



# CITY OF OAKDALE, MN

Chapter 21 Subdivision Code – DRAFT  
5/16/25

## Table of Contents

ARTICLE 21-01. Introductory Provisions.....	2
ARTICLE 21-02. Definitions .....	4
ARTICLE 21-03. Procedures and Enforcement.....	6
Division 21-03-100. Common Procedures & Requirements .....	6
Division 21-03-200. Minor Subdivisions .....	9
Division 21-03-300. Major Subdivisions .....	11
Division 21-03-400. Subdivision Variance .....	13
Division 21-03-500. Enforcement .....	14
ARTICLE 21-04. Design Standards .....	14
Division 21-04-100. General Design Standards .....	14
Division 21-04-200. Blocks & Lots .....	14
Division 21-04-300. Street Design .....	16
Division 21-04-400. Sidewalks and Trails .....	17
Division 21-04-500. Easements .....	18
Division 21-04-600. Drainage and Stormwater .....	18
ARTICLE 21-05. Improvements .....	19
Division 21-05-100. Improvements .....	19
Division 21-05-200. Dedication .....	23

# Chapter 21 Subdivision

## ARTICLE 21-01. INTRODUCTORY PROVISIONS

### **Sec. 21-01-101. Intent and Purpose**

- (a) The process of dividing or otherwise preparing raw land for development is one of the most important factors in the growth of any city. Few activities have a more lasting effect upon its appearance and environment. Once public improvements, homes, and other structures have been constructed, the basic character of this permanent addition to the city has become firmly established. In most large developments, roads and streets must be maintained and various public services must be provided. The welfare of the entire city is thereby affected in many important respects. It is, therefore, in the interest of the general public, the developer, and the future owners that such developments be conceived, designed, and developed in accordance with tested criteria and performance standards.
- (b) It is the purpose of these regulations to:
  - (1) Encourage well-planned efficient and attractive land developments by establishing reasonable performance standards for design and construction;
  - (2) Provide for the public health, safety, and general welfare of residents by requiring properly designed streets, adequate sewerage, water systems, and service; and
  - (3) Place the cost of improvements against those benefiting from their construction and secure the rights of the public with respect to public land and waters.

### **Sec. 21-01-102. Applicability**

- (a) All developments of land within this City submitted for approval under the zoning and PUD ordinances, shall comply with the regulations of this chapter.
- (b) The provisions of this chapter shall not apply to land separations:
  - (1) Where all the resulting parcels, tracts, lots, or interests will be twenty (20) acres or larger in size and five hundred (500) feet in width for residential uses and five (5) acres or larger in size for commercial and industrial uses;
  - (2) Creating cemetery lots; or
  - (3) Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.

### **Sec. 21-01-103. Statutory Authority**

- (a) These regulations have been developed under the authority contained in Minnesota Statutes, Section 462.358.

### **Sec. 21-01-104. Administration**

- (a) This chapter shall be administered by the Community Development Director.

**Sec. 21-01-105. Conformity with City Plans, Policies, and Regulations**

- (a) All subdivision, re-subdivision or existing plats, and registered land surveys shall comply with the regulations of this chapter, the Comprehensive Plan, related policies adopted by the City, and to the official Zoning Ordinance of the City, including lot size, landscaping requirements, and other requirements outlined in Chapter 25 Zoning.
- (b) Washington County Property Records shall not record any deed for a subdivision, re-subdivision or registered land survey that does not have the City's authorization to do so, in the form of a stamp, on the face of the deed.

**Sec. 21-01-106. Minimum Requirements**

- (a) The design features set forth in this section are minimum requirements. The City may impose additional or more stringent requirements concerning lot size, streets, and overall design as deemed appropriate considering the property being subdivided.

**Sec. 21-01-107. Conflicting Regulations or Provisions**

- (a) In interpreting and applying the provisions of this chapter, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.
- (b) In the event of a conflict or inconsistency between the provisions contained in this chapter and state statutes or rules, state statutes and rules shall govern, unless such state statutes or rules provide otherwise.
- (c) This chapter is not intended to repeal, abrogate, annul, impair, or interfere with any existing easement, covenant, or any other private agreement. However, where the regulations of this chapter are more restrictive or impose higher standards or requirements on such easements, covenants, or other private agreements, the requirements of this chapter shall govern.
- (d) Where the provisions of this chapter impose greater restrictions than those of any other ordinance, code provision, or regulation, the provisions of this chapter shall control.
- (e) Where the provisions of any statute, other ordinance or code provision, or regulation impose greater restrictions than this chapter, the provisions of the statute, other ordinance or code provision, or regulation shall be controlling.

**Sec. 21-01-108. Use of Graphics, Illustrations, Figures, and Cross-References**

- (a) Graphics, illustrations, figures, and photos are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, figure, or photo, the text shall control.
- (b) In some instances, cross-references between chapters, articles, divisions, sections, and subsections are provided that include the chapter, division, section, or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.

## ARTICLE 21-02. DEFINITIONS

As used in this chapter, the following words and phrases shall be defined as set out in this article:

**Alley:** Any dedicated public right-of-way providing a secondary means of access to abutting property.

**Applicant:** The owner, the owner's agent, or any other person having legal control, ownership, and/or interest in the land proposed to be subdivided.

**Block:** The enclosed area within the perimeter of roads, property lines, or boundaries of the subdivision.

**Certificate of Survey:** A document prepared by a licensed Engineer or Registered Land Surveyor which precisely describes area, dimensions and location of a parcel or parcels of land.

**City Engineer:** The engineer employed or retained by the City unless otherwise stated.

**Community Development Director:** The person duly appointed by the City Council as the individual charged with the responsibility of administering and enforcing this chapter.

**Development:** The act of building structures and installing site improvements.

**Easement:** A grant by an owner of land for a specific use by persons other than owner.

**Lot:** A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale, lease, or separate use therefore.

**Lot, Buildable:** A platted lot with an assigned lot number and block number which meets all the minimum requirements set forth in this chapter necessary for the authorized construction of at least one (1) main building/structure unless said lot meets the criteria for being a lot of record or substandard lot.

**Lot of Record:** Any lot which is part of a subdivision the plat of which has been recorded with Washington County Property Records, or a lot described by metes and bounds the deed to which has been recorded with Washington County Property Records, at the time this chapter becomes effective.

**Metes and Bounds Description:** A description of real property which 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 delineating a fractional portion of the section, lot, or area by described lines or portions thereof.

**Outlot:** A lot remnant or parcel of land left over after platting which is intended as open space or other use and for which no building permit shall be issued without a conditional use permit.

**Pavement Width:** The distance measured perpendicular to the direction of the road between the face of curbs or gutter line.

**Pedestrian Way:** A public right-of-way across or within a block, to be used by pedestrians.

**Final Plat:** A map or drawing which graphically delineates the boundary or land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all Minnesota State laws.

**Preliminary Plat:** A detailed drawing or map of a proposed subdivision meeting the requirements herein enumerated, and submitted to the governing body for their consideration in compliance with the Comprehensive Plan, along with the required supporting data.

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

**Right-of-Way:** Land controlled by the city through ownership of easement, or dedication, for the purpose of establishing a street, bicycle path, pedestrian path, or utility line.

**Street:** A way for vehicular traffic, whether designated as street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, drive, court, or otherwise designated.

**Street, Cul-de-Sac:** A minor street with only one (1) outlet and having a turnaround.

**Street, Private:** A street serving as a vehicular access to two (2) or more parcels of land which is not dedicated to the public but is owned by one or more private parties.

**Street Width:** The shortest distance between the lines delineating the right-of-way of the street.

**Subdivision:** The division of a parcel of land into two (2) or more lots or parcels, or any combination of two (2) or more lots or parcels which necessitates a change in any property line(s) of the combined lots or parcels, for the purpose of transfer of ownership or building development. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

**Subdivision, Major:** A subdivision of a parcel or parcels of property in which more than one (1) additional parcel or lot is created in unplatted lands or more than two (2) additional parcels or lots are created in platted lands.

**Subdivision, Minor:** A subdivision of a parcel or parcels of property in which no more than one (1) additional parcel or lot is created in unplatted lands, or no more than two (2) additional parcels or lots are created in platted lands. Minor subdivisions shall include the combination of two (2) or more lots or parcels which necessitates a change in any property line(s) of the combined parcels or lots.

**Surveyor:** A land surveyor registered under state law.

**Variance:** A modification or variation of the provisions of this chapter as applicable to a specific piece of property.

## **ARTICLE 21-03. PROCEDURES AND ENFORCEMENT**

### **Division 21-03-100. Common Procedures & Requirements**

#### **Sec. 21-03-101. Fee**

- (a) A subdivision application shall be accompanied by a base fee and deposit set by the City Council.
- (b) The base fee will be used by the City to cover the costs for city staff associated with the subdivision application, including assessment splits. The base fee is nonrefundable.
- (c) The deposit will be used by the City to cover any and all expenses incurred by the City for engineering, planning, legal, or other services related to the review and processing of the subdivision application, including assessment splits. If the amount of such costs exceeds the deposit, the shortfall shall be collected from the applicant.
- (d) In the event that the city's expenses are less than the deposit, any amount of the deposit not expended by the city will be refunded in accordance with Minnesota Statutes, Section 462.358, subdivision 2a.

#### **Sec. 21-03-102. Deadline for Action**

- (a) In compliance with Minnesota Statutes, Section 462.358, the City shall take action to preliminarily approve or deny a subdivision application within one hundred twenty (120) days following delivery of an application completed in compliance with this chapter, unless an extension for the review period has been agreed to by the applicant.
- (b) In compliance with Minnesota Statutes, Section 462.358, upon request of the applicant for final approval, the City shall certify final approval of a subdivision application within sixty (60) days if the applicant has complied with all conditions and requirements of applicable regulations and the preliminary approval.

#### **Sec. 21-03-103. Public Hearings and Notices**

- (a) Public hearings required by this chapter shall be conducted pursuant to the rules established for each of the bodies, the Oakdale City Code, and in compliance with state law.
- (b) Notices
  - (1) Notice of the public hearing shall be published in the official newspaper of the City at least ten (10) days prior to the date of the hearing.
  - (2) Written notification of the hearing shall be mailed at least ten (10) days prior to the date of the hearing to the applicant and all owners of land within five hundred (500) feet of the boundary of the property in question.
  - (3) Written notification of the application and hearing shall be filed with the Commissioner of the Minnesota Department of Natural Resources if the proposed subdivision is located in part or in total within the Shoreland Overlay District.
  - (4) Written notification of the application and hearing shall be filed with the Commissioner of the State Department of Transportation and the County Engineer if

the proposed subdivision abuts or includes a state trunk highway or a county state aid road, respectively.

- (c) Failure of the City to send mailed notice to property owners, or defects in the notice, shall not invalidate any such proceedings as set forth within this article, provided a bona fide attempt has been made to comply with the notice requirements of this chapter.

**Sec. 21-03-104. Conditions for Recording.**

- (a) No plat or subdivision shall be entitled to be recorded in the County Recorder's office or have any validity until the plat thereof has been prepared, approved and acknowledged in the manner prescribed by this chapter.

**Sec. 21-03-105. Denial of Plats**

- (a) The City may deny the subdivision if it makes any one or more of the following findings based on a record from the public hearing:
  - (1) That the proposed subdivision is in conflict with adopted applicable Comprehensive plan and specific area plans of the City;
  - (2) That the physical characteristics of this site, including but not limited to topography, soil conditions, susceptibility to flooding, water storage, drainage, and retention, are such that the site is not suitable for the type of development, design, or use contemplated;
  - (3) That the site is not physically suitable for the proposed density of development;
  - (4) That the design of the subdivision or the proposed improvements are likely to cause environmental damage;
  - (5) That the design of the subdivision or the type of improvements are likely to cause public health problems;
  - (6) That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgement of a court;
  - (7) That 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 floodway fringe or within other areas of the city;
  - (8) That the proposed subdivision is inconsistent with the policies and standards of the state-defined Shoreland, Floodplain, and Critical Area Districts;
  - (9) That the City Council deems the subdivision to be premature;
  - (10) That the design of the subdivision does not conform to minimum city standards.

**Sec. 21-03-106. Registered Land Surveys**

- (a) Registered land surveys shall not be used to avoid the requirements of this chapter.
- (b) All registered land surveys shall be prepared in conformance with Minnesota Statutes, section 508.47, subdivision 4.
- (c) All registered land surveys shall be filed and reviewed in the same manner as a preliminary plat. The standards and requirements set forth in these regulations shall apply to all registered land surveys.



- (d) Unless the governing body shall approve, a registered land survey shall not be used to divide a parcel of land into tracts for the purpose of transfer of ownership or building development, if any of the tracts do not have the required frontage on a dedicated public street.
- (e) Unless the registered land survey has been approved by the City, building permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys, and the City may refuse to take over tracts as streets or roads or to improve, repair, or maintain any such tracts unless so approved.

**Sec. 21-03-107. Conveyance by Metes and Bounds**

- (a) No conveyance of land to which this regulation is applicable shall be filed of record, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961, or to an unapproved plat.
- (b) The foregoing provision does not apply to unique situations as may be allowed by the City Council, or as provided for in Minnesota Statutes, section 462.358, subdivision 4b.
- (c) The fact that a conveyance is eligible for recording pursuant to one (1) of the exceptions enumerated in this section does not exempt a subdivision from compliance with any other applicable requirement of this chapter.

**Sec. 21-03-108. Building Permits**

- (a) No building permit shall be issued 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 have been fully met.
- (b) A lot must be platted as a numbered lot in order to obtain a building permit unless the lot is a lot of record.
- (c) No building permit will be issued for construction upon any lot designated as an outlot upon any plat, except by conditional use permit pursuant to Division 25-03-300 Conditional Use Permit (CUP).

**Sec. 21-03-109. Subdivision of Property in Small Area Plans**

- (a) An application to subdivide property located in an approved Small Area Plan must include all other property owned by the fee owner of the property being proposed for subdivision if the other property is also located in the approved Small Area Plan regardless of whether the other property is currently being proposed for subdivision or development.
- (b) The subdivision application must contain sufficient detail to demonstrate how the other property can be developed or subdivided in the future in a manner that is compatible with the development on the property being proposed for subdivision and in a manner that conforms with the Small Area Plan, the Comprehensive Plan designation, and the zoning classification of the other property.
- (c) Final subdivision or development of the other property may be accomplished in phases.

**Sec. 21-03-110. Appeals**

- (a) Appeals of Community Development Director Interpretation

- (1) The City Council shall serve as the Board of Appeals and hear and decide any appeals of the Community Development Director's interpretation of this chapter.

(b) Appeal of City Council Decision

- (1) All decisions made by the City Council regarding subdivision shall be final, except that any aggrieved person shall have the right to appeal within thirty (30) days after delivery of the decision to the appellant, to the District Court in Washington County. Any person seeking judicial review under this chapter must serve the city and all necessary parties, including any landowners, within the thirty (30) day period defined above.

**Sec. 21-03-111. Amendment**

- (a) From time to time, the Planning Commission may, of its own motion, upon petition, or at the direction of the City Council, cause to be prepared amendments supplementing or changing regulations herein established.
- (b) Before any proposed amendment can be acted on, a public hearing shall be held by the Planning Commission with notice given in the official newspaper at least ten (10) days prior to the hearing.
- (c) Upon receiving the recommendation of the Planning Commission, the City Council shall study the Planning Commission's recommendation and approve or disapprove the amendment.

**Division 21-03-200. Minor Subdivisions**

**Sec. 21-03-201. Applicability**

- (a) An application for minor subdivision shall be submitted to the City when any of the following apply:
  - (1) The subdivision of a parcel or parcels of property is proposed in which no more than one (1) additional parcel or lot is created in unplatted lands, or no more than two (2) additional parcels or lots are created in platted lands.
  - (2) The combination of two (2) or more lots or parcels is proposed that necessitate a change in any property line(s) of the combined parcels or lots.
  - (3) A request to divide a base lot upon which a two-unit dwelling exists, or is to be constructed, along the party wall to allow for individual ownership of each unit.
- (b) Lot Splits for Two-Unit Dwellings
  - (1) If the conditions of this chapter are met, a lot upon which a two-family dwelling exists, or if to be constructed, may be split along the party wall to allow for individual ownership of each unit. The newly created lots shall each be in compliance with the minimum lot width and area requirements of the Zoning Code.
  - (2) All of the following conditions must be met before a lot split as described in provision (1) may be approved:
    - (A) The property and structure must be able to be easily split into two (2) substantially equal sections.

- (B) The structure must meet current building code standards for firewall separation. This shall also apply to existing structures.
- (C) Separate utility services must be provided.
- (D) Deed restrictions shall be recorded with the property requirements that the structure shall have a uniform exterior appearance in terms of color, design, and maintenance.
- (E) Deed restrictions shall be recorded with the property that if one unit is burned or destroyed, it shall be reconstructed in a uniform appearance, and if both units are burned or destroyed, minimum lot widths shall then prevail for a single-dwelling home. A double dwelling may be rebuilt meeting the original conditions of this subsection.
- (F) Any other conditions shall be imposed that the City deems necessary to assure a reasonable division of property.

(c) Single Unit Lot Divisions

- (1) Flag shaped lots are prohibited as a means of dividing a parcel because of minimum lot width requirements.
- (2) The applicant shall make every effort to assemble adjoining property under joint agreement to subdivide or covenant to do so at the time of sale, as applicable.
- (3) Owners proposing subdivisions where there exists adjoining land, which may be assembled and subdivided, must factor this into any request and submit a concept plan(s) to show how neighboring property could be accessed. Special attention must be made to allow for the efficient delivery of public services, as determined by the City.

**Sec. 21-03-202. Review Process**

(a) Submittal Requirements

- (1) Complete application and fee as specified in the City's fee schedule.
- (2) Submission of a survey prepared by a registered land surveyor which includes the information specified on the minor subdivision application form.

(b) Review Process

- (1) The Community Development Director shall review the application and required informational submissions to determine application completeness and conformance with the Zoning and Subdivision ordinances.
- (2) The Community Development Director shall have the authority to make a final decision on the application. The Community Development Director may also choose to refer the application to the Planning Commission and the City Council for a final decision.
- (A) When applications for minor subdivisions are referred to the Planning Commission, the Community Development Director shall set a date for review of the application by the Planning Commission.

- (B) The Planning Commission shall review the application and make a recommendation to the City Council for approval or disapproval of the request.
- (3) The City Council shall consider the recommendations of the Planning Commission and the application for a minor subdivision and approve or disprove the application. If the minor subdivision is not approved, the reasons for such action provided to the applicant in writing.
- (c) Expiration of Approval
  - (1) City approval for a minor subdivision shall become null and void if, within one (1) year after such approval, the minor subdivision has not been duly filed and recorded with Washington County Property Records.
  - (2) Prior to the expiration of a minor subdivision approval, an extension of the approval may be granted by the City Council upon the City's receipt of a request for extension. A request for an extension shall be in writing and filed with the City. There shall be no charge for the filing of such request. The request for extension shall state facts showing a good faith attempt was made to meet the recording requirement.

**Sec. 21-03-203. Deeds and Survey Required**

- (a) If approval of the minor subdivision has been granted, the applicant shall be required to furnish the deeds for the approval parcel(s) to the Administrator, or agent, so the City Administrator or agent may stamp and sign them in order that they may be filed with Washington County Property Records.
- (b) The subdivider shall also furnish to the Administrator, or agent, a certificate of survey by a registered land surveyor for each parcel included in the approved subdivision before the Administrator, or agent, may stamp and sign the deed(s).

**Division 21-03-300. Major Subdivisions**

**Sec. 21-03-301. Applicability**

- (a) Major subdivision is a subdivision of a parcel or parcels of property in which more than one (1) additional parcel or lot is created in unplatted lands, or more than two (2) additional parcels or lots are created in platted lands.
- (b) Any subdivision requiring the installation of public improvements are considered major subdivisions and shall follow the procedures outlined in this division.

**Sec. 21-03-302. Preliminary Plat**

- (a) Procedure for Preliminary Plat Review
  - (1) Prior to preparation of a preliminary plat, it is suggested that the applicant have a preliminary discussion with the Community Development Director, Public Works Director, and City Engineer.
  - (2) Submittal Process
    - (A) The applicant shall submit to the City all those materials as required on the preliminary plat application form, and the application shall be accompanied by the fee as provided for in the City fee schedule.

- (B) The plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of Minnesota state statutes and of these regulations
  - (C) The Community Development Director, or agent, shall review the filing for completeness. The preliminary plat shall be considered officially complete only when all of the information requirements are complied with, the appropriate fees paid, and escrows deposited.
  - (D) The Community Development Director shall refer the materials to City Staff and other appropriate agencies for review.
- (3) Planning Commission
- (A) The Planning Commission shall hold a public hearing on the proposed preliminary plat.
  - (B) The public hearing shall be noticed and held in accordance with the procedure set out in Section 21-03-103 Public Hearings and Notices.
  - (C) Following the public hearing, the Planning Commission shall review the preliminary plat and provide a recommendation to the City Council.
- (4) City Council
- (A) The City Council shall act on the preliminary plat within the timeline set out in Section 21-03-102 Deadline for Action.
  - (B) If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the City Council and transmitted to the applicant.
- (5) Expiration of Approval
- (A) Approval of a preliminary plat shall be null and void unless within one (1) year after receiving the last required approval of the preliminary plat, there shall be submitted to the City a final plat in accordance with the conditions upon which such approval was granted by the Council.
  - (B) Prior to the expiration of a preliminary plat approval, an extension of the approval may be granted by the City Council upon the City's receipt of a request for extension. A request for an extension shall be in writing and filed with the City. There shall be no charge for the filing of such request. The request for extension shall state facts showing a good faith attempt was made to meet the recording requirement.

**Sec. 21-03-303. Final Plat**

(a) Review Process

(1) Submittal

- (A) The applicant shall submit a final plat application with all materials listed in the City application within twelve (12) months of preliminary plat approval unless an extension of the preliminary plat was approved by the City Council.

- (B) The plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of Minnesota state statutes and of these regulations
- (C) The final plat shall incorporate all changes required by the City Council. Otherwise, it shall conform to the preliminary plat.
- (D) The final plat may constitute only that portion of the preliminary plat that the subdivider proposes to record and develop at the time.
- (E) The Community Development Director shall refer the materials to City Staff and appropriate agencies for review.
- (2) City Council Action
  - (A) The City Council shall review and act on the final plat within the timeline set out in Section 21-03-102 Deadline for Action.
- (3) Recording Final Plat
  - (A) If the final plat is approved by the City Council, the subdivider shall record it with Washington County Property Records within one (1) year after the date of approval.
  - (B) If the final plat is not recorded within one (1) year, approval shall be considered void.
  - (C) Signatures shall be recorded upon the final plat as required by the Washington County Plat Manual.
- (b) Assessment Splits
  - (1) In the event a tract of land against which an assessment has been levied is thereafter divided or subdivided by plat or otherwise, the City Council may, on application of the owner of any part of the tract or on its own motion, equitably apportion among the various lots or parcels in the tract all the installments of the assessments against the tract remaining unpaid and not then due, if it determines that such apportionment will not materially impair the collection of the unpaid balance of the original assessment against the tract.

## **Division 21-03-400. Subdivision Variance**

### **Sec. 21-03-401. Authorized**

- (a) Subdivisions which do not meet the requirements in this Chapter may request a subdivision variance.

### **Sec. 21-03-402. Procedure**

- (a) An application for a variance shall be filed with the City and shall state the exceptional conditions claimed as a basis for a variance.
- (b) The application shall be referred to the Planning Commission for their review and comment. The Planning Commission shall refer the application and their recommendations to the City Council.

- (c) The City Council, acting as the Board of Appeals, shall consider the application after receipt of the Planning Commission recommendations. It may act to grant or deny, or it may postpone.
  - (1) If a variance is denied by motion of the City Council, such motion shall constitute a finding and determination by the City Council that the conditions required for approval do not exist.
- (d) The City Council may approve requests for variances to this chapter if it can be demonstrated that:
  - (1) An unusual hardship on the land exists;
  - (2) The intent of this chapter is achieved; and
  - (3) The variance is not detrimental to the health and safety of the public.

#### **Division 21-03-500.        Enforcement**

##### **Sec. 21-03-501.    Violations**

- (a) Any person who violates any of the provisions of this chapter, or who sells, leases, or offers for sale or lease any lot, block or tract of land herewith regulated before all the requirements of these regulations have been complied with, shall be guilty of a misdemeanor, or upon conviction thereof be subject to fine and/or imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

### **ARTICLE 21-04. DESIGN STANDARDS**

#### **Division 21-04-100.        General Design Standards**

##### **Sec. 21-04-101.    Conformity with Other Standards**

- (a) A proposed subdivision shall conform to the Comprehensive Plan, to related policies adopted by the City, and to all other chapters of the official Code and Zoning Ordinance of the City.

##### **Sec. 21-04-102.    Land Requirements**

- (a) Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for the purposes proposed by reason of potential flooding, topography or adverse soil, rock formation or wetlands.
- (b) Land subject to hazards to life, health, or property shall not be subdivided until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.
- (c) Proposed subdivisions shall be coordinated with surrounding jurisdictions and/or neighborhoods, so that the City as a whole may develop efficiently and harmoniously.

#### **Division 21-04-200.        Blocks & Lots**

##### **Sec. 21-04-201.    Blocks**

- (a) Block Length

- (1) In general, intersecting streets determining block lengths, shall be provided at such intervals so as to serve cross-traffic adequately and to meet existing streets.
- (2) Where no existing plats control, the blocks in residential subdivisions should not exceed one thousand (1,000) feet, nor be less than three hundred fifty (350) feet in length, except where topography or other conditions justify a departure from this standard.
- (3) In blocks longer than one thousand (1,000) feet, pedestrian ways and/or easements through the block may be required near the center of the block (see Figure 04-1).

Figure 04-1. Midblock Linkage



(b) Block Width

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

**Sec. 21-04-202. Lots**

- (a) Lot size, location and arrangement shall be consistent with the applicable requirements of Chapter 25 Zoning.
- (b) The minimum lot area and width shall not be less than that established by the Zoning Ordinance in effect at the time of adoption of the subdivision.



- (c) Flag lots are prohibited as a means of dividing a parcel because of minimum lot width requirements.
- (d) Lot remnants. There shall be no lot remnants resulting from a subdivision. All land shall be accounted for as:
  - (1) A usable, approved lot capable of having a dwelling unit constructed on it in compliance with all the applicable provisions of the ordinances of the City; or
  - (2) Common open space to be maintained by an approved landowner association; or
  - (3) Dedicated and accepted public open space.
  - (4) Dedicated and accepted wetland/surface water ponding areas.
- (e) Every new buildable lot shall have water and sewer connections.
- (f) Side Lot Lines. Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
- (g) Frontage. Every lot must have the minimum frontage on a city-approved street other than an alley, as required in Chapter 25 Zoning.
- (h) Access. Each lot shall directly access a public or private street or as otherwise allowed for in a PUD.
- (i) Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic spots, or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

## **Division 21-04-300.      Street Design**

- (a) General. The arrangement, character, extent, width, and location of all streets and pedestrian ways shall be considered in their relation to existing and planned streets and pedestrian ways; to reasonable circulation to traffic; to topographic conditions; to run-off of storm water; to public convenience and safety; and to the proposed uses of the land to be served by such streets and pedestrian ways.
- (b) Any development that contains arterial streets, or abuts existing or proposed arterial streets, shall conform to the City Comprehensive Plan and the official map as to general right-of-way location.
- (c) All proposed streets shall be in conformity to city, county, and state plans and standards and be offered for dedication as public streets unless otherwise determined by the City Council.
- (d) Street width and pavement design shall be a function of the projected traffic volume and parking demand on the proposed street. All pavement design shall comply with the standards set by the City's Engineering Guidelines.
- (e) Circulation. Vehicle circulation shall be designed to the standards and approval of the City Engineer to ensure adequate circulation for public safety vehicles, snow plows, delivery vehicles, and other roadway users.
- (f) Intersection. Insofar as practical, streets shall intersect at right angles, and no street shall intersect at less than seventy-five (75) degrees.

- (g) Access to arterials. Residential driveway access to principal and minor arterials is prohibited.
- (h) Access to small tracts. In the platting of small tracts of land fronting on arterials where there is no convenient access to existing entrances to such arterials and where access to such arterial from such plat would be closer than one-fourth (1/4) mile from an existing point of access, every effort shall be made for the connection of roads to neighboring land. As the neighboring land is platted and developed, and access to the arterial becomes possible at a preferred location, direct access to the arterial shall be prohibited.
- (i) Continuation of streets. Where necessary or convenient for efficient circulation, continuation of streets into or through a new subdivision from existing or proposed street may be required.
- (j) Private streets. No private street shall be allowed unless:
  - (1) An approved association or organization, approved by the City Council, capable of providing snow removal service and street maintenance has been established;
  - (2) Design standards relative to pavement width as outlined in this division are satisfied; and
  - (3) The street is classified as a cul-de-sac or local street.
- (k) Cul-de-sacs
  - (1) Shall have a radius of fifty (50) feet at the property lines and forty-five (45) feet at the curb line.
  - (2) Length may not exceed three hundred (300) feet.
  - (3) Center islands are not allowed.
  - (4) Proposal must conform to city's plan for major streets and provides connections to existing streets and adequate access to adjacent properties.
  - (5) Adequate looping of utilities provided as determined by the Public Works Director/City Engineer.

## **Division 21-04-400. Sidewalks and Trails**

### **Sec. 21-04-401. Pedestrian Ways**

- (a) Pedestrian ways shall be provided with a smooth, hard surface and shall have a minimum width of five (5) feet and meet all standards as required by the City Engineer.
- (b) Where possible, pedestrian ways shall not lie immediately parallel and adjacent to the streets. Where such layout is necessary, separation between curb and sidewalk shall be a minimum of four (4) feet.
- (c) Where possible, the required sidewalk shall be located on the same side of the street as previously existing sidewalks in the area to ensure continuity and reduce the need for road crossings.
- (d) Where necessary or convenient for efficient circulation, continuation of pedestrian ways into and through a proposed development from existing or proposed pedestrian ways may be required.

## **Division 21-04-500. Easements**

### **Sec. 21-04-501. Utilities**

- (a) Easements of at least ten (10) feet in width along front and rear lot lines and five (5) feet along side lot lines shall be provided for utilities where necessary.
- (b) Easements shall have continuity of alignment from block to block.

### **Sec. 21-04-502. Drainage**

- (a) Easements shall be provided along each side of the centerline of any watercourse or drainage channel, as designated by the City Council, to a width sufficient to provide proper maintenance and protection and to provide for proper storm water run-off and installation and maintenance of storm sewers.

### **Sec. 21-04-503. Access**

- (a) Appropriate access easements for the purpose of maintaining underground utilities in the proposed development shall be provided in accordance with the Public Works Director/City Engineer.
- (b) Where appropriate, due to topographic conditions, utilities may be placed in locations other than public street right-of-way, as long as appropriate easements are conveyed through the plat. Landscaping plans must respect said easements to minimize service problems in the future.
- (c) Where appropriate, public access easements for the pedestrian path system within a PUD may be required.

## **Division 21-04-600. Drainage and Stormwater**

### **Sec. 21-04-601. Drainage**

- (a) The drainage plan (grading plan) shall utilize natural drainage ways to the maximum feasible degree.
- (b) Lots shall be laid out so as to provide drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
- (c) A two (2) percent minimum grade shall be provided away from building pads and along drainage swales.
- (d) Drainage shall be designated so as to avoid concentration of storm drainage water from any lot to or through adjacent lots.
- (e) Storm water facilities shall meet the design criteria of Appendix C of the Oakdale Surface Water Management Plan.
- (f) On site retention and infiltration of storm water shall be required unless off-site the watershed district and/or the Public Works Director/City Engineer approve disposal of storm water.
- (g) Whenever off-site disposal of all or any portion of storm water is approved, the developer shall be required to contribute to the city's Surface Water Management Fund an amount as determined by the City Council.

**Sec. 21-04-602. Wetlands and Stormwater Ponds**

- (a) Wetlands and storm water ponding areas reflected in the Oakdale Surface Water Management Plan (SWMP) shall be platted as outlots to be deeded to the City.
- (b) The outlots shall extend to the public right-of-way and be a minimum width of fifteen (15) feet and sized to encompass the delineated wetland/ponding area limits, plus buffers as noted in Appendix C of the Oakdale Surface Water Management Plan.

**ARTICLE 21-05. IMPROVEMENTS**

**Division 21-05-100. Improvements**

**Sec. 21-05-101. Improvements Required**

Prior to the approval of a final plat by the City Council, the applicant shall have agreed in the manner set forth below to install in conformity with construction plans approved by the Public Works Director/City Engineer and in conformity with all applicable standards and ordinances of the City, the improvements on the site, as described in this section.

- (a) Monuments. Monuments of a permanent character shall be placed at each corner or angle point on the outside boundary of each subdivision at the time of recording the plat, or prior to grading activities, whichever is earlier. After grading curbing is completed, permanent iron monuments shall be placed at each lot corner, each block corner and angle point. The Public Works Director/City Engineer may vary the time of placing the interior monuments if a written request explaining the reason for not placing the monuments after grading curbing is completed is presented to the Public Works Director/City Engineer.
- (b) Streets. All streets shall have an adequate sub-base and shall be improved with an all-weather permanent surface in accordance with the design standards specified by the Minnesota Highway Department specifications for highway construction on file in the office of the Public Works Director/City Engineer.
- (c) Curb and Gutter. A concrete curb and gutter shall be installed on both sides of each street dedicated in the plan according to design standards on file in the office of the Public Works Director/City Engineer.
- (d) Water Supply. Watermains shall be provided to serve the subdivision by extension of an existing city system. Service connections shall be stubbed into the property line.
- (e) Sewage Disposal. Sanitary sewer mains and service connections shall be installed to serve all lots in the subdivision and shall be connected to the public system.
- (f) Drainage. The grade and drainage requirements for each subdivision shall be in conformance with Appendix C of the Oakdale Surface Water Management Plan.
  - (1) Every plat presented for final approval shall be accompanied by a certificate of a registered engineer or registered land surveyor by a certificate of a registered engineer that the grade and drainage requirements have been met pad elevations, corner pin elevations, permanent erosion control measures, emergency overflow swales will be established.

- (2) The developer shall certify, to the best of their knowledge, that all appropriate and necessary agency permit applications have been submitted, and wetland activities will meet the requirements mandated by all agencies.
- (3) No building permits will be issued within the plat until the preliminary grading of the drainage ways within the plat has been completed, unless in the opinion of the Public Works Director/City Engineer, the issuance of a building permit(s) will not adversely affect the drainage way or cause drainage problems within the plat.
- (g) Plant Material. Plant material shall be planted in conformance with the approved landscaping plan, as required in PUDs, commercial, industrial, and office park developments. In non-PUD residential subdivisions, plant material shall be planted in conformance with an approved planting plan for public rights-of-way.
- (h) Public Utilities. All utility lines for telephone, fiber broadband service, cable television, street lights, electrical service and gas service shall be placed underground in the street right-of-way or easement.
  - (1) Allowances shall be made for appurtenances and associated equipment such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets.
  - (2) A permit must be obtained from the Public Works Director/City Engineer prior to utility installation.
- (i) Street Lights and Signs. Streetlights and signs shall be installed in accordance with specifications adopted by the City Council from time to time and filed with the Public Works Director.

**Sec. 21-05-102. Acceptance of Streets for Maintenance and Snow Removal**

- (a) Compliance with Standards Required. The City shall not accept for maintenance or snow plowing any streets that have not been brought up to the standards including a hardtop surfacing set out below.
- (b) Surfacing, Width Required. No streets not now accepted for maintenance and snow plowing shall be so accepted until they have been brought into conformance with city street construction standards as specified in this chapter. No occupancy permit will be granted until the final hard surfacing is complete to the standards of Division 21-04-300 Street Design.
- (c) Security to Guarantee Improvement. Building permits may be issued on roads not now accepted for maintenance and snow plowing provided a guarantee for installation of hard-topped surfacing has been made according to the standards set out in Division 21-04-300 Street Design and improvements will be completed within one year.
- (d) Connection with Existing Surfaced Streets. Any road improvement to bring a street up to the standard required for acceptance shall be of sufficient hardtop surfacing so that its hardtop surface area will connect directly with existing hard-topped surface streets.
- (e) Existing Plats Having Unaccepted Streets. In the case of existing plats having streets laid out that are not now being maintained and snow plowed, no building permits shall be issued until all of the streets within or bordering the plat have been hard surfaced according to the standards set out in Division 21-04-300 Street Design.

- (f) Variance. The City Council may provide for a variance from the requirements of this article if the City Council finds that the applicant is aware of and accepts responsibility for the problems and inconvenience of not having a hard surface road, and also concludes that the lack of a hard surface road will not create problems for the City in delivery of public services.

**Sec. 21-05-103. Responsibility for Required Improvements**

- (a) The required improvements to be furnished and installed by the applicant as described in Section 21-05-101 Improvements Required are to be furnished and installed at the sole expense of the applicant and at no expense to the City.
- (b) In the case of an improvement in which the cost would be assessed only in part to the improved property and the remaining cost paid out of general tax levy, the City Council may, in a development agreement as hereafter set out, make provision for payment of a portion of the cost by the applicant and the remaining portion of the cost by the City.

**Sec. 21-05-104. Responsibility for Requested Improvements**

- (a) The owner of the property included in a preliminary plat shall enter into a written agreement with the City to provide at the owner's sole expense all improvements required within and to the plat.
- (b) Such agreements shall be conditioned upon approval of the preliminary plat by the City, shall be in a form approved by the City Council, and shall incorporate plans, drawings and specifications approved in their final form prior to commencement of each improvement.
- (c) If the preliminary plat includes a phasing plan, the approval of plans, drawings and specifications for each phase shall satisfy the condition of approval for that phase.
- (d) As an alternative to the above, the owner of property included in a preliminary plat may petition the City to install certain improvements required within and/or to the plat. Said petition shall be in accordance with Minnesota Statutes Chapter 429.
- (e) The City Council may accept a petition and refuse to order the project through the City if in the judgment of the City Council, the property owner should install the improvements.
- (f) Petitions for complete utility and street improvements must be received by January 15 each year for improvements requested to be installed during that year.
- (g) Petitions for installation of street improvements requested to be installed during that year must be received by January 1.
- (h) Petitions requesting just utility improvements must be received by April 1 if the utilities are to be installed during that year. Otherwise, the City may refuse to construct said improvements until the following year.

**Sec. 21-05-105. Plans and Drawings for Improvements by Developers**

- (a) Engineering plans and drawings for the construction and installation (record as built drawings) of all required improvements shall be prepared at the applicant's expense by a professional engineer registered in the State of Minnesota, shall bear the engineer's seal and shall contain the following data and information:

- (1) Plans, details, specifications, and cost estimates for street construction, including a centerline profile and a grade line for each street with a typical cross-section of the roadway.
  - (A) The profile of grade lines shall be shown to a scale of one (1) inch equals fifty (50) feet horizontal, and one (1) inch equals five (5) feet vertical.
  - (B) The plan sheets shall show the original benchmark elevation and location used to determine elevations for the improvements.
  - (C) The record drawings shall reflect elevations at all hydrants, manhole rim and invert locations.
  - (D) Where a proposed street intersects an existing street, a centerline profile and grade line for such existing street within one hundred (100) feet of the intersection shall be shown on standard plan and profile sheets.
- (2) Plans, details, specifications, and cost estimates for proposed storm drainage improvements.
- (3) Plans, details, specifications, and cost estimates for proposed water supply facilities, if any.
- (4) Plans, details, specifications, and cost estimates for sewerage systems and sewage treatment plants, if any.
- (b) Grading plans for all lots and other sites in the subdivision.
  - (1) Upon completion of the grading activities, a development plan showing the as built grades on the building pads, lot corners, and wetland/ponding areas shall be prepared and forwarded to the city. The Surface Water Management basins shall reflect the final stage storage/discharge information.
- (c) When unusual site conditions exist, the City Engineer may require additional plans, specifications, and drawings as may be necessary for an adequate review of the improvements to be installed.
- (d) All plans and drawings shall conform to the City standards as adopted by the City Council and on file in the City Engineer's Office.

**Sec. 21-05-106. Responsibility and Financial Guarantees for Improvements by Applicant**

- (a) Simultaneously with the execution of the development agreement, providing that the developer will construct the required improvements for the plat at the owner's expense, the owner, applicant, or both, as the case may require, shall furnish a cashier's check, City escrow account, or irrevocable letter of credit in favor of the city in an amount equal to one hundred twenty-five (125) percent of the cost, as estimated by the Public Works Director/City Engineer, of providing and installing all required improvements located within the public right-of-way or on City owned property.
- (b) Such escrow, or letter of credit shall be in a form approved by the City Attorney, shall be conditioned upon the approval of the final plat and shall be further conditioned as to guarantee the actual completion and installation of such required improvements within a specified period of time from the date of final plat approval.

- (c) In order to guarantee and secure the correction of any defect in material or workmanship furnished for such improvements, latent in character, and not discernible at the time of final inspection or acceptance by the community or any damage to such improvements by reason of the settling of the ground, base, or foundation thereof, the City will require that the applicant shall maintain an escrow account, or irrevocable letter of credit, in the amount of twenty-five (25) percent of the construction cost of the in-place improvements which will be owned and maintained by the City for a period of eighteen (18) months after final acceptance of the required improvements by the City.
- (d) If during that eighteen (18) month period any such defects develop, the deposit in escrow, or letter of credit, may be applied by the City for any amounts incurred to correct such defects.
- (e) During the course of construction, if the Public Works Director/City Engineer determines that the construction methods or materials are not consistent with the construction specifications or the erosion control plan, the Public Works Director/City Engineer shall have the right to shut down the project until corrective actions are satisfied.

## **Division 21-05-200.      Dedication**

### **Sec. 21-05-201.      Land Dedication Required for Parks, Trails, and Open Space**

- (a) In every subdivision of land, a reasonable portion of such land shall be dedicated to the public or preserved for conservation purposes or for public use as parks, playgrounds, trails, wetlands, or open space.
- (b) It is hereby found and declared that, pursuant to Minnesota Statutes, Section 462.358, subdivision 2b, it is reasonable to require dedication of an amount of land equal in value to that set forth in Section 21-05-203 Dedication Calculation.
- (c) This dedication shall be in addition to the land dedicated for streets, alleys, storm water ponds, or other public purposes.

### **Sec. 21-05-202.      Land to be Dedicated**

- (a) Land dedicated under this section shall reasonably conform to the City's Comprehensive Plan.
- (b) Land Suitability
  - (1) Land to be dedicated shall be suitable for public use as parks, trails, and open space or for one of those purposes as shall be determined in the sole discretion of the city.
  - (2) The City shall not be required to accept land which will not be usable for parks, trails or open space or which would require extensive expenditures on the part of the City to make them usable.
  - (3) All land dedicated for parks, trails, and/or open space shall be designed to incorporate natural features as much as possible, such as rivers, streams, wildlife habitats, woodlands, and ponding areas.
  - (4) The city will not give park dedication credit for floodplains, wetlands, stormwater ponding areas, land encumbered by gas pipeline or other utility easements, slopes of more than twenty (20) percent grade or for required sidewalks or walkways within road rights of way.



- (5) All land dedicated for parks shall have at least one hundred fifty feet (150') of street frontage on at least one side. All trails shall have at least a twenty foot (20') wide access where the trail connects to a street, sidewalk, or trail.

**Sec. 21-05-203. Dedication Calculation**

- (a) In determining the amount of land or cash which an owner or developer of residential property shall be required to contribute for public use, the formula shall be in accordance with the current Park Dedication Fee schedule.
- (b) The owner or developer of any parcel of land zoned for single unit dwelling and has located thereon one (1) or more single unit dwellings shall, when subdividing said parcel into additional lots, receive credit for the existing dwellings.
- (c) In those cases where a resubdivision of a parcel on which a dedication of land or cash has previously been made in connection with a prior subdivision but on which an additional cash dedication is required under the resubdivision, credit shall be given for the prior dedication.
- (d) The City Council, at its discretion, may waive or reduce the requirements of this division when the subdivision includes a city-assisted development or redevelopment area where the requirements would create a financial hardship for the project.

**Sec. 21-05-204. Cash in Lieu**

- (a) The City may choose to accept cash in lieu of land from the applicant for part or all of the required land dedication. The amount of cash owed shall be equal to average fair market value of the unplatted land in the subdivision, as it was valued prior to or at the time of final approval;
- (b) Any cash payments received shall be placed in a special fund and used by the City to acquire land for, or to improve, parks, playgrounds, trails, or public open space. Cash payments will not be used for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands, or open space.
- (c) The City shall require a cash payment in lieu of park, trail, and open space dedication whenever:
  - (1) The proposed land available for dedication is not suitable for the intended use;
  - (2) The proposed dedication of land is too small for practical maintenance; or
  - (3) The cash payment would be more beneficial to the development of the overall park system than dedication of the land within the property to be developed.

**Sec. 21-05-205. Modification of Requirements**

- (a) The dedication requirements are based on the proportionate need for parkland and impact on the city park system created by the development and are presumptively appropriate.
- (b) A developer may request a deviation from the presumptive requirements based upon: the anticipated impact of that particular subdivision; existing park and recreational facilities; or proposed parks, open space, recreational, or common areas and facilities

open to the public as designated on development plans. The request must be made to the City Council as part of an application for final plat approval.

- (c) The City Council, after consideration of the request, may modify or reduce the requirements of this division.