

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Schiff

Amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to Land Subdivision.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 598.20 of the above-titled ordinance be amended to read as follows:

598.20. Authority. These land subdivision regulations are enacted pursuant to the authority granted to the municipality by Minnesota Statutes sections 462.351 through 462.365, Minnesota Statutes Chapter 505, Minnesota Statutes Chapter 508, and the Minneapolis City Charter, Chapter 13, Section 5.

Section 2. That Section 598.60 of the above-titled ordinance be amended to read as follows:

598.60. Definitions. Words and terms not defined in this section shall have the same meaning as described in the zoning code. As used in this chapter, the following words shall mean:

City engineer. The director of the department of public works or their designee.

Lot line adjustment. Where platted lots share common boundaries and the common boundaries are being redrawn to create new legal descriptions, but no additional lots or parcels are created.

Minor subdivision. A subdivision of one or more lots or parcels that creates no more than two (2) lots or parcels.

~~*Outlot.* Any lot which is created by subdivision which will not be developed for any use other than open space, private or public park or common area within a condominium plat prepared pursuant to Minnesota Statutes, Chapter 515A or a common interest community plat prepared pursuant to Minnesota Statutes, Chapter 515B.~~

Outlot. Any lot which is created by subdivision which will not be developed for any use other than open space, private or public park, or common area within a condominium plat prepared pursuant to Minnesota Statutes, Chapter 515A or a common interest community plat prepared pursuant to Minnesota Statutes, Chapter 515B. Outlots prepared for common area may have parking, associated driveways and drive aisles, and other improvements associated with the project that are an integral feature of the common area as approved in conjunction with a cluster development or planned unit development site plan.

Planning director. The director of the department of community planning and economic development or their designee.

Plat. The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statutes, Chapter 505.

Registered Land Survey. The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statutes, Chapter 508.

Subdivider. Any person with a legal or equitable interest in land who submits an application to the city for approval of the subdivision of that land.

~~*Subdivision.* The separation, including the resubdivision, of an area, parcel or tract of land under single or joint ownership into two (2) or more parcels, tracts, lots or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads or alleys, for residential, commercial, industrial or other use or any combination thereof, except those separations creating cemetery lots or resulting from acquisition by governmental agencies for public improvements or uses. Used as a verb, subdivision is the process of separating land. Used as a noun, a subdivision is the land itself after it has been subdivided.~~

Subdivision. The separation, including the resubdivision, of an area, parcel or tract of land under single or joint ownership into two (2) or more parcels, tracts, lots or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads or alleys, for residential, commercial, industrial or other use or any combination thereof, except those separations:

- (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;
- (3) Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary. Any division of land so decreed which does not meet zoning chapter requirements for lot area, lot width, lot sides, or which does not have the required frontage on a public right-of-way is not a buildable lot, unless otherwise allowed by these regulations or the zoning ordinance;
- (4) Resulting from acquisition by governmental agencies for public improvements or uses.

Used as a verb, subdivision is the process of separating land. Used as a noun, a subdivision is the land itself after it has been subdivided.

Subdivision approval. Approval of a subdivider's application for subdivision granted by the city evidenced by the city's signature on a final plat or registered land survey or, in the case of minor subdivisions, evidenced by a resolution of the city recorded in the Office of the Hennepin County Recorder or Registrar of Titles.

Tax parcel combination. Where two (2) or more platted lots with separate tax or property identification numbers are combined under one tax or property identification number for the purpose of receiving a single-tax statement.

Tax parcel split. Where two (2) or more platted lots that were combined under one tax or property identification number for the purpose of receiving a single-tax statement are assigned new tax or property identification numbers for two (2) or more of the platted lots.

Section 3. That Section 598.70 of the above-titled ordinance be amended to read as follows:

598.70. Development plan required. (a) *In general.* In order to accomplish the purposes of these land subdivision regulations, each subdivider shall submit as part of its application for subdivision approval a development plan consisting of a statement of the proposed use of all portions of the land to be subdivided and a site plan showing all existing and planned development including the location of structures, parking areas, easements, reservations of land, drainage, sewerage, fire protection, building elevations, landscaping, screening and bufferyards, and similar matters, as well as the location of existing public facilities and services.

(b) *Undeveloped outlots.* A subdivider may identify portions of the land to be subdivided which the subdivider intends to reserve for future development as an undeveloped outlot, rather than showing planned development, subject to the following:

- (1) Before any further subdivision of the outlot, the subdivider shall submit a complete application for subdivision approval, subject to all requirements of this chapter, including the payment of application and submittal fees.
- (2) Whether or not the proposed development requires further subdivision of the outlot, the subdivider shall submit a development plan to the city for review and approval pursuant to this chapter before developing any outlot created by subdivision for any use other than open space or private or public park. In the event the proposed development does not require further subdivision of the outlot, the city's review of the development plan shall be deemed a continuation of the subdivider's original subdivision application and the subdivider shall not be required to pay an additional subdivision application fee.

(3) Notwithstanding the provisions of this section, the planning commission may waive the requirement to plat a lot or lots reserved for future development as an outlot or outlots where the subdivider can demonstrate the lots are of a sufficient width and area to allow future development without the need for variances and, there are no issues of access, grade or other hazards or issues that would make securing a building permit difficult. In no case shall the requirement be waived where a lot would not have frontage on a public street, would not meet the minimum requirements of the zoning ordinance and these regulations or would create a nonconformity to the zoning ordinance, building code, or these land subdivision regulations.

(4) An outlot may not be further subdivided except by replat.

Section 4. That Section 598.90 of the above-titled ordinance be deleted and reserved as follows:

~~**598.90. Phased development.** If a proposed subdivision includes phased development or components of development which, if taken together as proposed or completed would be regulated as a multiple family development, cluster development, supportive housing or similar development, conformance with such applicable zoning regulations shall be a condition of any subdivision approval.~~

598.90. Reserved.

Section 5. That Section 598.120 of the above-titled ordinance be amended to read as follows:

598.120. Subdivision by plat or registered land survey. (a) *In general.* As a condition of subdivision approval, the city shall require a subdivider to prepare and record a plat or registered land survey as described in section 598.200 of this chapter, when the proposed subdivision does one or more of the following:

- (1) Creates three (3) or more lots or parcels.
- (2) Involves development of the land which requires paved streets, alleys or the installation or extension of other public improvements or services.
- (3) Involves previously unplatted land.
- (4) Involves multilevel separation of land or improvements through a registered land survey.

Section 6. That Section 598.130 of the above-titled ordinance be amended to read as follows:

598.130. Minor subdivisions. The city shall not require a subdivider to prepare and record a plat or registered land survey as a condition of approval of a minor subdivision provided the following conditions are met:

- (1) The lot or lots created by the subdivision have frontage on an existing public street and development of the lot or lots does not require the installation or extension of other public improvements or services.
- (2) The lot or lots to be subdivided are previously platted land.
- (3) Conveyance of unplatted railroad right-of-way to adjacent property owners.

Section 7. That Section 598.140 of the above-titled ordinance be amended to read as follows:

598.140. Minor subdivision Exemptions. The following minor subdivisions shall be exempt from all provisions of this chapter:

- (1) Minor subdivisions by the City of Minneapolis made to convey portions of lots owned by the ~~agency~~ city to adjacent property owners for creation of residential side yards.
- (2) Minor subdivisions by the City of Minneapolis to convey portions of excess right-of-way owned by the city to adjacent property owners.
- (3) Where the purpose is to adjust the common boundary between two parcels under separate ownership for the purpose of reconciling legal descriptions, resolving encroachments, or otherwise settling disputes between owners about the location of common boundaries, provided the following conditions are met:
 - a. No new lots or parcels are created.
 - b. The adjustment does not create split zoning on one or more of the parcels.
 - c. The minimum lot width, lot area, and setbacks of the district in which the parcels are located are maintained.
 - d. The adjustment does not eliminate street or alley access or frontage or create a land-locked lot or parcel.

- e. The adjustment does not create a nonconformity to the zoning ordinance or building code.
- f. The adjustment conforms to the design standards of the subdivision ordinance. The prohibition on creating a five-sided residential lot may be waived when done to remedy an existing minor encroachment and not to create area for a new development.

Section 8. That Section 598.145 of the above-titled ordinance be amended by adding a new Section 598.145 thereto, to read as follows:

598.145. Tax parcel split or combination. The city shall not require a property owner to prepare and record a plat or registered land survey or prepare a minor subdivision to combine tax parcels under one tax or property identification number for the sole purpose of receiving a single-tax statement. The city shall not require a property owner to prepare and record a plat or registered land survey or prepare a minor subdivision where two (2) or more platted lots that were combined under one tax or property identification number for the sole purpose of receiving a single-tax statement are assigned new tax or property identification numbers for two (2) or more of the platted lots. For tax parcel splits or combinations the following conditions shall be met:

- (1) The split or combination does not create split zoning on one or more of the parcels.
- (2) The minimum lot width, lot area, and setbacks of the district in which the parcels are located are maintained.
- (3) The split or combination does not eliminate street or alley access or frontage or create a land-locked lot or parcel.
- (4) The split or combination does not create a nonconformity to the zoning ordinance, subdivision ordinance design standards for large lots, or building code.

Section 9. That Section 598.180(b)(11) of the above-titled ordinance be amended to read as follows:

- (11) ~~Five (5)~~Three (3) copies of a survey of the area to be subdivided, in the case of a minor subdivision, or in the case of a plat or registered land survey, ~~five (5)~~ three (3) copies of a preliminary subdivision plat or registered land survey. All surveys shall be made by a registered land surveyor and shall show existing and proposed boundaries and shall include a tabulation showing the land area and legal description of each new parcel.

Section 10. That Section 598.200 of the above-titled ordinance be amended to read as follows:

598.200. Application procedure for plats and registered land surveys.

(a) *Preliminary submission.* City ~~planning~~ staff shall review the complete application for conformance to Minnesota Statutes, the Minneapolis City Charter, the Hennepin County Plat Manual, the Minneapolis Code of Ordinances and these land subdivision regulations. Staff will advise the subdivider of changes, if any, required to bring the application into conformance.

(b) *Public hearing.* The planning commission shall hold a public hearing on the application for preliminary subdivision plat or registered land survey, as revised by the subdivider, if at all, in response to staff review. Following the hearing, the planning commission shall make its findings and decision to approve or disapprove the preliminary plat or registered land survey.

(c) *Final submission.* After approval of the preliminary plat or registered land survey by the planning commission, five (5) copies of the final plat or registered land survey shall be prepared and submitted to the ~~city planning department~~department of community planning and economic development; two (2) shall be mylars, three (3) shall be paper prints. The contents and size of final plat or registered land survey materials used in the preparation of the tracing and mounted copies shall conform to the requirements of Minnesota Statutes, the Minneapolis City Charter, the Hennepin County Plat Manual, the Minneapolis Code of Ordinances and these land subdivision regulations. A final plat or final registered land survey shall be submitted within ~~one (1) year~~ two (2) years after approval of the preliminary plat or registered land survey or a new application for subdivision approval shall be required. The zoning administrator, upon written request, may for good cause shown grant up to a one-year extension to this time limit. The following shall be included with the final plat or registered land survey:

- (1) Proof of title for property included in the plat or registered land survey.
- (2) Deed restrictions, if any.
- (3) An affidavit signed by the surveyor preparing the plat that all monuments have been placed in the ground, or will be placed in the ground within one year of the recording of the final plat, which shall conform to the specifications for city survey monuments on file with the city engineer's office.

(d) *Final plat or registered land survey approval.* Upon satisfactory review of the final plat or registered land survey by the city attorney, the planning commission shall make its findings and decision to approve or disapprove the final plat or registered land survey.

(e) Consolidation of preliminary and final plat or registered land survey.

The preliminary and final review may be consolidated into one application.

Section 11. That Section 598.210 of the above-titled ordinance be amended to read as follows:

598.210. Application procedure for minor subdivisions. In applications for minor subdivision, the application procedure for plats and registered land surveys is waived and the requirements of this section shall apply.

- (1) *Submission of application.* City ~~planning~~ staff shall review the complete application for conformance to Minnesota Statutes, the Minneapolis City Charter, the Minneapolis Code of Ordinances and these land subdivision regulations. Staff will advise the subdivider of changes, if any, required to bring the subdivision into conformance.

Section 12. That Section 598.230 of the above-titled ordinance be amended to read as follows:

598.230. Design requirements. The following requirements shall apply to all subdivisions:

- (1) *General standards.*
 - a. All lots shall have frontage on a public street as approved by the planning commission and sufficient to provide access to it for emergency vehicles as well as for those needing access to the property in its intended use, except where specifically exempted in section 598.260, planned unit development and cluster design, or where designated as an outlot.
 - b. A subdivision shall not result in more than one zoning classification on a single lot.
 - c. A subdivision shall not result in the creation of a nonconforming structure, ~~or use~~ or lot.
- (2) *Streets.*
 - a. Streets shall conform to the comprehensive plan and official map, if any, and right-of-way map, if any. Streets shall be platted as designated in Table 598-1, Street, Alley and Sidewalk Design for Plats and Registered Land Surveys. The city engineer shall review and approve any street to be platted to ensure that it is adequate to provide appropriate access to the subdivision.

- b. All new streets shall make connection to existing streets as approved by the city engineer. Streets shall intersect at right angles or radial to curved streets whenever practical.
 - c. Any street designated as a major street shall be platted to the width and alignment as approved by the city engineer, but in no case shall be less than as designated in Table 598-1, Street, Alley and Sidewalk
- (3) *Alleys.* Where proposed or required by the planning commission, alleys shall be platted as designated in Table 598-1, Street, Alley and Sidewalk Design for Plats and Registered Land Surveys. Dead end alleys shall be prohibited.
 - (4) *Sidewalks.* Sidewalks shall be provided within the dedicated non-pavement right-of-way of streets as shown in Table 598-1, Street, Alley and Sidewalk Design for Plats and Registered Land Surveys.
 - (5) *Utility easements.* ~~Utility easements shall be provided as~~ if required by the city engineer, utility easements ~~and~~ shall be shown on the preliminary and final plat or registered land survey. Where no alleys are provided, utility easements required by the city engineer shall be not less than five (5) feet on side lot lines and not less than ten (10) feet on rear lot lines, or based upon a utility plan approved by the city engineer.
 - (6) *Floodplains.* All lots within a floodplain district shall contain a building site at or above the regulatory flood protection elevation, and shall comply with the standards of the Floodplain Overlay District as specified in Chapter 551, Overlay Districts. No land shall be subdivided which is held unsuitable for development by the city planning commission for reason of flood hazard.
 - (7) *Outlots.* Any lot which due to the existing grade, physical conditions, hazard of flooding, or of a size, shape or in a location not conforming to these regulations and therefore not suitable for development, may be platted as an outlot.

Section 13. That Section 598.240 of the above-titled ordinance be amended to read as follows:

598.240. Residential development design. The following requirements shall apply to residential subdivisions:

- (1) *Blocks.* Blocks shall be not less than six hundred (600) feet nor more than one thousand five hundred (1,500) feet long and shall be of a minimum width to provide two (2) tiers of lots. Through lots shall be

avoided. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads or waterways. Sidewalks or pedestrianways, not less than ten (10) feet wide, may be required through the center of blocks more than eight hundred (800) feet long where deemed necessary to provide circulation or access to schools, parks, playgrounds, shopping areas, transportation or other community facilities.

(2) *Lot dimensions.*

- a. *Single and two family dwellings.* Lot width shall be not less than the minimum requirements set forth by the zoning ordinance except where no alley is provided, in which case the required minimum lot width shall be increased by ten (10) feet. Lot area shall be not less than the greater of (1) the minimum requirements set forth by the zoning ordinance or (2) the average of the single family and two family zoning lots, including the subject zoning lot, located in whole or in part within three hundred fifty (350) feet or the average of the single family and two family zoning lots, including the subject zoning lot, located in whole or in part within the same zoning district within three hundred fifty (350) feet, whichever is greater, where such average lot area exceeds the minimum zoning requirement by fifty (50) percent or more. No lot shall be created which has more than five (5) sides.
- b. *Multiple family dwellings.* Lot width and lot area shall be not less than the minimum requirements set forth by the zoning ordinance except where no alley is provided, in which case the required minimum lot width shall be increased by ten (10) feet. No lot shall be created which has more than five (5) sides.

(3) *Solar access.* All lots in subdivisions of forty (40) acres or more shall be platted in an orientation to maximize solar exposure.

(4) *Reverse frontage lot(s).* Reverse frontage lots, those platted in reverse orientation to the rest of the block, shall be prohibited. Reverse corner lots are also reverse frontage lots.

(5) *Existing two family dwelling.* Notwithstanding the requirements of this chapter, lots with an existing side-by-side two family dwelling of one or more stories may be subdivided along the party wall to allow separate ownership of each side of the building provided that covenants are recorded that set forth the requirements for exterior maintenance of the building and grounds, the requirements for reconstruction if one or both sides of the building are damaged or destroyed, and state that the parcels may be used separately as long

as the existing building is continued and that thereafter the lots shall be combined to make a single parcel or otherwise be enlarged to conform to the requirements of these land subdivision regulations. Evidence of proper filing of the covenants shall be submitted to the zoning administrator before the approval will be in effect.

Section 14. That Section 598.300(a)(3) of the above-titled ordinance be amended to read as follows:

- (3) Upon substantial completion of all required improvements, the subdivider may notify the ~~city planning department~~ department of community planning and economic development in writing, by certified mail, of the completion or substantial completion of improvements, and shall send a copy to the city engineer. The city engineer shall inspect all improvements and shall file a detailed report, in writing, with the city planning department indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection. The cost of the improvements as approved or rejected shall be set forth.

Section 15. That Section 598.310 of the above-titled ordinance be amended to read as follows:

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. The planning commission shall consider input from applicable city departments and adopted city plans and policies. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific 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 welfare or injurious to other property in the area in which the property is located.
- (3) The variance and alternatives proposed in lieu of design standards will be in keeping with the spirit and intent of the ordinance.