

# ORDINANCE NO. 15

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## ORDINANCE NO. 15

**AN ORDINANCE AMENDING ORDINANCE NO. 15 OF THE TOWN OF WHITE BEAR, RAMSEY COUNTY, MINNESOTA, ADOPTED AUGUST 31, 1978, AS AMENDED, BEING AN ORDINANCE ESTABLISHING REGULATIONS AND PROCEDURES FOR THE SUBDIVISION AND PLATTING WITHIN THE TOWN OF WHITE BEAR, ESTABLISHING THE TOWN BOARD OF SUPERVISORS AS THE PLATTING AUTHORITY, PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREIN**

**THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF WHITE BEAR ORDAINS:**

### **SECTION 1. AMENDMENT AND REPEAL OF CONFLICTING ORDINANCES.**

Ordinance No. 15, being an Ordinance regulating the subdivision of land in the Town of White Bear, Ramsey County, Minnesota, approved August 31, 1978, as amended, is hereby amended to read as follows, and all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed. In all other respects all other Ordinances shall remain in full force and effect.

### **SECTION 2. GENERAL PROVISIONS.**

**2-1. SHORT TITLE.** This Ordinance shall be known as the "SUBDIVISION ORDINANCE OF THE TOWN OF WHITE BEAR, RAMSEY COUNTY, MINNESOTA" (Ordinance No. 15), and will be referred to herein as "this Ordinance".

**2-2. PURPOSE.** This Ordinance is enacted pursuant to powers granted by Minnesota Statutes, Section 462.358, and other applicable sections to provide for orderly, economic and safe development of land and urban services and facilities and to promote the public health, safety, morals and general welfare. In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, adequate municipal services and safe streets, all subdivisions hereafter platted with the Town shall fully comply with the regulations set forth in this Ordinance.

**2-3. INTERPRETATION.** The interpretation and application of the provisions of this Ordinance shall be the minimum requirements adopted for the protection of public health, safety, good order and general welfare of the Town.

**2-4. SCOPE.** Except in the case of resubdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Registrar of Deeds prior to July 30, 1964. It is not the intention of this Ordinance to repeal, abrogate, annul or in any way impair or interfere with

existing provisions of other laws or Ordinances except those specifically repealed by, or in conflict with this Ordinance, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the Town is a part. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract of deed, the provisions of this Ordinance shall control.

**2-5. PLATTING AUTHORITY.** The Town Board of Supervisors shall serve as the platting authority in accordance with Minnesota Law 1965, Chapter 670, as amended, (Minnesota Statutes, Section 462.358). No plat, replat, subdivision of land, or registered land survey, shall be filed or accepted for filing by the Registrar of Titles or County Recorder of Ramsey County, unless it is accompanied by a certified copy of a resolution adopted by the affirmative vote of a majority of the member of the Board approving plat, replat, subdivision of land, or registered land survey.

**2-6. REQUIREMENT.** All subdivisions which create five (5) or more lots or parcels which are 2 ½ acres or less in size shall be platted.

**2-7. PLANNED UNIT DEVELOPMENT (PUD).** Planned Unit Developments shall be in accordance with the provisions of Ordinance No. 35, Section 7-10.

### **SECTION 3. DEFINITIONS.**

**3-1.** For the purpose of this Ordinance, certain words and terms are hereby defined as follows:

**3-1.1. BLOCK** is an area of land within a subdivision entirely bounded by streets or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above, with a stream or lake.

**3-1.2. COMPREHENSIVE PLAN** is a compilation of policy statements, goals, maps and standards governing the physical, social and economic development, both public and private, of the community and its environs.

**3-1.3. CUL-DE-SAC** is a residential access street with only one (1) outlet and a circular turn-around at its end.

**3-1.4. DESIGN STANDARDS** are the specification to land-owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right-of-way, blocks, easements, lots, etc.

**3-1.5. EASEMENTS** are a grant by the property owner for the use of a portion of land for the express purpose of construction and maintenance of slopes, grade transitions or utilities.

**3-1.6. FREEWAY** is a fully controlled access highway.

**3-1.7. GRADES, SLOPE OR GRADIENT** is the rate of vertical drop or rise from any fixed horizontal line.

**3-1.8. IMPROVEMENTS** mean the construction or installation of public or private utilities including, but not limited to, water and sanitary sewer systems, storm sewers, roads and other thoroughfares, sidewalks, curbs and gutters, paving barricades, trees and other plantings, lighting, fuel or energy and the transmission thereof, transportation systems or facilities connected therewith, and communications systems which are necessary, desirable or convenient in the maintenance of the health, safety and the general welfare.

**3-1.9. LOT** is a parcel of land delineated upon and thereafter described by reference to a plat, registered land survey or auditor's subdivisions, or other similar recorded dedicatory document.

**3-1.10. OPEN SPACES** are areas set aside for the preservation of natural open space to counteract the effects of urban monotony.

**3-1.11. OWNER** is any person, firm or corporation or any other legal entity or a combination of any of them, having sufficient legal proprietary interest in the land sought to be subdivided, to commence and maintain proceedings to subdivide the same under this Ordinance.

**3-1.12. PARKS AND PLAYGROUNDS** are public lands and open space in the community dedicated as usable for active recreation purposes.

**3-1.13. PEDESTRIAN WAY** is a public or private right-of-way within or across a block or blocks, to provide access for pedestrians or utilities.

**3-1.14. PERSON** is any individual, firm, association, syndicate or partnership, corporation, trust or any other legal entity.

**3-1.15. PLANNING COMMISSION** is the Planning Commission of the Town of White Bear.

**3-1.16. PLAT, FINAL** is a drawing or map of a subdivision which consists of all the requirements of final preliminary plat as approved by the Town Board and is in such form as meets the state and county requirements for purposes of recording.

**3-1.17. PLAT, FINAL PRELIMINARY** is a resubmittal of the preliminary plat, which includes conditions, revisions and requirements noted in the Town Board approval of the preliminary plat. The final preliminary plat, when approved, will be on file in the Town Offices and will be the official document indicating layout of subdivision and ultimate development and land use of the subdivision.

**3-1.18. PLAT, PRELIMINARY** is the tentative drawing or map indicating the proposed layout of the subdivision to be submitted hereunder in compliance with the Comprehensive Plan and these regulations including required supporting data.

**3-1.19. PROTECTIVE COVENANTS** are contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of a given area.

**3-1.20. REQUIRED PUBLIC IMPROVEMENTS** are defined as those improvements in any proposed subdivision, including streets, water and sewer systems and storm water drainage systems, and others which are required in connection with the approval of any plat or other subdivision.

**3-1.21. RIGHT-OF-WAY** is the publicly owned area between adjacent private property lines within the limits of a street or pedestrian right-of-way.

**3-1.22. STREET** is a publicly owned right-of-way affording primary access to pedestrians and vehicles whether designated as a street, highway, thoroughfare, parkway, road, avenue or however otherwise designated. Ownership of right-of-way by the public shall include the right to use said right-of-way for construction of streets, watermains, sanitary sewers, storm sewers, drainage ways and any other public service deemed necessary by the Board.

**3-1.23. STREETS, PRIMARY** are the streets serving commercial, industrial and/or manufacturing areas and/or connection points of major traffic interest within the Town. Such streets may include minor arterials, collectors, and some local roadways as defined in the Town of White Bear Comprehensive Plan.

**3-1.24. STREETS, RESIDENTIAL ACCESS** are local streets providing access to residents only, and not serving business, commercial, or manufacturing areas, and not connection points of major traffic interest.

**3-1.25. STREET WIDTH** is the shortest distance between the lines delineating the right-of-way of a street.

**3-1.26. SUBDIVIDER** is any person commencing proceedings under this Ordinance or to the effect a subdivision of land hereunder for himself or for another.

**3-1.27. SUBDIVISION** means the separation of an area, parcel or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests, except those separations:

**3-1.27(a).** Where all the resulting parcels, tracts, lots or interests will be twenty (20) acres or larger in size and 500 feet in width for residential uses and five (5) acres or larger in size for commercial and industrial uses.

**3-1.27(b).** Creating cemetery lots; and

**3-1.27(c).** Resulting from court orders or the adjustment of a lot line by the relocation of a common boundary.

**3-1.28. SUBDIVISION, MAJOR** means any subdivision containing three (3) or more lots whether fronting on existing or requiring creation of any new street or road; whether utilizing existing or requiring the extension of municipal facilities or public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Zoning Ordinance, or these regulations.

**3-1.29. SUBDIVISION, MINOR** means the division of one (1) parcel of land into two (2) parcels of land neither of which parcels can be further subdivided, and fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvement, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Zoning Ordinance, or these regulations. A minor subdivision is sometimes referred to as a “lot split”

**3-1.29(a). ADMINISTRATIVE LOT SPLITS.** The Town Clerk may approve a minor subdivision of any previously subdivided properties which have been joined together for tax purposes, subject to the resulting lots meeting current minimum lot size, width and other applicable requirements established by Town Ordinance. Such minor subdivision shall not require any rearrangement of property lines and shall not have any adverse impact on the subject property or surrounding properties. If the minor subdivision is not so authorized, the applicant may apply for a minor subdivision pursuant to the requirements of Section 5.

**3-1.30. THOROUGHFARES** connect primary streets and residential access streets with freeways and other points of traffic interest. Thoroughfares are shown in the Town of White Bear Comprehensive Plan.

**3-1.31. TOWN** is the Town of White Bear, Ramsey County, Minnesota.

**3-1.32. TOWN BOARD** is the Board of Supervisors of the Town of White Bear.

## **SECTION 4. SKETCH PLAN**

**4-1. GENERAL.** Subdividers may prepare for review with the Town Board and the Town Planning Commission, a subdivision sketch plan. Such sketch plan will be considered as submitted for normal discussion between the subdivider and the Town Board or the Town Planning Commission. No fee shall be required of the subdivider for the submission of such sketch plan. Submission of a subdivision sketch plan shall constitute formal filing of a plat with the Town Board. On the basis of the sketch plan, the Town Board or the Town Planning Commission will informally advise the subdivider as promptly as possible of the extent to which the proposed subdivisions conform to the design standards of this Ordinance and to the other Ordinances of the Town, and will discuss possible modifications necessary to secure approval of the plan.

### **4-2. REQUIRED SKETCH PLAN DATA.**

**4-2.1.** The subdivider shall furnish the Town Board or Town Planning Commission with the following data:

**4-2.1(a).** A sketch of the site showing its general shape, size, adjacent roadways, adjacent land uses, and other significant features in the immediate area.

**4-2.1(b).** Type of development proposed, including existing and proposed zoning.

**4-2.1(c).** Preliminary road or street layout and lot arrangement, including lot dimensions.

## **SECTION 5. PRELIMINARY PLAN – MINOR SUBDIVISION.**

**5-1. GENERAL.** If a subdivision meets the criteria established in the definition of a minor subdivision, the applicant may proceed in the following manner:

**5-1.1.** The subdivider shall file with the Town Clerk, an application for a minor subdivision together with:

**5-1.1(a).** A sketch plan of the site showing its general shape, size, adjacent roadways, adjacent land uses, and other significant features in the immediate area.

**5-1.1(b).** Type of development proposed, including existing and proposed zoning.

**5-1.1(c).** Lot arrangement, including lot dimensions.

**5-1.2.** The Town Clerk shall refer copies of the sketch plan to the Planning Commission and Town Board.

**5-1.3.** The Planning Commission shall study and review the plan to determine whether such plan conforms to the Comprehensive Plan and other Town plans and Ordinances as they may deem applicable, and submits its report to the Town Board.

**5-1.4.** The Town Board shall act on the minor subdivision within sixty (60) days of the date on which it was filed with the Town Clerk. The Town Board may require such revisions in the minor subdivision as it deems necessary for the health, safety, good order, general welfare and convenience of the Town. If the minor subdivision is not approved, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant.

**5-2. REPEALED** by Amendment to Ordinance No. 15

**5-3.** All expenses incurred by the Town associated with reviewing and processing a request for a minor subdivision (lot split) approval, shall be the responsibility of the applicant. Costs may include, but are not limited to the following: Town staff review time (reports, meetings, site review, legal compliance, etc.); consulting engineer review; Town Attorney review (legal research, agreements, waivers, etc.); publication costs (notice of hearing). The applicant shall also be responsible for all costs associated with Special Town Meetings (other than regularly scheduled meetings) if scheduled at the request of the applicant.

## **SECTION 6. PRELIMINARY PLAT – MAJOR SUBDIVISION.**

**6-1. PROCEDURE.** Prior to platting and subdividing any tract of land into three (3) or more lots, the following procedures shall be followed:

**6-1.1.** The subdivider shall have a preliminary plat prepared on the basis of the Town plans, design standards, and data set forth by this Ordinance.

**6-1.2.** The subdivider shall then file an application for a major subdivision with the Town Clerk, together with:

**6-1.2(a).** Fourteen (14) copies of the preliminary plat.

**6-1.2(b).** A cash fee as established from time to time by Town Ordinance. This fee shall be credited toward any costs or expenses incurred by the Town in connection with approval or disapproval of said preliminary plat or final plat. The subdivider shall be responsible for all costs of approval or disapproval, and the balance of such expenses over and above the cash fee shall be paid to the Town at the time the plat is approved or disapproved.

**6-1.3.** The subdivider shall submit eight (8) copies of the preliminary plat to the Ramsey County Surveyor and if applicable, one copy each, to the Minnesota Department of Transportation and Ramsey County Highway Department.

**6-1.4.** The Town Clerk shall then refer one (1) copy of the preliminary plat to each member of the Planning Commission, one (1) copy to the Town Engineer, one (1) copy to the Town Planner, one (1) copy to the Town Attorney, one (1) copy to either the Rice Creek Watershed District or Vadnais Lake Water Management Organization (VLAWMO), and if any part of the land is designated "wetland" by the Town, one (1) copy to the Minnesota Department of Natural Resources.

**6-1.4(a).** When a proposed preliminary plat borders an existing or proposed County road, highway or County State Aid Highway, the Town shall submit the proposed plat to the County Engineer for review and comment within five days of receipt by the Town. The County Engineer shall provide to the Town written comments stating whether the proposed plat meets County guidelines and describing any modifications necessary to bring the plat into conformity with the County guidelines within 30 days of receipt by the County.

**6-1.4(b).** When a proposed preliminary plat borders an existing or establishing trunk highway or proposed highway which has been designated by a centerline order filed in the office of the County Recorder, the Town shall submit the proposed plat to the Commissioner of Transportation for review and comment within five days of receipt by the Town. The Commissioner of Transportation

shall submit written comments and recommendations to the Town within 30 days after receipt by the Commissioner of such plat.

**6-1.5.** The Planner and Engineer shall submit written reports to the Town Board and the Town Planning Commission, which shall deal with utility services, drainage, streets and other pertinent planning and engineering matters, prior to the public hearing date.

**6-1.6.** The Planning Commission shall study and review the preliminary plat to determine whether such plan conforms to the data requirements, design features and design standards set forth in this Ordinance, and shall submit its report to the Town Board, on or before the hearing on the preliminary plat. The Planning Commission shall also review subdivision proposals and other proposed new developments to assure that: all such proposals are consistent with the need to minimize flood damage; all public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and adequate drainage is provided so as to reduce exposure to flood hazards.

**6-1.7.** A public hearing on the preliminary plat shall be held not earlier than fourteen (14) days nor later than sixty (60) days after submission of the preliminary plat. Notice of said hearing shall be published once in the official newspaper of the Town, at least ten (10) days before the day of hearing. The subdivision application shall be preliminarily approved or disapproved within one hundred twenty (120) days following delivery of an application completed in compliance with the Town Ordinance by the applicant to the Town.

**6-1.8.** The Town Board shall hold a public hearing within sixty (60) days of the date on which it was filed with the Town Clerk. If the report of the Planning Commission has not been received in time to meet this requirement, the Board may act without such report. The Board may require such revisions in the preliminary plat as it deems necessary for the health, safety, good order, general welfare and convenience of the Town. Approval of a preliminary plat by the Board is tentative only, involving merely the general acceptability of the layout. Subsequent approval will be required of the engineering proposals pertaining to water supply, storm drainage, sewerage and sewage disposal, gas and electric service, grading, gradients, and roadway widths and surfacing of streets. If the preliminary plat is not approved by the Board, the reasons for such action shall be recorded in the proceedings of the Board and transmitted to the applicant.

**6-1.9. FINAL PRELIMINARY PLAT.** All revisions, conditions and/or requirements noted in the approval of the preliminary plat shall be

incorporated into a revised preliminary plat and resubmitted to the Town Board for final preliminary plat approval.

**6-1.9(a).** Within six (6) months following approval of the preliminary plat, unless an extension of time is requested in writing by the subdivider and granted by the Town Board, the subdivider shall file seven (7) copies of the final preliminary plat with the Town Clerk. Said plat shall incorporate all changes required by the Board and in all other respects, it shall conform to the preliminary plat as approved. If said plat is not filed within six (6) months following approval of the preliminary plat, the approval of the preliminary plat shall be considered void.

**6-1.9(b).** The Town shall certify final preliminary plat approval within sixty (60) days, provided the applicant has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which the preliminary approval is expressly conditioned and through the execution of appropriate agreements which may be required to assure the construction of any required public improvements (see Section 9-2).

**6-1.9(c).** Prior to the Town Board approval of a final preliminary plat, the following procedures shall be followed:

- 1. FILING OF ABSTRACT.** At the time of filing the final preliminary plat with the Town Clerk, the subdivider shall also file with said Clerk, an abstract, certificate of title, or registered property abstract, certified to date, evidencing ownership of the premises involved in the plat.
- 2. REFERENCE.** The subdivider shall refer seven (7) copies of the final preliminary plat to the Town Clerk, one (1) copy either to the Rice Creek Watershed District or Vadnais Lake Water Management Organization, four (4) copies to the Ramsey County Surveyor, one (1) copy to the local telephone utility company.
- 3.** The Town Clerk shall then refer two (2) copies of said plat to the Town Engineer and one (1) copy to the Town Planner.
- 4.** The Clerk shall refer the abstract or certificate of title or registered property report to the Town Attorney for his examination and report.
- 5.** The subdivider shall also submit copies of the final preliminary plat to other agencies of public bodies for their review, as directed by the Town Board.

6. The Engineer and Attorney shall submit their reports to the Town Board within fifteen (15) days after the filing of the final preliminary plat. The Engineer shall state whether said plat and the improvements conform to the engineering and design standards and specifications of the Town. The Attorney shall state his opinion as to the title of the premises involved.

7. **FEES.** The subdivider shall pay the fees of the Engineer, Planner and Attorney for their services and reports rendered in connection with the final preliminary plat, and shall pay other expenses incurred by the Town, as a direct result of the review of the plat, excepting the expenses of regular meetings and administration handling. Cost incurred as a result of special meetings shall be paid by the subdivider. All said costs shall be paid in full at the time of approval of said plat.

8. The final preliminary plat shall be prepared in accordance with all applicable State Laws and County Ordinances.

**6-2. DATA REQUIRED FOR PRELIMINARY PLAT.** It shall be a condition to the acceptance of a preliminary plat for filing with the Town Clerk that the following data be a part of said plat:

**6-2.1. IDENTIFICATION AND DESCRIPTION.**

**6-2.1(a).** Proposed name of subdivision which name shall not duplicate nor be alike in pronunciation to the name of any plat already recorded in the County wherein said land is situated.

**6-2.1(b).** Full legal description of the land involved in said plat.

**6-2.1(c).** Names and addresses of the owner, subdivider, surveyor and designer of the plans.

**6-2.1(d).** If the subdivider is not the fee owner of the land, the subdivider shall submit the written consent of the fee owner, to the Clerk at the time of filing said preliminary plat.

**6-2.1(e).** Graphic scale.

**6-2.1(f).** North point.

**6-2.1(g).** Date of preparation.

**6-2.1(h).** Certification by Registered Land Surveyor to the accuracy of the survey.

**6-2.2. EXISTING CONDITIONS.**

**6-2.2(a).** A boundary line survey according to legal description including measured distances and angles, which shall be tied to the nearest quarter section or section line.

**6-2.(b).** Total acreage of proposed subdivision.

**6-2.3. EXISTING CONDITIONS THAT SHALL BE SHOWN IN AND WITHIN 100 FEET OF THE PROPOSED SUBDIVISION.**

**6-2.3(a).** Location and names of existing or platted streets and other public ways, parks and other public open spaces, permanent buildings and structures, easements, and section and municipal boundary lines.

**6-2.3(b).** Any wetland in accordance with the Township Zoning Map.

**6-2.3(c).** Zoning classification for the preliminary plat.

**6-2.3(d).** Boundaries and land owner names of adjoining unsubdivided or subdivided land.

**6-2.3(e).** All permanent buildings and structures.

**6-2.3(f).** Location, width and type of surfacing of existing roadways, location of railroads, sanitary sewers, watermains, storm sewers, gas, telephone and electric lines, cable TV lines, culverts and other drainage structures, manholes, hydrants and any other underground facilities. Invert elevations shall be provided for all sewer and storm drainage structures.

**6-2.3(g).** Topographic data, including contours at vertical intervals of two (2) feet, water courses, lakes, marshes, wood areas, rock outcrops, drainage tile and other significant features shall be shown. 1920 National Geodetic Vertical Datum (NGVD), shall be used for all topographic mapping where available.

**6-2.3(h).** A permanent, accessible bench mark shall be set within the area to be platted, and the location and the NGVD elevation of this bench mark shall be shown on the preliminary plat.

**6-2.3(i).** Soils data, ground water elevations and such other related data as requested by the Engineer.

**6-2.3(j).** The maximum high-water level as defined in the Department of Natural Resources Regulations and State-Wide Standards and Criteria for Management of Shoreland Areas of Minnesota, or as available from the U.S. Army Corps of Engineers, shall be shown for all permanent bodies of water within or abutting the area to be subdivided.

#### **6-2.4. ADDITIONAL SUPPORTING DATA TO BE FURNISHED.**

**6-2.4(a).** Statement of proposed use of lots, i.e., whether residential, commercial, industrial or combination thereof. If residential, state type and number of dwelling units. Furnish sufficient details for all types of usage in order to reveal the effect of the subdivision development on traffic, fire protection and density of population.

**6-2.4(b).** Source of water supply.

**6-2.4(c).** Facilities for sewage disposal.

**6-2.4(d).** If zoning changes are contemplated, the proposed zoning for the area.

**6-2.4(e).** In areas affected by inadequate surface drainage or subjected to periodic flooding, furnish proposals designated to make the area safe for occupancy, and to provide for adequate street and lot drainage.

**6-2.4(f).** Proposals for street lighting, curb, gutter, sidewalks and boulevard improvements.

**6-2.4(g).** Before any residential plan may be approved and before any permit may be issued for a residence therein, the subdivider shall first present competent proof that the ground water level at all times in said subdivision is not less than three (3) feet below the level of the lowest portion of the proposed structure, or that a satisfactory system of ground water control will be constructed as an integral part of the proposed subdivision.

**6-2.4(h).** Such other information as shall be requested by the Planning Commission, Engineer or Planner.

**6-2.4(i).** Sketch plan of water supply, sewage disposal, drainage and flood control shall be shown as supplemental data and not shown on the face of the final plat.

**6-2.4(j).** If, in the opinion of the Town Engineer, there exists any soil limitations, the subdivider shall have soil borings taken at places designated by the Town Engineer. Also, if individual sewage disposal systems are proposed, percolation tests shall be performed as required by the Town Engineer or the Building Inspector.

**6-2.4(k).** Any supplementary engineering data required by the Town Engineer.

**6-2.4(l).** Any additional data or standards that may be required by Ramsey County.

**6-2.4(m).** When lots are located on a curve or when side lot lines are at angles of other than 90 degrees, the width of the lot at the building set-back line shall be indicated.

**6-2.4(n).** All requirements of Ordinance No. 87 relating to stormwater management.

### **6-3. DESIGN FEATURES OF PRELIMINARY PLAT.**

**6-3.1.** Design features of the preliminary plat shall indicate the general use and layout of the proposed subdivision. Refer to Section 8 of this Ordinance for standards for the design features.

**6-3.2.** Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street heretofore used in the community or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event said names shall be used.

**6-3.3.** Location and widths of pedestrian ways and utility easements.

**6-3.4.** An overall grading plat showing existing vertical contours at two (2) foot intervals in dashed lines and proposed contours in heavier solid lines. Minimum basement floor elevations of all proposed buildings shall be shown.

**6-3.5.** Layouts of lots and blocks with numbers of each; square footage of lots and lot dimensions scaled to the nearest foot.

**6-3.6.** Areas, other than streets, pedestrian ways and utility easements intended to be dedicated or reserved for public use, including the size of such area.

**6-3.7.** Minimum front and side yard building setback lines as required by the Zoning Ordinance of the Town.

**6-3.8.** Proposed method of disposing of surface water drainage within and beyond the limits of the plat.

**6-3.9.** Whenever a portion of a tract of land is proposed for subdividing and said tract is large enough or is intended for future enlargement, a tentative plan for the future subdivision of the entire tract shall be submitted to the Planning Commission.

## **SECTION 7. FINAL PLAT.**

**7-1. GENERAL.** The Final Plat may constitute only that portion of the final preliminary plat which the subdivider proposed to record and develop at the time, provided that such portion shall conform to all requirements of this Ordinance, and provided further that the remaining portion or portions of the final preliminary plat not submitted as a Final Plat shall be subject to the right of the Town to modify in accordance with new or revised platting and subdivision regulations.

**7-1.1.** The subdivider shall prepare a final plat for recording purposes and record it with the County Recorder within thirty (30) days after the date of approval of the Final Plat; otherwise, the approval shall be considered void.

**7-1.2.** The subdivider shall, immediately upon recording, furnish the Town Clerk with two (2) prints of the final plat showing evidence of the recording and a reproducible copy of the same.

### **7-2. DATA REQUIREMENTS FOR FINAL PLAT.**

**7-2.1.** An identification system for all lots and blocks.

**7-2.2.** Municipal, Township, County or section lines accurately tied to the boundaries of the subdivision by distances and angles or as required by Ramsey County.

**7-2.3.** Accurate angular and lineal dimensions for all lines, angles and curvatures used to describe boundaries, streets, easements, areas reserved for public use, and other important features shall be shown. Complete curve data shall be shown including radii, central angles, points

and curvatures, tangent bearings and lengths of all areas. Dimensions of lot lines shall be shown in feet and hundredths of feet. No ditto marks shall be permitted in indicating dimension.

**7-2.4.** Certification by registered land surveyor to the effect that the plat represents a survey made by him and that monuments and markers shown thereon exist as located and that all dimensional and NGVD details are correct.

**7-2.5.** 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 usage ways.

**7-2.6.** Certification showing that all taxes currently due on the property to be subdivided have been paid in full.

**7-2.7.** An approval statement, i.e. "Approved by the Town Board of Supervisors of the Town of White Bear, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_".

**7-2.8.** The grading plan shall be approved by the Code Enforcement Officer. All grading and landscaping shall be done so that fire hydrants will have the "Break-Off" level with the ground. Fire hydrant extensions necessary to satisfy this amendment will be installed by the Town with the installation costs borne by the developer prior to receiving the Certificate of Occupancy.

## **SECTION 8. DESIGN STANDARDS.**

**8-1. GENERAL DESIGN.** The design of all streets shall be considered in their relation to: public safety; existing and planned streets; efficient circulation of traffic; topographical condition; run-off of storm water; and proposed uses of the land to be served by such streets. The arrangements of streets in new subdivisions shall make provisions for the appropriate continuation of existing streets in adjoining unsubdivided land susceptible to being divided, then the new streets shall be carried to the boundaries of such unsubdivided land. All new streets also conform to the Town Comprehensive Plan.

**8-2. THE DESIGN OF STREETS.** Street design shall conform to the following:

**8-2.1. WIDTH.** All streets shall have right-of-way of not less than sixty (60) feet in width, and primary streets shall be constructed on right-of-way of such additional width as may be necessary to accommodate the final completed ultimate street as required by the ultimate use for which the street is designed. Primary street shall be those streets designated as

collector, minor arterial or intermediate arterial on the Thoroughfare Plan Map of the Town Comprehensive Plan. Any temporary or permanent street having a width of less than sixty (60) feet shall be considered as a permissible variance from this ordinance, providing the Town Engineer shall design such street in the best possible manner for the contemplated use. The applicant may be required to enter into special agreements pertaining to such substandard streets.

**8-2.2. VERTICAL CURVES.** Different converging street gradients shall be connected with vertical curves. Minimum length, in feet, of said vertical curves shall be twenty (20) times the algebraic difference in the percentage of grade of the two (2) adjacent slopes.

**8-2.3. DEFLECTIONS.** Where horizontal street lines deflect from each other at any point more than 10 degrees, said street centerlines shall be connected by a curve with a radius of not less than 200 feet for local streets and of such greater radii in the case of other streets as the Town Board may determine.

**8-2.4. REVERSE CURVES.** Tangents of at least fifty (50) feet in length shall be introduced between reverse curves on primary streets.

**8-2.5. STREET GRADES.** All centerline gradients shall be at least 0.5 percent, and shall not exceed the following:

Primary Streets	4 percent
Residential Access Streets	6 percent

except that the Town Engineer may vary this requirement in cases where such grades are not possible.

**8-2.6. RESIDENTIAL ACCESS STREETS.** Residential access streets shall be so aligned that their use by through traffic will be discouraged.

**8-2.7. STREET JOGS.** Street jogs with centerline off-sets of less than 125 feet shall be avoided.

**8-2.8. INTERSECTIONS.** The angle formed by the intersection of streets shall not be less than sixty (60) degrees, with ninety (90) degree intersections preferred. Intersections of more than four corners are prohibited. Access to a street shall be not less than sixty (60) feet from an intersection.

**8-2.9. SAFE INTERSECTIONS.** It must be evidenced that all street intersections and confluences encourage safe and efficient traffic flow.

**8-2.10. ALLEYS.** Alleys are not permitted in residential areas.

**8-2.11. CUL-DE-SACS.** Maximum length of cul-de-sac streets shall be 500 feet measured along the centerline from the intersection of origin to end of right-of-way. Each cul-de-sac shall be provided at the closed end with a turn-round having an outside roadway diameter of at least 100 feet, and a street property line diameter at least 120 feet.

**8-2.12. HALF STREET.** Half streets shall be prohibited, except where essential to the reasonable development of the subdivision and adjoining unsubdivided areas.

**8-2.13. SERVICE STREETS.** In those instances where a subdivision abuts or contains an existing or planned primary street or a railroad right-of-way, the Town Board may require a service street approximately parallel to and on each side of such right-of-way in order to provide separation of through and local traffic, such service streets shall be located at a suitable distance from the primary street or railroad right-of-way in order to provide for park use of the intervening land in residential districts or to provide for commercial or industrial use of the intervening land in commercial or industrial districts. The requirements of approach grades and future grade separations shall be considered in establishing the separation distance between said service streets and the primary street or railroad right-of-way.

**8-2.14. RESERVE STRIPS.** Reserve strips controlling access to streets shall be prohibited except under conditions approved by the Town Board.

**8-2.15. PRIVATE STREETS.** Except for approved Planned Unit Developments, private streets shall not be approved nor shall public improvements be approved for any previously existing private street.

**8-2.16. HARDSHIP TO OWNERS OF ADJOINING PROPERTY AVOIDED.** The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

**8-2.17. CORNERS.** Roadways at street intersections shall be rounded by a radius of not less than twenty (20) feet.

**8-2.18. ADDITIONAL RIGHT-OF-WAY.** Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the required standards.

### **8-3. EASEMENT REQUIREMENTS.**

**8-3.1. UTILITIES.** Easements twenty (20) feet wide, centered on rear and other lot lines, shall be provided for utilities, where necessary. They shall have continuity of alignment from block to block. At deflection points, easements for pole-line anchors shall be provided where necessary.

**8-3.2. DRAINAGE.** Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water courses, together with such further width or construction or both, as will be adequate for storm water run-off. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy run-off.

**8-4. BLOCKS.**

**8-4.1. LENGTH.** Block lengths shall not exceed 1800 feet, and if possible, should not be less than 400 feet in length.

**8-4.2. ARRANGEMENT.** A block shall be so designated as to provide two tiers of lots, unless it adjoins a railroad or limited access highway and unless topographic conditions necessitate a single tier or lots.

**8-4.3. PEDESTRIAN WAYS.** In blocks over 1200 feet long, a pedestrian way or easement may be required by the Town Board in locations deemed necessary to public health, convenience and necessity. Such an easement shall not be less than fifteen (15) feet in width.

**8-5. LOTS.**

**8-5.1. LOCATION.** All lots shall abut by their full frontage on a publicly dedicated street.

**8-5.2. LOT SIZE.**

**8-5.2(a).** Lots shall conform to Ordinance No. 35 (Zoning Ordinance) of the Town of White Bear and Ordinance No. 8 (Building Code) of the Town of White Bear, except where in conflict with the provisions of this Ordinance.

**8-5.2(b). CORNER LOTS.** Corner lots shall be platted at least twenty-five (25) feet wider than the minimum lot size required.

**8-5.2(c). SIDE LOT LINES.** Side lot lines shall be substantially at right angles.

**8-5.2(d). WATER COURSES.** Lots abutting upon a water course, drainage way, channel or stream shall have an additional depth or width, as required to assure house sites that are not subject to flooding.

**8-5.2(e). RESUBDIVISION.** Where a lot is proposed to be 22,000 square feet in size, with 150 feet of frontage, considerations will be given to the future resubdivision of the lot, without the need for variances.

**8-5.2(f). FEATURES.** In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, water courses, historic spots or similar conditions, which if preserved, will add attractiveness and stability to the proposed development.

**8-5.2(g). LOT REMNANTS.** All remnants of lots below minimum size left after subdividing of a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable parcels. However, outlots may be used if there is a reasonable likelihood that future subdivisions of adjoining land will absorb these outlots into standard lots.

**8-5.2(h). LOTS ALONG PRIMARY STREETS.** Subdivisions along collector and arterial streets shall be so designated that where possible, there would be no direct vehicular access from residential lots onto those streets. Residential lots shall be separated from arterial streets and railroad rights-of-way by a twenty-five (25) foot buffer strip, which may be in the form of added depth or width of lots backing on or siding on the streets or railroad right-of-way. A screen planting easement shall be granted to the Town for a twenty-five (25) foot buffer strip, if it adjoins an intermediate or principal arterial street.

## **SECTION 9. CONSTRUCTION OF PUBLIC IMPROVEMENTS.**

**9-1. GENERAL.** Before the Board approves a final plat, the subdivider shall give satisfactory assurances that the installation of any required public improvements shall be installed at the subdivider's expense in accordance with the procedures in Section 9-2. All public improvement shall conform to the following standards:

**9-1.1. MONUMENTS.** Monuments shall be placed at all block corners, angle points, points of curvature in streets and at intermediate points as shown on the final plat and as required by the Town Engineer. Pipes or steel rods, three-quarter of an inch in diameter, shall be placed at the corners of each lot and at each intersection of street centerlines where

possible. All U.S., State, County, or other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

**9-1.2. STREETS.** The provisions of Town Ordinance No. 9 and this Ordinance No. 15 shall govern the construction of all streets within a subdivision.

**9-1.3. CONCRETE CURB AND GUTTER.** Concrete curb and gutter meeting the requirements of Town Ordinance No. 9 shall be installed.

**9-1.4. SIDEWALKS AND PEDESTRIAN WAYS.** Concrete sidewalks shall be four (4) feet wide and four (4) inches thick placed on a four (4) inch gravel base. Sidewalk grades shall coincide with street grades and slope one-fourth inch per foot from property line. Sidewalk shall be placed at the property line.

**9-1.5. WATERMAIN.** Minimum watermain size shall be six (6) inch ductile iron pipe.

**9-1.6. SANITARY SEWER LATERALS.** A sanitary sewer of eight (8) inch PVC pipe shall be required as minimum size place at not less than 0.4% grade.

**9-1.7. HOUSE SERVICES.** Each house service shall be run from the main to the property line where a cap or plug shall be placed until the service is extended to the house. A one (1) inch Type K copper water service, corporation cock and curb box and stop and four (4) inch extra heavy cast iron soil pipe sewer service shall be minimum requirements for services placed in a common trench. For services placed with ten (1) foot horizontal separation, four (4) inch PVC, SDR 35 sewer service pipe shall be the minimum requirement.

**9-1.8. INDIVIDUAL WELLS.** Individual wells, where allowed, shall be installed in accordance with Ordinance No. 8 (Building Code), of the Town of White Bear, as amended.

**9-1.9. INDIVIDUAL SEWAGE SYSTEMS.** Individual sewage systems, where allowed, shall be installed in accordance with Ordinance No. 8 (Building Code), of the Town of White Bear, as amended.

**9-1.10. FUTURE SEWER SERVICE STUB.** When individual well and septic tanks are used and the septic tank is placed at the rear of the house, it shall be required that the plumbing be extended from the vent stack or rear outlet to a point five (5) feet beyond the front footing of the

house and capped. Inside the basement, the vent elbow shall be set up to be easily reversed for connection to the capped line.

**9-1.11. DRAINAGE FACILITIES.** All surface and underground drainage systems shall be designed and constructed such that all runoff will be adequately removed and that the system will be consistent with the Town's Comprehensive Plan.

**9-1.12. STREET NAME SIGNS.** These shall be placed at all street intersections within or abutting the subdivision.

**9-1.13. STOP SIGNS.** Stop signs or yield right-of-way signs shall be placed on all streets intersecting a primary street, if the Town Board so requires.

**9-1.14. TRUNK FACILITIES.** Where a watermain, sanitary sewer, or storm drain facility should, according to the Town Comprehensive Plan, be constructed at a large size to serve areas outside the subdivision, the larger facility should be constructed, the additional cost to be borne by the Town, to be subsequently assessed to the benefited property.

**9-1.15. SPECIFICATIONS.** All of the required improvements shall conform to the engineering standards and specifications as set forth by this Ordinance and by the Town Engineer.

**9-1.16. NOISE BARRIERS.** On all lots abutting on a freeway right-of-way, there shall be constructed a noise barrier pursuant to specifications set forth by the Town Board and/or the Town Code Enforcement Officer, in accordance with standards set out by the Town Board Resolution.

**9-1.17. BOULEVARDS.** The boulevards (areas between the backs of the curbs and the property), shall be uniformly finished to match the top of the curb and sodded or seeded to present a pleasing finished appearance.

**9-2. PROCEDURE FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS.** Upon receipt of preliminary plat approval by the Town Board and prior to the Town Board approval of the final plat, the subdivider shall make provision in the manner hereinafter set forth, for the installation by the Town, at the sole expense of the subdivider, of such public improvements as shall be required by the Town, which improvements may include, but are not limited to, streets, sidewalks, public water systems, sanitary sewer systems, surface and storm drainage systems, and public utility services. The Town Engineer shall prepare a preliminary report as to the feasibility and estimated costs of the public improvements. After the report has been received by the Town Board, a determination shall be made if the improvements are to be made. If the Town Board and subdivider agree to proceed with the improvements, the subdivider

shall deposit an amount equal to ten (10) percent of the construction costs to be used to defray costs of plans, specifications and legal services. The installation of said improvements shall be in conformity with approved construction plans and specifications and all applicable standards and Ordinances.

**9-2.1. PERFORMANCE CONTRACT.** Prior to the installation of any required improvements and prior to approval of the final preliminary plat, the subdivider shall enter into a contract with the Town which contract shall require the subdivider to have said improvements constructed by the Town at the sole expense of the subdivider and in accordance with the plans and specifications prepared by the Town Engineer, and all applicable standards and Ordinances. Said contract shall provide for the supervision of construction by the Town Engineer; and said contract shall require that the Town be reimbursed for all costs incurred by the Town for planning, engineering and legal fees and other expenses in connection with making of such improvements. The performance of said contract shall be financially secured by a cash escrow deposit, irrevocable letter of credit, or performance bond, as hereinafter set forth.

**9-2.1.(a).** The subdivider will concurrently with the execution of the performance contract, make a cash escrow deposit or provide an irrevocable letter of credit from an approved financial institution with the Town Clerk in a sum equal to 125 percent of the total cost, as estimated by the Town Engineer, of all of the improvements to be furnished and installed at the expense of the subdivider pursuant to the contract and which have not been completed prior to approval of the final plat, including actual construction costs, as well as legal, administrative and engineering fees and expenses. The Town shall be entitled to reimburse itself out of said cash deposit or irrevocable letter of credit, for all costs and expenses incurred by the Town for the completion of the work, and upon completion of the work, any balance remaining in said deposit shall be refunded to the subdivider. The subdivider shall agree to reimburse the Town for any costs and expenses incurred in excess of the cash deposit or irrevocable letter of credit.

**1.** In lieu of making the cash escrow deposit or irrevocable letter of credit, above described, the subdivider may furnish the Town with a public contractor's performance bond in the form prescribed by Minnesota Statutes, Section 574.26, with a corporate surety, in a penal sum equal to 125 percent of the total cost as hereinbefore described as estimated by the Town Engineer, which bond shall be approved by the Town Attorney and filed with the Town Clerk.

**9-2.1(b).** In lieu of making the cash escrow deposit or irrevocable letter of credit described in Section 9-2.1(a), or furnishing the performance bond described in Section 9-2.1(a)(1), the subdivider may, concurrently with the execution of the performance contract, execute a Petition for Improvement pursuant to Minnesota Statutes, Section 429.031, Subdivision 3, requesting the Town to construct said improvements and that the total cost of improvements be assessed against the property included in the petition for said improvements.

**1.** As security and part payment for the improvements to be installed by the Town, the subdivider shall either deposit with a state or national bank designated by the Town, as cash escrow in the amount of 35% of the estimated total cost of the improvements as reasonably determined by the Town Engineer, or at the subdivider's option, an irrevocable letter of credit in the amount of 40% of said estimated total cost. Said acceptable letter of credit shall be issued by one or more state or national banks and irrevocable and unconditional. Should the actual bids for improvement cause the total cost of the improvement to exceed the estimated total cost by more than 10%, the cash escrow deposit or irrevocable letter of credit shall be increased proportionally. Should such bids exceed the estimated construction cost by more than 20%, the Town shall not award the same without receiving the written consent of the subdivider, which consent shall not be unreasonably withheld.

**2.** The total cost of the improvements shall be assessed against the property payable in three (3) equal annual installments plus accrued interest. "Total Cost" shall mean the actual construction costs; interest on the estimated total project cost from the time of construction start or sale of bonds to finance the improvements, whichever is earliest, to the date of adoption of the assessment roll; interest on assessments that are levied; legal, administrative, engineering with reference to the improvements; and fiscal consulting fees relating to the issuance of bonds to finance the improvements.

**3.** Sixty (60) days prior to such time as the principal payment on the temporary bonds issued to finance the improvements becomes due, the Town may elect to use the funds held in escrow or represented by the irrevocable letter of credit referred to in Section 9-2.1(b) (1), in payment of the

principal balance due on the assessments levied for such improvements together with the accrued interest thereon.

4. Assessments allocated to any lot within the plat shall be paid in full by the subdivider or its agent, successor or assigns, before or at the time a Certificate of Occupancy is issued, unless the Board of Supervisors specifies an earlier payment in the Developer's Agreement with the subdivider.

5. Upon execution of the performance contract and the Petition for Improvement hereinbefore referred to, the Town will order the improvement and proceed pursuant to Minnesota Statutes, Chapter 429.

**SECTION 10. PARKS, PLAYGROUNDS, OPEN SPACE AND STORM WATER HOLDING AREAS.**

**10-1. GENERAL.** Because a new subdivision for residential, commercial, industrial or other uses, or a planned development which includes residential, commercial or industrial uses, or any combination thereof, creates a need for parks, playgrounds, public open space, and in some cases storm water holding areas or ponds, the following contributions are required:

**10-1.1.** For any residential development, a percentage of the proposed subdivision shall be conveyed to the Town for use as parks, playgrounds, trails or public open space, as follows:

<u>Density of Subdivision</u>	<u>Percent Dedicated</u>
0 to 3.5 units/acre	10%
over 3.5 to 4.5 units/acre	11%
over 4.5 to 6.0 units/acre	12%
over 6.0 to 7.0 units/acre	13%
over 7.0 to 8.0 units/acre	14%
over 8.0 units per acre	15%

or in the alternative, at the option of the Town, the subdivider shall:

contribute an equivalent amount in cash based on the fair market value of the undeveloped land. Said market value not to include the increase in value created by the construction of public utilities if already constructed and paid for or to be paid for by the subdivider or his predecessors or successors;

or

a per unit sum as set by Town Board resolution in accordance with Ordinance No. 54 (Fees and Charges) for each dwelling unit and for subdivisions with multi-family units.

**10-1.2.** For any industrial or commercial development, ten (10) percent of the proposed subdivision shall be conveyed to the Town for use as parks, playgrounds, trails or public open space, or in the alternative, at the option of the Town, the developer shall contribute an equivalent amount in cash based on the fair market value of the undeveloped land. Said market value not to include the increase in value created by the construction of public utilities if already constructed and paid for or to be paid for by the subdivider or his predecessors or successors.

**10-1.3.** Land conveyed to the Town for public recreational or passive recreation open-space shall be dry, usable land and not wetlands or land needed for drainage retention. Such land shall be dedicated to the Town prior to approval of the final plat or subdivision.

**10-1.4.** If cash is accepted in lieu of land, it shall be paid to the Town prior to approval of the final plat or subdivision. In major subdivisions of residential property, the Town may allow payment of park fees with each building permit, on a pro-rated basis. When park fees are paid on a per unit basis they shall be the amount then in effect and set by Town Board Resolution in accordance with Ordinance No. 54 (Fees and Charges). Cash payments shall be placed in a special fund by the Town and used only for park development or acquisition.

**10-1.5.** In minor residential subdivisions where one lot or parcel of land is to be divided into two lots, a sum as set by Town Board Resolution in accordance with Ordinance No. 54 (Fees and Charges), shall be paid by the subdivider to the Town before approval of such minor subdivision, which payment shall be hereinbefore provided.

**10-1.6.** When any multiple dwelling is to be constructed on any parcel of land in the Town which has not been previously assessed for a park fee or parkland dedication under this Ordinance, a sum as set by Town Board Resolution in accordance with Ordinance No. 54 (Fees and Charges), shall be paid to the Town before issuance of any building permit for such construction, which payment shall be placed in a special fund and used only for the purposes hereinbefore provided.

**10-1.7.** When so required in the opinion of the Town Engineer, a reasonable portion of each proposed subdivision shall be dedicated to the public for public use as storm water holding areas or ponds, or in the alternative, at the option of the Town, the subdivider shall contribute an equivalent amount of cash based on the fair market value, no later than at the time of final approval, of the required undeveloped land. The property

shall be conveyed to the Town, or payment of the cash equivalent fee shall be made to the Town, before approval of the final preliminary plat. Cash payments received hereunder shall be placed in a special fund by the Town and used only for the acquisition of lands for storm water holding areas or ponds, development of existing storm water holding areas or ponds, and debt retirement in connection with land previously acquired for such public purposes.

**SECTION 11. VARIANCES.** Where there are practical differences or unnecessary hardships in the way of carrying out the strict letter or provisions of this Ordinance, the Town Board shall have the power to vary the requirements of this Ordinance in harmony with general purpose and intent thereof, so that the public health, safety and general welfare may be secured and substantial justice done. In particular, small subdivisions where one lot is divided into two lots, none of which can be further divided, the submission of topographic maps, soil tests, other data, and fee may not be necessary if the Town Board, following consideration by the Town Planning Commission, determines.

**SECTION 12. BUILDING PERMITS.** No building permit shall be issued by a governing official for the construction of any building, structure or improvement on any land subdivided by this Ordinance until all requirements of this Ordinance have been fully complied with.

**SECTION 13. PENALTIES.** Every person convicted of a violation of any provision of this Ordinance shall be punished as provided by Ordinance No. 26 (Maximum Fines).

**SECTION 14. SEVERABILITY.** Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid in any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part held to be invalid.

**SECTION 15. EFFECTIVE DATE.** This Ordinance shall take effect and be in force from and after its passage and publication.

Adopted by the Town Board of the Town of White Bear, Minnesota, this 18<sup>th</sup> day of May, 1964.

APPROVED:

\_\_\_\_\_  
KENNETH A. KUMM, Chairman

ATTEST:

\_\_\_\_\_  
MARY E. POPE, Clerk-Treasurer

Town Board of Supervisors:  
KENNETH A. KUMM, Chair  
TERRENCE ROONEY, Supervisor  
JOHNSON, Supervisor

Published in the White Bear Press July 30, 1964.

Historical Notes

2016

Section 6-2-4 passed September 7, 2016, and effective September 21, 2016 by Kermes (Chair), Prudhon and Ruzek; Short (Clerk-Treasurer).

2004

Sections 3-1.28 and 11 passed May 3, 2004, and effective June 16, 2004 by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer).

2001

Section 3-1.29(a) passed December 3, 2001, and effective December 12, 2001 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

2000

Section 6-1.4 passed December 18, 2000, and effective December 27, 2000 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1994

Sections 10-1.1, 10-1.4, 10-1.5 and 10-1.6 passed March 21, 1994, and effective April 6, 1994 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1993

Section 10-1.1, 10-1.4 and 13 passed January 11, 1993, and effective January 27, 1993 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer);

Section 3-1.29 passed September 20, 1993, and effective October 6, 1993 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1992

Section 7-2.8 passed August 17, 1992, and effective August 26, 1992 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1990

Section 9-1.3 passed July 9, 1990, and effective August 15, 1990 by Weisenburger (Chair), Sand and Pfeffer; Malinen (Clerk-Treasurer);

Section 10-1, 10-1.5, and 10-1.6 passed December 17, 1990, and effective January 2, 1991 by Weisenburger (Chair), Sand and Pfeffer; Short (Clerk-Treasurer).

1989

Section 7-2.8 passed July 17, 1989, and effective July 26, 1989 by Weisenburger (Chair), Jungunz and Sand; Malinen (Clerk-Treasurer).

1988

Sections 6-1.7 and 6-1.8 passed November 7, 1988, and effective \_\_\_\_\_ by Weisenburger (Chair), Jungkunz and Sand; Malinen (Clerk-Treasurer).

1987

Section 2-6, 3-1.29, 6-1, 10-1.1, 10-1.5 and 10-1.6 passed November 16, 1987 by Weisenburger (Chair), and effective December 16, 1987, Jungkunz and Sand; Malinen (Clerk-Treasurer).

1984

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 passed April 30, 1984 by Jungkunz (Chair), and effective \_\_\_\_\_, 1984, Weisenburger and Hamilton; Malinen (Clerk-Treasurer).

1979

Section 8-1.12 passed January 8, 1979 by Perron (Chair), and effective January 11, 1979, Sand and Jungkunz; Rolph (Clerk-Treasurer).

1978

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 passed August 14, 1978 by Perron (Chair), and effective August 31, 1978, Sand and Jungkunz ; Rolph (Clerk-Treasurer).

1977

Section 3-2 passed February 7, 1977 by Perron (Chair), and effective February 17, 1977, Sand and Ransom; Rolph (Clerk-Treasurer).

1975

Section 3-2 of Part III passed August 11, 1975 by Perron (Chair), and effective August 21, 1975, Sand and Ransom; Rolph (Clerk-Treasurer).

1974

Section 6-1 passed March 18, 1974 by King (Chair), and effective April 4, 1974, Perron and Sand; Rolph (Clerk-Treasurer).

1970

Section 6-1 passed August 24, 1970 by Rooney (Chair), and effective September 2, 1970, Malloy and Perron; Rolph (Clerk-Treasurer).

1967

Section 1-48 passed October 2, 1967 by Rooney (Chair), and effective October 11, 1967, Kuehnl and Malloy; Hovey (Clerk-Treasurer).

1964

Ordinance, Title and Section 1, 2, 3, 4, 5, 6, 7, 8, and 9 originally passed May 18, 1964 by Kumm (Chair), and effective July 30, 1964, Rooney and Johnson; Pope (Clerk-Treasurer).