into two or three lots; or
2. Combine multiple lots into 1 parcel; or
3. Adjust a common lot line affecting existing parcels.

Parcels resulting from any of the above-mentioned subdivisions must be consistent with all Zoning Code requirements and other applicable regulations. The City requires the lot division and/or the lot consolidation to be completed before the City will issue a building permit. In areas that are not well defined, or where lots are irregular in shape and/or are included in more than 1 plat, the City may require the lot division or lot consolidation occur through the major subdivision platting requirements of this chapter.

(A) The City will consider an application for an administrative subdivision of property subject to the following conditions:

1. The proposed administrative subdivision must be for a parcel of land that fronts on an existing public street that does not:
  - A. Require any new street or right-of-way;
  - B. Require the creation of any public improvements with the exception of sidewalks or trails;
  - C. Adversely affect the remainder of the parcel or adjoining property;
  - D. Conflict with any provisions of the Comprehensive Plan, Zoning Code, official map, or any other city regulations, including this chapter; and
  - E. Cause any parcel or any structure on any parcel to be in violation of this chapter, the Zoning Regulations, or the Building Code.

(B) An administrative subdivision shall not result in the creation of more than three lots.

(C) Lot consolidation. Two or more parcels, whether recorded platted lots or not, must be consolidated into 1 parcel.

(D) Lot line adjustment. A lot line may be adjusted by relocating a common boundary.

(E) Rezoning. If the subdivision, lot line adjustment or combination would cause 1 of the parcels to have 2 different zoning classifications, the applicant must request the City rezone the property to achieve a consistent zoning classification for the newly created parcel.

(F) Easements. The owner must request, and the City must approve the vacation of any easements that become unnecessary because of the combination of parcels. In addition, the City may require the applicant or property owner to dedicate new easements where appropriate.

### **§ 153.038 FILING AND REVIEW OF APPLICATION.**

(A) Before any contract is made for the sale of any part thereof, and before the city grants any permit for site grading or for the erection of a structure on such proposed property, the owner or authorized agent shall file an application with the city and secure approval of an administrative subdivision, lot consolidation or lot line adjustment.

(B) The Zoning Administrator or appointee shall review the application and required information to determine conformance with the Comprehensive Plan, Zoning Code, official map, and this chapter. The Zoning Administrator shall give final approval of an administrative subdivision, lot consolidation or lot line adjustment. In reviewing the application, the Zoning Administrator may request comments from its consultants and may refer the matter to the Planning Commission, if necessary. Unless a request for additional review time is requested by the Zoning Administrator, the City shall act on the application within 60 days.

(C) The Planning Commission shall serve as the Board of Adjustment and Appeals if the application for an administrative subdivision, lot combination or lot line adjustment is denied by the Zoning Administrator.

### **§ 153.039. REQUIRED APPLICATION INFORMATION.**

(A) Application Materials.

(1) An applicant shall submit the following information along with a city land use application for an administrative subdivision: A current certificate of survey prepared by a registered land surveyor that includes:

- (a) Scale not more than 1-inch equals 100 feet;
- (b) North point indication;
- (c) Original and proposed lot boundaries;
- (d) Existing and proposed parcel legal descriptions;

- (e) The location of existing structures on the site;
  - (f) Existing and proposed driveway locations;
  - (g) Existing and proposed easement locations;
  - (h) Environmental constraints of the site;
  - (i) Existing parks, streets and utility easements including the location, right-of-way widths and names of all existing or previously platted streets or other public or private ways, and railroad and utility rights-of-way;
  - (j) Delineated wetlands and waterbodies, drainage flows and drainage improvements;
  - (k) Individual sewer treatment systems and/or well locations; and
  - (l) Existing and proposed utilities.
- (2) A soil test report showing structural bearing capacity at the soils if necessary to evaluate the proposed development.
- (3) A title search showing the ownership of the property and any existing deed restrictions, and the names and addresses of any persons having recorded or known interests in the property as well as their consent to the proposed subdivision.
- (4) Proposed name of the subdivision. Names shall not duplicate or too closely resemble names of existing or known proposed subdivisions within Ramsey County.
- (5) Additional information if deemed necessary and required by the city.
- (6) Statement of proposed use of the property including the type of buildings or proposed dwelling units or type of business, to allow evaluation of the effect of the subdivision on traffic, fire service, and other public services.
- (7) The application must be signed by all parties with a recorded or known interest in the affected property or properties.
- (8) For good cause shown, the Zoning Administrator may waive certain application requirements as not being pertinent to the proposed subdivision, lot consolidation or lot line adjustment.
- (B) Staking. The existing and proposed lot corners shall be staked at the site in a manner so they are visible from the street for review by the city and shall be maintained throughout the application process.
- (C) The Zoning Administrator may approve or cause to be modified plans for an administrative subdivision. The Zoning Administrator must first determine, however, that the plans meet all city ordinances and policies, and that the proposal would not

have an adverse impact on the subject property or surrounding properties. If the Zoning Administrator makes a negative determination or the applicant wishes to appeal the decision, the case shall be sent to the Planning Commission for a recommendation and to the City Council for action.

- (D) The city may require an applicant to submit a letter of credit as a condition of approval of an administrative subdivision to guarantee the proper repair and patching of streets after the installation of utilities in the streets or rights-of-way.
- (E) The city shall not approve more than three new lots from a parcel or tract in any single calendar year.
- (F) Prior to certification by the city of the approval of the administrative subdivision, the applicant shall supply the deed(s) granting to the city any easements and/or right-of-way required by the city.
- (G) The applicant shall pay the City the required park dedication fee prior to recording the appropriate documents.

#### **§ 153.040 RECORDING; PROCEDURE AND TIME FRAME.**

(A) **Deadline.** The applicant shall record the appropriate documents in the Office of the County Recorder within 180 days after the date of approval. If not recorded within the 180-day period, the City shall consider the approval void.

(B) **Copy to city.** The applicant shall, immediately upon receipt of the recorded document from the County Recorder, furnish the City Clerk with a copy of the document(s) showing evidence of the recording.

(C) **Building permit.** The City shall not issue any grading permits or building permits for site work for the construction of any structure on any lot in the subdivision until the city has received evidence of the document(s) being recorded by the County Recorder and all conditions of approval have been met.

#### **PRELIMINARY PLAT**

##### **153.070 PURPOSE.**

(A) An application for a preliminary plat shall be filed with the city. The preliminary plat is a plan of how property will be subdivided and developed. The preliminary plat stage is when the developer furnishes all information pertinent to the proposed development for review by city staff, consultants, city advisory committees, the City Council, any other applicable agencies, and the public. The information provides a basis for approval or denial

of the application. The information submitted in the application shall address both existing conditions and changes that will occur during and after development.

(B) Additional information or modifications may be required by consultants, city staff, city advisory committees, or the City Council. The city also may request additional information during the review process. In certain cases, some information required by these standards may not be appropriate or may need to be modified in order to provide an adequate basis for making a decision.

#### 153.071 FILING AND REVIEW OF PRELIMINARY PLAT APPLICATION.

(A) Pre-application meeting. Prior to submitting a preliminary plat application, the property owner/applicant shall meet with city staff to discuss the preliminary plat application process. Through this meeting, the city staff may summarize the city's preliminary plan review comments and offer suggestions pertaining to additional information or design changes that may assist in expediting the preliminary plat review.

(B) Neighborhood meeting. On large subdivisions or developments with uses significantly different from adjacent properties, the city recommends the property owner/applicant hold a neighborhood meeting for informal comment and feedback prior to submitting a preliminary plat application. The developer is responsible for organizing and conducting the meeting. The developer shall give the city notice of the time, place, and location of the meeting if held.

(C) Environmental review. The developer shall determine if the proposed plat meets or exceeds the mandatory threshold for an Environmental Assessment Worksheet (EAW) or Environmental Impact Statement (EIS) pursuant to Minnesota Rules, and if necessary, the developer shall immediately complete those requirements. The City will not deem a subdivision application complete until the environmental review process is completed.

(D) DNR review. Preliminary plats located within a Shoreland District or Floodplain District shall be subject to review by the Minnesota Department of Natural Resources.

(E) Transportation and Highway Department review. A preliminary plat abutting any existing arterial or trunk highway, county road or highway or county state-aid highway rights-of-way shall be subject to review of the Minnesota Department of Transportation and/or the County Highway Department. Written notice and a copy of the proposed preliminary plat shall be filed with the Minnesota Department of Transportation and/or the County Highway Department for review and comment.

(F) Watershed review. Preliminary plats located within a Watershed District shall be subject to review and comment of the Watershed District.

(G) Parks and Recreation Commission meeting. The developer shall attend a Parks and Recreation Commission meeting to review the draft preliminary plat and make available

comments from city staff. The Parks and Recreation Commission shall decide as to the park needs and/or location. This determination shall be forwarded to the Planning Commission and City Council for review and consideration.

(H) Advisory committees. The draft preliminary plat also may be reviewed by additional city advisory committees. The city advisory committee's recommendations will be forwarded to the Planning Commission and City Council for their consideration at a public hearing and public meetings.

(I) Application and placement on the Planning Commission agenda.

(1) The city must receive a preliminary plat application form, 5 copies of the preliminary plat, 2 copies of the required accompanying information and electronic versions of all application materials.

(2) Upon receipt, the matter will be placed on the next Planning Commission meeting agenda which is at least 30 days after the date the application was received. The Community Development Department shall submit copies of the preliminary plat and required accompanying information to other staff, committees, consultants, or agencies, as appropriate, who may make written comments to the Planning Commission. If substantial changes are required to the preliminary plat, it may be advisable for an applicant to submit a revised preliminary plat to city staff prior to submitting the application to the Planning Commission.

(J) Incomplete application. The city shall have the authority to request additional information when considering a subdivision application. The Planning Commission will not consider a subdivision application if the city deems it incomplete. The city staff will notify an applicant of the missing information within 15 days of application submittal. If the requested information is not received within 60 days of notification, the application will be considered null and void and will be returned.

(K) Planning Commission meeting. The preliminary plat shall be submitted to the Planning Commission for its review and recommendation. The Planning Commission shall review and comment on the project's acceptability in relation to the Comprehensive Plan, Zoning Code, official map, and this chapter. The Planning Commission may make a recommendation about the proposed plat at that time, or they may table the matter to allow further time for review and consideration.

(1) Report. The Community Development Department shall prepare a report of the findings and recommendations for the Planning Commission. The report may include specific conditions of approval or findings related to denial of the plat.

(2) Public hearing. The Planning Commission shall hold a public hearing on the proposed preliminary plat. Notice of the public hearing shall be published in the official newspaper designated by the City Council at least 10 days prior to the hearing. The city shall mail written notification of the public hearing on the proposed preliminary plat to

property owners located within 350 feet of the subject site at least 10 days prior to the hearing. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.

(3) Recommendation. The Planning Commission shall take public testimony at the public hearing and evaluate the requested preliminary plat against the premature subdivision criteria of § 153.030, applicable city standards, the Zoning Code, the Comprehensive Plan and other city requirements. The Planning Commission shall make findings and offer a recommendation for either preliminary plat approval, modification or denial. The Planning Commission may offer a recommendation of approval with conditions necessary to satisfy city regulations.

(L) City Council meeting. The Planning Commission's recommendation shall be conveyed to the City Council. The City Council shall review and comment on the project's acceptability in relation to the Comprehensive Plan, Zoning Code, official map, and this chapter. The City Council may act on the proposed preliminary plat at that time, or they may table the matter to allow further time for revisions, review and consideration.

(1) City Council action. The City Council shall act on the application within 120 days following delivery of a complete application in accordance with the regulations of this chapter, unless an extension is agreed to in writing by the applicant. The City Council may act on the preliminary plat if it does not receive a recommendation from the Planning Commission within 60 days of receipt of a complete application. In approving the preliminary plat, the City Council may impose conditions it considers necessary to protect the public health, safety, and general welfare.

(2) City Council findings. The City Council shall action on the application that shall include findings of fact and shall be entered into the proceedings of the City Council and transmitted to the applicant in writing.

(M) Generally. Upon recommendation of the city staff and submittal of an executed interim development agreement, including all required subdivision fees and financial securities, the city may, at its discretion, authorize site grading and land alteration work as a condition of pre-plat approval and allowable activity prior to final plat approval.

#### 153.072 INFORMATION REQUIRED FOR A PRELIMINARY PLAT.

(A) Number of copies required at the time of application. The developer shall submit 5 large scale copies, 1 reduced scale (11" x 17") copy of the preliminary plat, all required accompanying information in electronic form to the city.

(B) Contents of the preliminary plat and required accompanying information. The developer shall submit a preliminary plat and required accompanying information that shall include, but not be limited to, all the information outlined below:

(1) Preliminary plat. The preliminary plat shall include the following:

(a) A north arrow and scale not greater than 1-inch equals 100 feet shall be shown on all maps/drawings;

(b) The proposed name of the plat, which name shall not duplicate or be substantially similar to a plat previously recorded in the county;

(c) Date of application, name, address, phone number, and applicable license or registration number of the owner, developer, agent, applicant, engineer, surveyor, planner, attorney, or other principal involved in the development of the plat;

(d) Proof of ownership or legal interest in the property in order to make application;

(e) Existing comprehensive plan land use and zoning designation within and abutting the proposed plat;

(f) Any zoning changes needed, or reference to any zoning or similar land use actions that are pertinent to the proposed development;

(g) Total acreage of the land to be subdivided and total upland area (land above the ordinary high-water mark of existing wetlands, lakes and rivers);

(h) Boundary line survey and legal description;

(i) Existing covenants, liens, or encumbrances;

(j) Proposed lot lines, dimensions, the gross acreage, and the acreage net of any wetlands, floodplains, surface waters, and other encumbered areas of all lots. When lots are located on a curve in a road or cul-de-sac, the lot width at the building setback line shall be shown. Lot areas shall consist of buildable land as defined by the Zoning Code and lots that contain water bodies, power line or pipeline easements shall show the lot area outside of the water body/easement;

(k) Proposed lot and block numbers;

(l) Building pad and minimum building setbacks shown on each lot indicating dimensions of the setbacks;

(m) Layout of streets, showing right-of-way widths, centerline street grades and approximate radii of all curbs, proposed contours within the entire plat, and proposed street names for consideration and acceptance by the city. Access, right-of-way widths, driveways, and street classifications shall be consistent with the Comprehensive Plan;

(n) Parks, trails, sidewalks or other areas intended for public use or common ownership;

(o) Minimum lot areas, lot widths, and setback dimensions shall be shown and the minimum lot areas, lot widths, and setback areas shall conform with the proposed zoning for the site, unless the subdivision is a PUD;

(p) Topography map showing existing topographic contours at 2-foot intervals;

(q) All delineated wetlands, flood plain areas, the ordinary high-water level (OWHL) of Department of Natural Resources (DNR) protected waters, and any encroachments;

(r) Wetland replacement plan shall be provided (if applicable);

(s) Tree inventory and preservation plan;

(t) Utility easements, drainage easements, wetland easements, wetland buffers, and shoreland setback requirements, if applicable;

(u) Preliminary landscape plans; and

(v) Any additional information requested by the Community Development Department.

(2) Certificate of survey. A certificate of survey prepared by a licensed land surveyor must be submitted which identifies the following:

(a) Scale not more than one-inch equals 100 feet;

(b) North point indication;

(c) Existing parcel boundaries to be platted with dimensions and area;

(d) Existing legal description;

(e) Easements of record;

(f) Delineated wetland boundary, also including the Ordinary High Water Level (OHWL) of any lakes, rivers, or Department of Natural Resources (DNR) waters;

(g) All encroachments;

(h) Existing buildings, structures, and improvements within the subject property and those 100 feet outside the boundaries of the subject property; and

(i) Location, widths, and names of all existing public streets, alley and trail rights-of-way or railroad rights-of-way showing type, width, and condition of the improvements, if any, that pass through and/or are within 100 feet of the subject property.

(3) Preliminary grading, drainage (storm water) and erosion control plan. The developer shall submit a preliminary grading, drainage and erosion control plan utilizing a copy of the current certificate of survey as a base for the site in question, prepared and signed by a licensed engineer. The grading plan shall be designed to avoid premature disruption of land and long-term storage of excess materials. The grading plan shall depict the following information:

(a) A north arrow and scale not greater than one-inch equals 100 feet shall be shown on all maps and drawings;

(b) Location of natural features including, but not limited to, tree lines, delineated wetlands, water courses, ponds, lakes, streams, floodplain, drainage channels, ordinary high water level (OHWL) and 100-year storm elevations, bluffs, steep slopes, and the like. If wetlands are proposed to be impacted, a mitigation plan also shall be submitted;

(c) Existing contours at 2-foot intervals shown as dashed lines for the subject property and extending 100 feet beyond the outside boundary of the proposed plat;

(d) Proposed grade elevations at 2-foot intervals shown as solid lines;

(e) Proposed plan for surface water management, ponding, drainage and flood control, including the normal water level and high water level of all ponds and watercourses;

(f) Provision for groundwater management including sub-surface drains, disposals, ponding, and flood controls;

(g) Location of all existing storm sewer facilities including pipes, manholes, catch basins, ponds, swales, and drainage channels within 100 feet of the subject property. Existing pipe sizes, grades, rim and invert elevations, and normal and high water elevations must be included;

(h) If the subject property is within or adjacent to a 100-year floodplain, flood elevation and locations must be shown;

(i) Spot elevations at drainage break points and directional arrows indicating site, swale, and drainage on lots and streets;

(j) Lot and block numbers, building style, building pad location and elevations at the lowest floor and garage slab for each lot;

(k) Locations, sizes, grades, rim and invert elevations of all proposed storm water facilities, including ponds, proposed to serve the subject property;

(1) Phasing of grading;

(m) Location and purpose of all oversize, non-typical easements;

(n) The soil erosion and sediment control measures to be incorporated during and after construction. Locations and standard detail plates for each measure shall be in accordance with city standards and included on the plan;

(o) Soil tests for areas where streets and building pads are proposed and other soil information as requested by the City Engineer;

(p) All re-vegetation measures proposed for the subject property must be included on the plan, including seed and mulch types and application rates;

(q) Drainage plan, including the configuration of drainage areas and calculations for 2-year, 10-year, and 100-year 24-hour storm events. A 500-year event may also be required by the City Engineer;

(r) Layout of proposed streets showing centerline gradients, section widths, and typical cross sections; and

(s) Date of plan preparation and dates of all revisions.

(4) Preliminary utility plan. The developer shall submit a preliminary utility plan utilizing a copy of the current certificate of survey as a base of the site in question, prepared by a licensed engineer, depicting the following information:

(a) Scale not larger than one-inch equals 100 feet;

(b) Location, dimensions, and purpose of all easements;

(c) Location and size of existing sanitary sewers, water mains, culverts, or other underground facilities within the subject property and within 100 feet beyond the outside boundary of the proposed plat. Data such as grades, invert elevations, and location of catch basins, manholes, and hydrants also shall be shown;

(d) Location and size of proposed sanitary sewers, water mains, culverts and other stormwater facilities, or other underground municipal facilities within the subject project;

(e) All other utilities shall be located and designed in accordance with the requirements of the city engineering standards; and

(f) Date of plan preparation and dates of all plan revisions.

(5) Miscellaneous information. The following shall be submitted to the city, if applicable:

(a) An evaluation by the applicant that the subdivision would not be determined to be premature pursuant to the criteria outlined by the comprehensive plan and in this chapter.

(b) All preliminary plats that will not be subsequently final platted or improved in their entirety shall include a phasing plan with the following information submitted with the preliminary plat:

1. The sequence of development and approximate areas, approximate number of lots or units in each phase, total area and buildable area per phase. The applicant shall provide the City with information regarding the number of dwelling units, proposed improvements, and common facilities for each proposed phase;

2. Any trail, sidewalks, and parks within the approved phase of the preliminary plat shall be constructed along with streets and utilities and shall be clearly marked on a site map which will be an attachment to all sales agreements for individual lots;

3. A site grading plan that is coordinated with the phasing plan to avoid premature disruption of land or long-term storage of excess materials;

4. A development agreement that includes a financial security to ensure completion of common facilities, trails, and landscaping shall be provided. A master subdivision development agreement that governs subsequent phases also shall be required; and

5. Unless otherwise clearly noted on the phasing plans or stated in the development agreement, all improvements shown within each phase shall be constructed and completed with that particular phase.

(c) Documents outlining the content of proposed conservation easements, restrictive covenants, deed restrictions, and establishment of homeowners' associations for review. Where the plat is intended to include common open spaces, these documents shall address ownership and long-term maintenance of these open space areas.

(d) Information or easements showing how public utilities, drainage, and streets can be extended to serve adjacent property.

(e) Landscape and screening plans showing landscape plantings for yards and subdivision entrances, and specifying plant locations, varieties, and sizes.

(f) Plans showing the elevations of signs and the location, ownership, and maintenance responsibilities of the signs.

(g) Examples of building product showing illustrations of building footprints, floor plans, building elevations, and exterior building materials.

(h) Street lighting plans showing proposed location and type of fixture.

(C) Staking. At a minimum, street centerline, parks and trails identified to be staked by the developer during the preliminary plat process shall be staked in the field at least 15 days prior to the Planning Commission preliminary plat public hearing to allow city staff, board and commission members and the City Council to view the subject site.

153.073. RESERVED.

153.074 APPROVAL OR DENIAL OF PRELIMINARY PLAT.

(A) City Council action. The City Council shall act on the preliminary plat by motion and adoption of a written resolution. The motion shall include findings of fact supporting the approval or denial and shall be entered into the written record of the proceedings of the City Council.

(B) Premature subdivisions. Any plat of a proposed subdivision deemed premature for development shall be denied by the City Council.

(C) Denial of preliminary plat. The City Council may deny the subdivision if it makes any 1 or more of the following findings:

(1) The proposed subdivision conflicts with adopted applicable general or specific provisions of the Comprehensive Plan, Zoning Code, Surface Water Management Plan, Engineering Standards, official map of the city, or this chapter;

(2) The physical characteristics of the site, including but not limited to topography, vegetation, percolation rate, soil conditions, susceptibility to erosion and siltation, susceptibility to flooding, water storage, impacts to wetlands, drainage and retention, are such that the site is not suitable for the type of development, design, or use contemplated;

(3) The site is not physically suitable for the proposed density;

(4) The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage;

(5) The design of the subdivision or the type of improvements are likely to cause serious public health problems;

(6) The design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court;

(7) The proposed subdivision, its site, or its design, adversely affects the flood-carrying capacity of the floodway, increases flood stages and velocities, or increases flood hazards within the flood way fringe or within other areas of the city;

(8) The applicant has failed to provide all documents required by the city in order to adequately evaluate the application.

## **FINAL PLAT**

### **153.080 PURPOSE.**

After the City Council has approved a preliminary plat, the applicant or developer shall submit the proposed final plat to the City for review as set forth in this subchapter. The final plat shall conform to all Minnesota platting regulations and shall incorporate all changes, modifications, and revisions required by the city. Otherwise, the proposed final plat shall strictly conform to the approved preliminary plat.

### **153.081 TIMING OF FINAL PLAT APPLICATION.**

(A) Final plat approval within 1 year after City Council approval of the preliminary plat. The applicant or developer shall submit a complete application for final plat approval to the city no later than 1 year after the date of approval of the preliminary plat, or a time as provided in the development agreement. If the final plat application is submitted more than 1 year after the date of approval of the preliminary plat or after the time allowed in the development agreement, the preliminary plat approval shall be considered void, unless the applicant or developer submits a request for a time an extension to the city in writing and the City Council grants the time request for good cause.

(B) Final plat approval for subsequent phases. The applicant or developer shall submit complete final plat applications for subsequent phases, as described by the approved phasing plan, within 1 year of City approval of the final plat for the previous phase, or as provided in the development agreement. The applicant or developer may request in writing a time extension for filing the final plat application for City Council consideration for approval.

### **153.082 FILING AND REVIEW OF FINAL PLAT APPLICATION.**

(A) Placement on the City Council agenda.

(1) The city must receive a final plat application form, electronic copies of the final plat, the required application fee and required information and plans.

(2) Upon receipt of a complete application, the matter will be placed on the next City Council meeting agenda which is at least 30 days after the date the complete application was received. The Zoning Administrator shall submit copies of the final plat and required accompanying information to other staff, committees, consultants, or agencies as appropriate who may make written comments to the City Council.

(B) City Council meeting. The final plat, together with the city staff recommendations, shall be submitted to the City Council for consideration. The City Council shall review and

comment on the final plat to ensure it conforms to the approved preliminary plat and incorporates any changes, modifications, and revisions required by the City Council as part of the preliminary plat approval. A recommendation may be made at that time, or the matter may be tabled to allow further time for review and consideration. If accepted, the final plat shall be conditionally approved by motion and in a written resolution. The approval 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 final plat shall be set forth in the written record of the proceedings of the City Council and reported to the applicant in writing. The City Council shall act on the final plat within 60 days of receipt of the completed final plat application.

(C) Development agreement. The applicant shall execute a development agreement with the city that controls the installation of all required improvements and approval conditions to comply with approved engineering standards and applicable regulations. The City Council shall approve the development agreement as a condition of final plat approval and the approved agreement shall be recorded with the final plat. (Also see Section 153.086 (below) about Development Agreements).

(D) Special assessments.

(1) When any existing special assessments that have been levied against the property described are to be divided and allocated to the respective lots in the proposed plat, the City Clerk shall:

- (a) Estimate the administrative cost of preparing a revised assessment roll;
- (b) File the same with the County Auditor; and
- (c) Make such division and allocation.

(2) Upon approval by the City Council of all costs associated with the development and filing of the assessment roll, the same shall be paid to the city before final plat approval, or as provided in the development agreement.

(E) Title review. The City Attorney shall review and approve the status of title and ownership of the property. The developer shall provide an abstract of title, a registered property abstract or a title insurance commitment or policy dated within 30 days of the execution of the final plat as evidence of ownership.

(F) Street addresses. The developer shall consult with the city regarding the assignment of addresses. Addresses shall conform to the uniform street naming and property numbering system for Ramsey County unless otherwise approved by the city. With submission of the final plat, 1 11 x 17 copy of the plat map showing all addresses correctly labeled shall be supplied to the city for subsequent distribution to the utility companies, post office, Fire Department, and local school district.

(G) Recording the final plat. If the City Council approves the final plat, the developer shall record the final plat and, if required, the Development Agreement, in the Office of the County Recorder within 180 days after the date of approval. If the developer does not record the final plat or Development Agreement within 180 days after the date of City Council approval, the approval of the final plat shall be considered void unless the developer requests the city approve an extension, in writing, and receives approval from the City Council. The developer shall, immediately upon receipt of the recorded documents from the County Recorder, furnish the Zoning Administrator with a print of the final plat showing evidence of the recording. The City shall not issue any building permits or approvals for improvements, except those specifically permitted by the development agreement, for construction of any structure on any lot or other land alteration or construction activities in said plat until the city has received evidence of the plat and Development Agreement being recorded by the County Recorder.

#### 153.083 INFORMATION REQUIRED FOR FINAL PLAT; FINAL PLANS.

(A) Final plan development. The applicant or developer shall submit 1 digital and 1 printed copy of the following documents to the city: a preliminary plat, a preliminary utility plan, and a preliminary grading and drainage plan. Utilizing submitted plans as a base of the site in question, the City Engineer or a licensed engineer, if authorized by the City Manager, shall develop final plans and project documents for the public infrastructure. The developer is responsible for the cost of final plan and project document preparation.

(B) Contents of the final plat and required information and plans.

(1) Preparation. Final plat preparation, prepared for recording purposes, shall be prepared in accordance with the provisions of Minnesota Statutes and county regulations, and such final plat or accompanying submittals shall contain the following information:

(a) A large-scale copy and an 11" x 17" copy of the approved preliminary plat and supporting documents in electronic format illustrating all changes and conditions that were required as part of preliminary plat approval. This revised preliminary plat will provide the historical record of the subdivision approval by which subsequent final plats shall be considered.

(b) The name of the proposed subdivision, which name shall not duplicate or be substantially similar to a plat previously recorded in Ramsey County. The name of the plat shall be subject to City Council approval. The first phase of development shall be called the "first addition", subsequent phases shall be consecutively numbered.

(c) Location by section, township, range, county, and state as well as descriptive boundaries of the subdivision based upon an accurate traverse, giving angular and linear dimensions.

(d) A north arrow and scale not greater than 1-inch equals 100 feet shall be shown on all maps/drawings.

(e) The location of 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 and monuments.

(f) The location of all lots, outlots, streets, public highways, alleys, 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. Dimensions shall be shown from all angle points of curve to lot line.

(g) Lots shall be numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block.

(h) The exact location, widths, and names of all streets to be dedicated.

(i) The location and width of all easements to be dedicated.

(j) The name, address, and phone number of the surveyor making the plat.

(k) Land dedicated as public park shall be labeled as outlot(s) on the final plat and the deed for the outlot(s) shall be given to the city with the final plat.

(l) Documents and information necessary to fulfill the conditions of approval of the preliminary plat.

(m) A current abstract of title or a registered property certificate, at the option of the City Attorney.

(n) A commitment for title insurance (not more than 30 days old) from a title insurance carrier authorized to conduct business in Minnesota.

(o) Any title declaration, conservation easements, deed restrictions, restrictive covenants, homeowner's association documents, or common interest community documents.

(p) Statement dedicating all streets, alleys, other public right-of-way, and other public areas not previously dedicated, as follows: streets, alleys, and other public areas shown on this plat not heretofore dedicated to public use are hereby so dedicated.

(q) Statement dedicating all easements as follows: easements for installation and maintenance of utilities and drainage facilities are reserved over, under, and along the designated areas marked "drainage and utility easements."

(r) Final grading and construction plans shall be prepared and submitted in accordance with city standards.

(s) Copies of permits from the Department of Natural Resources (DNR), Corp of Engineers, Minnesota Pollution Control Agency (MPCA), Minnesota Department of Health (MDH), and other agencies as may be applicable. The applicant or developer shall obtain all necessary permits prior to city approval of the final plat.

(t) Radii, internal angles, points and curvatures, and lengths of all areas.

(u) Accurate location of all monuments. Pipes or steel rods shall be placed at the corners of each lot and at the edge of wetlands.

(v) Accurate outlines, legal descriptions of any areas to be dedicated or reserved for public use, or for the exclusive use of property owners within the subdivision with the purposes indicated therein.

(w) Certification by a registered land surveyor, to the effect that the plat represents a survey made by the surveyor and that monuments and markers shown thereof exist as located and that all dimensional geodetic details are correct.

(x) Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat, and the dedication of streets and other public areas.

(2) Certificates required.

(a) Certification by a registered land surveyor in the form required by M.S. § 505.03, as may be amended.

(b) The execution of all owners of any interest in the land and holders of a mortgage thereon of the certificates required by M.S. § 505.03, as may be 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 and signed by the Mayor and the City Clerk. The form of the certificates shall be approved by the city. A copy of the approved format shall be available at city hall.

(C) Monuments. The outside boundary of the subject property is to be clearly marked with survey monuments.

(D) Development Agreement. A copy of the City-approved development Agreement.

#### 153.084 APPROVAL OR DENIAL OF FINAL PLAT.

(A) Council action. The City Council shall act on the final plat by written resolution. The resolution shall include findings of fact supporting the approval or denial and shall be entered into the written record of the proceedings of the City Council.

(B) The City may agree to review the preliminary plat and final plat simultaneously.

(C) Development agreement. If the City Council moves to approve the final plat and the development agreement is not yet finalized, the approval shall be contingent upon the following:

(1) A completed and fully executed development agreement including all required financial securities and time frame for final plat and final grading completion; and

(2) All fees and charges related to the preliminary or final plat paid in full.

(D) Required approval. The City Council shall certify final approval within 60 days of an applicant's request for final plat approval if the applicant has complied with:

(1) All conditions and requirements of the Comprehensive Plan, Zoning Code, Surface Water Management Plan, engineering standards, official map, and this chapter; and

(2) All conditions and requirements upon which the preliminary plat approval was expressly conditioned, either through performance or the execution of appropriate agreements assuring such performance.

(E) Denial of plat. The City Council may deny the subdivision if it makes any 1 or more of the following findings:

(1) The proposed subdivision is in conflict with adopted applicable general or specific provisions of the Comprehensive Plan, Zoning Code, Surface Water Management Plan, engineering standards, official map, or this chapter;

(2) The final plat does not meet or satisfy all the conditions or requirements upon which the City approved the preliminary plat, either through performance or the execution of appropriate agreements assuring such performance.

(3) The design of the subdivision does not conform to minimum city standards; and

(4) The applicant has failed to provide all documents required by the city in order to adequately evaluate the application.

### 153.085 PUBLIC IMPROVEMENTS.

(A) Required public improvements. All improvements required by this chapter shall be constructed in accordance with city design standards and the plan requirements of this chapter. Where required, the following improvements shall be constructed at the expense of the developer:

(1) Site grading, street grading and surfacing;

(2) Erosion control and related appurtenances to meet local Watershed District permitting requirements;

- (3) Concrete curbs and gutters;
- (4) Pedestrian sidewalks or trails, if required;
- (5) Sanitary sewer facilities;
- (6) Water distribution facilities;
- (7) Storm water drainage facilities;
- (8) Street signs and pavement markings;
- (9) Streetlights;
- (10) Private utility services and utility relocation if required;
- (11) Permanent reference monuments and monument boxes;
- (12) Landscaping and screening;
- (13) Site restoration;
- (14) Sealcoat on public roads on a schedule determined by the city;
- (15) Other improvements specified by a City-approved PUD; and
- (16) Other public improvements as may be required by the City Council.

(B) Utilities.

- (1) Installation. The applicant shall install sanitary sewer, water, and streets only in the area included in the final plat. The City shall not allow any construction/installation of sanitary sewer, water facilities or streets until after the City Council approves final plat and the development agreement, the applicant or City has recorded the final plat, the development agreement and all other required documents the applicant or developer has posted all required financial securities with the city.
- (2) The subdivider shall make adequate provision for connection to the city water and sewer services and storm water disposal. Subdivider shall provide the city with such information as may be necessary to determine the adequacy of the facilities proposed to be used for such purposes. The developer shall construct water lines, sanitary sewer lines or storm sewer lines, although connection to other lines outside the area may not be possible immediately where plans for the installation of such lines in the area have been prepared by the engineer or other competent person and construction of such a system or utility has already commenced or has been completed in other areas of the city. The City Council may require that such lines be constructed outside the area being platted or subdivided where necessary to

properly serve the area being subdivided or platted. Two or more owners, subdividers or platters may enter into contracts with the city for the improvement of several subdivisions, parcels or plats at the same time when such water, sewer or storm sewer lines would pass through and serve the several areas concerned and could reasonably be constructed in a single project.

- (3) The city shall make periodic inspections during the installation of improvements to ensure conformity with the approved plans and specifications as contained in the subdivider's contract. The subdivider shall notify the proper administrative officials when each phase of the improvement is ready for inspection. Upon acceptable completion of installation of the required improvements, the city shall issue a letter to the subdivider or his or her agent, and such letter shall be sufficient evidence for the release by the city of the portion of the surety bond, certified check or cash deposit as designated in the subdivider's contract for the completed improvement.
- (4) When the City Engineer, following the inspection of a subdivision, certifies to the Council that all improvements have been constructed in accordance with city specification, the City Council may proceed to accept the facilities for which the bond has been posted.
- (5) Commitment of utility service areas. If the developer is unable to fulfill the schedule of the approved phasing plan, the City Council may consider allocating to a different development project the utility service area that was committed to the next phase of the plat. The subject plat must then wait until the following year for final plat or utility service area approval for its next phase.

(C) Payment for installation of public improvements. The developer shall furnish and install the required improvements at the sole expense of the developer. Further, if any improvement installed within the subdivision will be of substantial benefit to properties beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement to be assessed against the benefiting property. The developer will be required to pay for the portion of the whole cost of the improvement that will represent the benefit to the property within the subdivision. If other properties other than those owned by the developer are to be assessed, the city can elect to construct the required improvements and specially assess the developer and other benefited properties pursuant to M.S. Ch. 429.

(D) Infrastructure design. Public infrastructure and utilities shall be designed by the City Engineer unless the City Manager approves the design of such public utilities and infrastructure by a qualified licensed engineer selected by the developer, in which case the developer shall use a licensed engineer that meets all the following requirements. The engineer or engineering firm shall:

(1) Have at least one employee who is a registered professional civil engineer licensed to work in the State of Minnesota with a minimum of 10 years of experience in municipal infrastructure projects;

(2) Employ on a full-time basis, or through the use of subconsultant(s), 1 Professional Civil Engineer registered in the State of Minnesota with a minimum of 5 years of experience in each of the following project categories: local roadway systems, sanitary sewer collection systems, water distribution systems, and storm sewer systems. One professional civil engineer may be used for all the listed project categories if qualified; and

(3) Possess an errors and omission insurance policy with a minimum of \$1,500,000 in liability coverage.

(E) Survey by a registered surveyor. The surveyor must be registered to work in the state of Minnesota and have a minimum of five years of experience. The surveyor must possess an errors and omission insurance policy with a minimum of \$100,000 in liability coverage. The registered surveyor is required for plat work, legal survey, and installation of monuments. ?? A registered surveyor is not required to conduct construction staking.

(F) The developer shall furnish and construct the improvements at their sole cost and in accordance with city specifications. When applicable, the development agreement shall contain language specifying preconstruction requirements, the content of materials & shop drawings that must be submitted for review and approval, contractor insurances, bond requirements for performance and payment, and contract requirements with contractors with regards to EJCDC/Special Provisions.

(G) The developer also shall be responsible for obtaining all required permits from all other regulatory entities, including but not limited to the applicable watershed district, the Minnesota Pollution Control Agency, the Minnesota Department of Health and Metropolitan Council. No developer is permitted to start work on any subdivision without the special approval of the City Council if the developer has previously defaulted on work.

(H) Construction plan design process, required inspection. The preliminary survey and construction staking outside the right-of-way shall be conducted by the developer, who is responsible for all costs associated with the activities. Construction staking of public streets and public utilities shall be provided by the City Engineer at developer's expense. The developer also is responsible for the cost of surveying and all inspections of all public improvements.

(1) Construction plans for the required improvements conforming in all respects with the requirements of this chapter shall be prepared at the developer's expense by the City Engineer or a qualified engineer if authorized by the City Manager. Public improvement construction plans must be prepared by the City Engineer for approval and for an estimate of the total costs of the required improvements except as otherwise permitted by the City Council. Upon approval of the plans, an electronic copy of the plans must be furnished to the city.

(2) All required improvements on the site that are to be installed under the provisions of this chapter must be inspected by the City Engineer during construction at the developer's expense. Construction not inspected will not be accepted for public ownership.

(3) Upon completion of the improvements and prior to public dedication, the developer is responsible for the cost of quality control and materials testing as required by the project including but not limited to, compaction testing, concrete testing, bituminous testing, sand/gravel testing, testing all developer-installed utilities, and related appurtenances material testing requirements. Prior to the public dedication of required improvements, the developer shall submit as-built plans of the public infrastructure. The developer shall be responsible for the cost of the preparation of the as-built plans. The City Engineer shall perform final inspection of the public improvements.

(I) Dedication of public improvements. Acceptance by the city is subject to the City Engineer's certificate of compliance with the approved plans. Upon approval, the developer must provide as-built drawings of the public improvements to the city that are in compliance with city requirements. The developer must conduct a post-construction survey and submit record drawings and electronic files verifying all grading, utility installations with location by GPS coordinates and elevation information.

(J) Trunk facilities. Where the city determines larger size water main, sanitary sewer, storm drain, or similar facilities are required to serve areas outside the subdivision, the city may require the developer to construct the larger facility as part of the improvements of the subdivision.

(K) Alternate installation and incomplete improvements. The City Council may elect to install any or all of the required public improvements pursuant to the development agreement with the developer. The City Council may also elect to commence assessment proceedings, utilize funds of the financial guaranty, or otherwise move to finance and install improvements when the improvements are required in order to provide greater assurance of public health, ensure reliability of water supply, provide for economy of installation, provide more effective firefighting through the installation of hydrants, or otherwise protect the public health, safety, convenience, and general welfare.

(L) The city shall not issue a permit for any building unless the building is located on a property with direct access to a full-width, improved public street or highway. Developers and contractors shall design all new buildings with floor and utility elevations so the city sanitary sewer system can serve the building by gravity flow, unless the builder or developer has first obtained permission of the City Council to serve the building with alternative methods to meet the City and State sanitary sewer requirements. This provision shall be applicable to building permits the City may issue for any parcel of land, regardless of when the property was platted or subdivided.

(M) Developer guaranty. The developer shall warrant and guarantee the improvements against any defect in materials or workmanship for a period of 2 years following

completion and acceptance by the City. The developer is responsible for the cost of warranty inspections. In the event of the discovery of any defect in materials or workmanship within the 2-year period, the developer shall promptly repair or correct the defect, and the City shall extend the warranty and guarantee for the entire project for 1 additional year beyond the original 2-year period. Defects in material or workmanship shall be determined by the City Engineer.

#### 153.086 DEVELOPMENT AGREEMENT.

##### (A) Development agreement.

(1) City approval of the final plat shall be contingent upon the applicant or developer entering into a development agreement with the city. The agreement shall be prepared by the city and shall ensure development performance based on City approvals and to ensure the installation of all required improvements comply with approved engineering standards and applicable regulations.

The agreement shall address, but not be limited to, the following:

- (a) Financial securities;
- (b) Warranties;
- (c) Development time lines; and
- (d) Remedies for default.

(2) The developer shall provide an estimate of the project construction cost for review and approval by the City Engineer, and shall address, but is not limited to:

- (a) Financial securities
- (b) Warranties
- (c) Development timelines
- (d) Remedies for default
- (e) Iron monuments
- (f) Improvements and required public infrastructure
- (g) City administration and construction observation
- (h) Permits
- (i) Erosion and sediment control
- (j) Maintenance
- (k) Park dedication
- (l) Sewer and water trunk utility charges

(3) The developer shall meet with city staff and the City Attorney to finalize the terms of the development agreement.

(4) Prior to the installation of any required improvements and prior to approval of the final plat, the developer must enter into a development agreement meeting all City requirements. The developer shall install such public improvements at the developer's sole expense unless the City Council otherwise approves, in writing, having the city construct such improvements at the cost of the developer. When applicable, the development agreement shall contain language specifying preconstruction requirements, the content of materials & shop drawings that must be submitted for review and approval, contractor insurances, bond requirements for performance and payment, and contract requirements with contractors with regards to EJCDC/Special Provisions.

(5) The City Council shall approve the development agreement as a condition of final plat approval and the approved agreement shall be recorded with the final plat.

(6) Upon the finalization of the development agreement, the City Attorney shall have the final copy of the agreement signed by all appropriate parties. The approved development agreement shall be recorded against the property with the final plat.

(7) Financial securities shall be posted with the city as outlined in the development agreement.

(8) Final project plans for all improvements shall be approved by the City Engineer and made a part of the development agreement.

(a) The city shall not allow any grading or land alteration activities until the preliminary plat has been approved, an interim development agreement has been executed, and the required financial securities are posted with the city.

(b) No construction/installation of sanitary sewer or water utilities or streets shall be allowed until approval of a final plat and final development agreement, and the required financial securities are posted with the city.

(B) Financial guaranty.

(1) The developer shall furnish to the city an irrevocable letter of credit ("Financial Guaranty") equal to 125% of the total estimated cost of the public improvements. The financial guaranty shall be for the exclusive use and benefit of the city and, if in the form of a letter of credit, shall state thereon that the same is issued to guarantee and assure performance by the developer of all the terms and conditions of the required development agreement and construction of the required public improvements in accordance with the ordinances and specifications of the city. The city shall be entitled to reimburse itself out of the deposit for any cost and expense incurred by the city for completion of the work in case of default of the developer under the contract, and for any damages sustained on account of any breach thereof. Upon completion of the work and termination of any liability, the balance remaining in the deposit shall be refunded to the developer.

(2) Concurrently with furnishing to the city the irrevocable letter of credit to ensure the construction of public improvements, the developer shall furnish to the city a cash

escrow to be held by the city as partial security for the payment of inspection, administrative, legal, public works department, and engineering costs (collectively, the "city costs") incurred by the city during the development review process prior to the public dedication of public improvements and during the warranty period of the improvements. The city reserves the right to draw, in whole or in part, on any portion of the cash deposit to recover city costs related to the project. In the event the escrow is depleted, the developer agrees to post additional sums of money to replenish the escrow and to cover projected city costs. Upon completion of the work and termination of any liability, the balance remaining in the escrow shall be refunded to the developer.

#### 153.087 RECORDING.

(A) Copies. After approval of the final plat by the City Council, the developer shall submit 3 full size mylar copies and 3 full size paper copies of the final plat, and 1 11" x 17" reduction of the final plat and dedication page to city hall for signature.

(B) Procedure and time frame.

(1) Deadline. The developer shall record the approved final plat and development agreement in the Office of the Ramsey County Recorder within 180 days after the date of City approval. If not recorded within 180 days after the date of approval, the approval of the final plat shall be considered void unless the developer requests an extension, in writing, and receives approval from the City Council.

(2) Copy to the city. The developer shall, immediately upon receipt of the recorded document from the County Recorder, furnish the City Clerk with a print of the final plat showing evidence of the recording.

(3) Building permit. The city shall not issue any building permits for the construction of any structure on any lot in the plat until the city has received evidence of the final plat and, if required, the Development Agreement being recorded by the County Recorder unless exceptions have been formally established by the Development Agreement.

(4) The city shall not issue any building permits for construction on any lot in the subdivision unless the lot is located on a street or highway giving access thereto that the City has approved and made a part of the street plan. All such buildings shall conform to the building line established upon the street or proposed street where it is to be located. If the Developer is installing streets to provide access to lots within the subdivision pursuant to a Development Agreement, the City shall not issue any building permits for construction on any lot in the subdivision until the planned streets are constructed and accepted by the City, except that the City may issue building permits after preliminary acceptance of street improvements pending installation of a final, post-construction wear course of pavement.

(C) Transportation Departments. When the land for which the final plat abuts a state highway, county road, or county highway, a certificate or other evidence showing submission of the preliminary plat to the Minnesota Department of Transportation and/or Ramsey County Highway Department shall be filed with the Office of the Ramsey County Recorder, with the final plat.

(D) DNR. When the land included in the final plat is located within a shoreland district or floodplain district, the Minnesota Department of Natural Resources (DNR) shall be notified of the disposition of the final plat as required by law.

(E) Recording final plats of multi-phased plats. Unless otherwise provided in the development agreement or otherwise approved by the City Council, the developer must complete the final plat a preliminary plat that will be final platted in phases into lots and blocks, not outlots, within 5 years after the City Council approved the preliminary plat. Any phase of the preliminary plat that is not final platted within the 5-year period shall be void.

#### 153.088 DEDICATION.

The developer shall dedicate to the City outlots within the final plat designated for parks, drainage, wetland and utility areas, or other public areas.

#### 153.089 RECORD PLANS (AS-BUILT PLANS).

The design engineer shall complete record plans of the subdivision within 90 days of the installation of the first layer of bituminous on the public streets. Record plans shall include an as-built grading plan and shall be approved by the City Engineer. The design engineer shall submit three full size printed copies and an electronic copy of the record plans to the City after final approval by the City Engineer.

### **PARK LAND DEDICATION REQUIREMENTS**

#### 153.091 LAND DEDICATION OR CASH CONTRIBUTION.

(A) Authority. Pursuant to M.S. § 462.358, subdivision 2(b), the city has authority to require a reasonable portion of the buildable land of any proposed subdivision be dedicated to the public or preserved for public use, including parks, recreational facilities, playgrounds, trails, wetlands and public open space. The value and attractiveness of residential and commercial/industrial developments to landowners, developers, purchasers, employers, and employees is significantly enhanced by the presence of such parks and open space amenities.

In the alternative, the city may choose to accept a cash fee for some or all of the value of the dedication. The City Council shall decide the form of the contribution (cash or land or any combination thereof) based upon need and conformance with approved city plans.

(B) Purpose.

(1) The city recognizes the preservation and creation of parks, recreational facilities, playgrounds, trails, wetlands, and public open space is essential to maintaining a healthful, safe and desirable community. The city must not only provide these necessary facilities for the citizens of today, but also for the future needs of the city as described in the Comprehensive Plan.

(2) The city recognizes the demand for parks, recreational facilities, playgrounds, trails, and public open space within the City is directly related to the density and intensity of development permitted and allowed within any area. Greater densities mean greater numbers of people and higher demands for public amenities.

(C) Basis. The city shall conduct an individualized determination of the amount of land needed for the purposes set forth in this chapter and shall demonstrate an essential nexus between the land dedication or cash fee, and the purpose sought to be achieved. The dedication or fee shall bear a rough proportionality to the need created by the proposed subdivision.

(D) 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 City will base the parkland dedication on the additional dwelling units being added.

#### 153.092 DEDICATION OF LAND.

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 Comprehensive Plan is located in whole or in part within a proposed subdivision, such proposed public site shall be designated as such in the subdivision and should be dedicated to the city, school district or other proper governmental unit.

The amount of land to be dedicated under this subchapter will generally follow the schedules below, however the total amount required for dedication may increase or decrease based on the city's basis analysis pursuant to § 152.091(C). The city alone shall determine the location and configuration of any land dedicated, taking into consideration the suitability of the land for its intended purpose and the city's needs for a park, playground, trail, or public open space. All land dedication determinations shall be based on the net area of the property. The NET AREA of the property shall be the gross area of the property minus the area of wetlands, ponding areas, drainageways, lakes and streams below the ordinary high-water mark. The land dedicated for public use shall be in addition to property dedicated for public streets, alleys, easements, storm water ponding or other public ways.

(A) Residential property.

Units Per Acre	Estimated Percentage of Net Area
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1-6	10%
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7 or more	10% plus 1% for each additional dwelling unit over 6 units per acre
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(B) Non-residential property. An estimated 5 percent of the net area of the development site shall be dedicated for public park or open space.

(C) Mixed use property. Land contributions shall generally follow the percentages above and shall be based on the amount of land and number of units designated to residential use and the amount of land designated to non-residential uses.

(D) These formulas establish the presumptive requirements for land dedication for public purposes. The applicant may submit evidence to the City that the proposed development will create less need for public dedication, which the City shall consider in reaching an individualized determination of the final dedication requirement.

#### 153.093 CASH CONTRIBUTION.

At the City Council's sole discretion, the City may accept a cash contribution in whole or in part for the required land dedication under this chapter. The park land dedication fee guidelines shall be determined by the City Council on an individualized basis pursuant to City Code § 153.091(C) and M.S. § 462.358, subdivision 2b(c). The amounts included in the city's fee schedule in the City Code are for use as a general guideline.

(A) Mixed use developments. Cash contributions shall be based on the amount of land and number of units designated to residential use and the amount of land designated to non-residential uses.

(B) Timing of payment. Developers shall pay the City the required cash contributions prior to the City releasing the final plat for recording and before the City issues the first building permit in the subdivision.

(C) Use of payments. The City shall place Cash payments received under this section in a special fund to be used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands or public open space based on the city's approved park systems plan and the Comprehensive Plan. Cash payments cannot be used for ongoing operation or maintenance.

(D) Determining the amount of a cash contribution or combination cash and land contribution. In the event the contribution is cash or a combination of cash and land, the

city will first determine the total land dedication required pursuant to the basis analysis described in City Code § 153.092 and then convert that total land dedication to its fair market value pursuant to M.S. § 462.358, subdivision 2b(c). Such fair market value 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. The subdivider may submit evidence to the City that the average cost per acre by zoning district is not a reasonable estimate of the value of the land being subdivided, or that the specific development requires. The City shall consider this evidence in reaching an individualized final determination of the total dedication required. Once the City has determined the total conversion from land to cash, the fair market value of the land actually dedicated, if any, shall be subtracted and the remainder shall be the amount due in cash.

(E) Trails and sidewalks. The developer or property owner shall be required to construct trails and sidewalks on the property to be developed in a manner determined by the city and in accordance with the city's Comprehensive Pedestrian, Bike and Trails Map. The city, at its sole discretion, may choose to collect a cash-in-lieu fee for these improvements and complete them at a time that coordinates with other public improvements.

(F) Transfer or conveyance of property. Prior to the dedication, the developer or property owner shall deliver to the city a title insurance policy in favor of the city. The dedicated land shall be conveyed by warranty deed. Such title shall vest in the city good and marketable title, free and clear of mortgages, liens, encumbrances, assessments or taxes. The conveyance documents shall be in a form acceptable to the city. Developer or property owner shall execute all documents necessary to convey the property and record the warranty deed.

#### 153.094 DISPUTES AND APPEALS.

Nexus Requirement and Appeals: As required by law, the City intends the dedication formulas established in this section to reflect an essential nexus between the fees or dedication imposed and the city purpose sought to be achieved by the fee or dedication, and to bear a rough proportionality to the need created by the proposed subdivision or development. The City shall provide an applicant an opportunity to present evidence that the City's dedication requirements lack sufficient nexus or proportionality to their specific project before the City makes a final determination of the dedication or fees imposed. Failure to object before the final dedication amount is set in the final plat approval or Development Agreement shall waive the applicant's ability to challenge nexus or proportionality thereafter.

**§ 153.095 LOT SPLITS FOR TWO FAMILY DWELLINGS.**

- (A) If the conditions of this section are met, a lot or lots occupied by a two-family, side-by-side dwelling, or such a dwelling is to be constructed, may be split along the party wall to allow for individual ownership of each unit.
- (B) All the following conditions must be met before a lot split described in subsection (A) of this section may be approved:
  - (1) A survey shall be submitted to the city showing lot dimensions, the location of the building in relation to all lot lines and the location of the party wall in relation to all lot lines;
  - (2) If split, the two lots shall be substantially equal in size and dimensions;
  - (3) The structure must meet current building code standards for firewall separation. This may be added to an existing unit.
  - (4) The two-family dwelling and lot must conform to all minimum requirements of the city code and state laws;
  - (5) Separate utility services must be provided to each unit;
  - (6) Deed restrictions, subject to approval by the City Manager or the City Attorney, shall be recorded with the deed(s) and shall contain at least the following provisions:
    - (a) The structure shall always have a uniform exterior appearance in terms of color, design and maintenance;
    - (b) In case of damage, the dwelling shall either be restored to its original condition or be removed;
    - (c) A provision for quick resolution of all disputes;
    - (d) The city shall be considered a third-party beneficiary to the deed restrictions and may enforce the same;
    - (e) All breaches of the deed restrictions shall be considered nuisances, as that term is used in M.S. § 429.021, as it may be amended from time to time, and all costs incurred by the city to enforce the deed restrictions shall be assessable to the offending party or parties as provided for by state law;
  - (7) Such other conditions as the City Manager or City Attorney deems necessary to assure compatibility with surrounding structures or to assure a reasonable division of property.

**§ 153.096 SPECIAL SUBDIVISION REGULATIONS IN THE MIXED-USE ZONING DISTRICTS.**

Chapter 153 (subdivisions) of the City Code applies to the mixed-use zoning districts unless specified differently below:

- (1) *Blocks.* Maximum block length of 600 feet.
- (2) *Right-of-way width.* The width of the public street right-of-ways shall be determined by the City Engineer or the Public Works Director with final approval by the City Council.
- (3) *Road pavement widths.* The width of the street pavements shall be determined by the City Engineer or the Public Works Director with final approval by the City Council.
- (4) *Alleys.* Interconnected streets and alleys are strongly encouraged within the mixed-use zoning districts.
- (5) *Alley right-of-way and pavement widths.* All pavement widths must be adequate for vehicle passing, vehicle loading and unloading and storage of snow. The width of alley rights-of-way and pavement shall be determined by the City Engineer or the Public Works Director with final approval by the city council.
- (6) *Cul-de-sac.* The city prohibits cul-de-sac streets within the mixed-use zoning districts.
- (7) *Sidewalks.* Sidewalks and/or trails are required on both sides of streets or roads.

**ENFORCEMENT**

**§ 153.101 VIOLATIONS.**

(A) Sale of lots from unrecorded plats. It shall be a misdemeanor to sell, trade, or otherwise convey any lot or parcel of land as part of, or in conformity with, any plan, plat or replat of any subdivision or area located within the jurisdiction of the city, unless the plan, plat or replat shall have first been recorded in the Office of the County Recorder.

(B) 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 chapter, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.

(C) Misrepresentations. It shall be a misdemeanor for any person 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 the 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 improvement has not been so constructed, supervised or inspected.

§ 153.102 APPLICATION TO CITY PERSONNEL.

The failure of any officer or employee of the city to perform any official duty imposed by this chapter shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

§ 153.103 INJUNCTION.

In the event of a violation or the threatened violation of any provision of this chapter, or any provision or condition of a permit issued pursuant to this chapter, the city, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.

§ 153.999 PENALTY.

Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction may be punished as set forth in the City Code. Each day during which compliance is delayed, or such violation continues or occurs shall constitute a separate offense and may be prosecuted as such.