

CITY OF GEM LAKE, RAMSEY COUNTY, MINNESOTA
Ordinance No. 58C

AN ORDINANCE FOR PURPOSES OF REGULATING THE SUBDIVISION OF LAND WITHIN THE CITY OF GEM LAKE, MN, DEFINING CERTAIN TERMS USED THEREIN, PROVIDING FOR THE PREPARATION OF PLANS AND PLATS, PROVIDING FOR THE INSTALLATION OF STREETS AND OTHER IMPROVEMENTS, ESTABLISHING PROCEDURES FOR APPROVAL AND RECORDING OF PLATS, PROVIDING FOR FEES FOR PROCESSING SUBDIVISION REQUESTS, PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE AND REPEALING THE CODES AND ORDINANCES THAT ARE REPLACED BY THIS ORDINANCE.

The City Council of the City of Gem Lake, MN does hereby ordain:

SECTION 1. TITLE

1.1 The short title of this ordinance shall be “The Subdivision Ordinance of the City of Gem Lake, MN,” and referred to herein as “This Ordinance.”

SECTION 2. PURPOSE

2.1 In order to safeguard the best interests of the City of Gem Lake and to assist the subdivider in harmonizing his interests with those of the City at large, the following Ordinance is adopted so that the adherence to the same will bring results beneficial to both parties. It is the purpose of this Ordinance to make certain regulations and requirements for the platting of land within the City of Gem Lake, pursuant to the authority contained in Minnesota Statutes, which regulations the City Council deems necessary for the health, safety and general welfare of this community.

SECTION 3. JURISDICTION

3.1 The regulations herein governing plats and the subdivision of land shall apply within the corporate limits of the City of Gem Lake, MN.

SECTION 4. INTERPRETATION

4.1 The interpretation and application of the provisions of this Ordinance shall be minimum requirements adopted for the protection of public health, safety and general welfare.

SECTION 5. REQUIREMENTS

5.1 This Ordinance requires that all land division in the City of Gem Lake be accomplished thru subdivision of property as described in this Ordinance.

5.2 No subdivision of property in the City of Gem Lake shall be recorded in the Ramsey County Records Office or have any validity unless it is:

5.2.1 part of a Platted Subdivision, or

5.2.2 part of a Minor Subdivision described by a plat approved by the City, or

5.2.3 a single lot, existing on the effective date of this Ordinance, described by metes and bounds, which description shall be accompanied by a registered lot survey, or

5.2.4 a parcel 20 acres or more in size with at least 500 feet or more of frontage.

5.3 No building permits shall be considered for issuance by the City of Gem Lake for constructing any building, structure or improvement on the land on any lot in the subdivision as defined herein, until all requirements of this Ordinance have been met.

Section 5.4 Park Land Dedication Requirements

5.4.1 As a pre-requisite to plat or Planned Unit Development approval, all developers shall dedicate land for parks, playgrounds, public open spaces or trails and/or shall make a cash contribution to the City of Gem Lake's park fund as provided by this section of this Ordinance. The form of the contribution, cash or land (or any combination), shall be as determined by the City Council in an amount equal to ten (10.0%) percent of the total acreage in the development or ten (10.0%) percent of the pre-development land value.

5.4.2 Subdivision of land which has been previously platted and officially recorded and which contains less than one (1) acre shall be exempt from dedication requirements.

5.4.3 Land to be dedicated for parks, playgrounds and public open spaces shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access and location. The City Council, at its discretion, may reject proffered land and mandate monetary contribution.

5.4.4 The Gem Lake Planning Commission shall review all park land dedication proposals including the location of land and the amount of land to be conveyed or dedicated within a proposed development or subdivision. Upon review, the Gem Lake Planning Commission shall recommend the land dedication and cash contribution requirements for proposed developments or subdivisions to the City Council. The exact amount of land or cash considerations to be dedicated shall be established by resolution of the City Council.

5.4.5 Land areas conveyed or dedicated to the City of Gem Lake, as a park or recreation area, shall not be used in calculating the density requirements of the Zoning Ordinance for the proposed development or subdivision, and shall be in addition to and not in lieu of open space requirements for Planned Unit Developments.

5.4.6 Where private open space for park and recreational purposes is provided for in a proposed development, subdivision or Planned Unit Development and such space is to be privately owned and maintained by the future residents of the subdivision or PUD , such areas may be used for credit at the discretion of the City Council against the requirement for dedication for park and recreation purposes, providing the City Council finds it is in the public interest to do so and that the following standards are met:

A) The yards, court areas, setbacks and other open space required to be maintained by the zoning and building regulations shall not be included in the computation of such private open spaces, and

B) That the public ownership and maintenance of the open space is adequately provided for by written agreements, and

C) That the public open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be eliminated without the consent of the City Council, and

D) That the proposed private open space is reasonably adaptable for use for park and recreations purposes, taking into consideration such factors as size, shape, topography, hydrological conditions, geology, access and location of private open space lands, and

E) That facilities proposed for the open space are in substantial accordance with the provisions of the recreational element of the comprehensive plan, and are approved by the City Council, and

F) That where such credit is granted, the amount of credit shall not exceed forty (40.0%) percent of the park dedication requirements for the development.

5.4.7 The City of Gem Lake shall maintain a separate fund into which all cash contributions received in lieu of conveyance or dedication of land for park and playground, public open space or trail purposes shall be deposited and shall make, from time to time, appropriations from such fund for acquisition of land for park and playground purposes, for developing existing park and playground sites, for public open space and trails, or for debt retirement in connection with land

previously acquired for parks and playgrounds which benefit the residents of the City.

5.4.8 If a developer or subdivider is unwilling or unable to make a commitment to the City of Gem Lake as to the type of buildings that will be constructed on lots in the proposed plat, then the land and cash requirement will be a reasonable amount as determined by the City Council.

5.4.9 Wetlands, ponding areas and drainage ways accepted by the City of Gem Lake shall not be considered in the park land and/or cash contribution to the City.

SECTION 6. MINOR SUBDIVISIONS

6.1 When a subdivision is requested, if either or both of the following conditions exist, the Zoning Administrator may bring the request and the completed Subdivision Application form to the attention of the City Council without going through the complete subdivision process outlined in this Ordinance:

6.1.1 The proposed subdivision will result in three (3) or fewer fully conforming lots in an area where conditions are well defined. Only once shall a subdivision of 3 lots or less be allowed in any one (1) parcel of property. All lots proposed shall have frontage on a street as required by the Zoning Ordinance.

6.1.2 In the case of a request to divide an existing lot, where the division is to permit the adding of a parcel of land to an abutting lot, or to create two (2) lots, and the newly created property line will not cause the other remaining portion of the lot or any structure to be in violation with this Ordinance or the Zoning Ordinance of the City of Gem Lake.

6.2 The applicant will be required to submit a plat prepared by a registered land surveyor showing the original lot and the proposed subdivision. The newly created parcels also shall meet all requirements of the Zoning Ordinance. A preliminary site plan for the proposed subdivided area showing building sites, driveway access points, drainage plans and utility easements shall also be included.

6.3 The required filing fee for this Minor Subdivision shall be as established and, from time to time, amended by the City Council as part of the Gem Lake Fee Schedule.

6.4 Prior to approval of a Minor Subdivision the City Council reserves the right to require any or all sections of this Ordinance to be applied.

6.5 The Minor Subdivision created by these proceedings shall be recorded with the County Register of Deeds within sixty (60) days after the date of approval by the City Council. If not recorded within this time period, the approval of this subdivision by the City shall be considered void.

SECTION 7. SEPARABILITY

7.1 It is the intention of the City Council that the several provisions of this Ordinance are separable and that if any court of competent jurisdiction shall adjudge any provision of this Ordinance or application thereof to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

SECTION 8. CONFLICT AND INTERACTION OF ORDINANCES

8.1 Whenever there is a conflict between minimum standards or dimensions specified herein and those contained in other official regulations, resolutions, Codes or Ordinances of the City, the most restrictive standards shall apply.

8.2 Ordinances which may affect this Ordinance include, but are not limited to, the Zoning Ordinance, The Municipal Sanitary Sewer Ordinance, The Individual Sewage Treatment Ordinance, and The Tree And Natural Barrier Protection And Preservation Ordinance.

SECTION 9. REPEAL

9.1 The City of Gem Lake Ordinances Number 8 and Number 58A and 58C are hereby repealed in their entirety and all conditions of the Ordinance are as incorporated herein.

SECTION 10. RULES AND DEFINITIONS

10.1 The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction.

10.1.1 The singular number includes the plural, and the plural the singular.

10.1.2 The present tense includes the past and future tenses and the future the present.

10.1.3 The word “shall” is mandatory while the word “may” is permissive.

10.1.4 The masculine gender includes the feminine and neuter.

10.1.5 Whenever a word or term defined herein appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition thereof.

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

10.2 The following words, and terms, whenever they occur in this Ordinance are defined as follows:

APPLICANT - the legal owner of land proposed for subdivision or his legal representative. The applicant must demonstrate that he has legal consent from the owner for such subdivision.

BLOCK - an area of land within a subdivision that is entirely bounded by streets, and/or by an exterior boundary of the subdivision, and/or by a river or lake.

BOULEVARD - the portion of the street right-of-way between the curb line and the property line.

BUILDABLE AREA - the portion of the lot remaining after the required yards have been provided and excluding in addition any areas where soil conditions are inadequate for building.

BUILDING - any structure built for the support, shelter or enclosure of persons, animals, chattels., or property of any kind.

CITY - the City of Gem Lake, MN.

CITY COUNCIL - the governing body of the City of Gem Lake.

CITY PLANS - the set of maps, documents and data on file with the Planning Commission commonly known as the "Gem Lake Comprehensive Municipal Plan."

CITY ENGINEER - a registered engineer appointed by the City Council to serve on a part-time basis, consulting basis, or full-time, or in such a manner as the Council shall prescribe.

COMMERCIAL BROADCAST SERVICES - Licensed commercial radio or television services transmitting signals for reception by the general public.

COMMERCIAL WIRELESS TELECOMMUNICATIONS SERVICES - Licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

CONTIGUOUS - Areas of real property actually in contact with one another or touching along a boundary and also touching or connected throughout in an unbroken sequence. Real property separated by a body of water or designated wet land shall not be considered contiguous regardless of whether the real property under the body of water or wetland has common ownership. The routing of a driveway through a parcel of real property shall not be considered as separating same so as to make the portions created by the driveway not contiguous.

CURB LEVEL - The grade elevation as established by the City, of the curb in front of the center of the building. Where no curb level has been established, the City Engineer shall determine a curb level or its equivalent for the purpose of this Ordinance.

DESIGN STANDARDS - the specifications for use by 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 rights-of-way, blocks, easements and lots.

DEVELOPER - the person or firm designing and constructing the buildings, streets and other construction activities needed to complete the subdivision.

DRAINAGE - the removal of surface water or groundwater from the land.

DREDGING - to enlarge or clean out a waterbody, water course or wetland.

DRIVEWAY, PRIVATE - a single or double lane road on a right-of-way not less than thirty three (33) feet wide designed and built for vehicular traffic between a public street and a single private residence located on a back lot, constructed on land that is part of the residential lot served.

DWELLING - A building or one (1) or more portions thereof occupied or intended to be occupied exclusively for residence purpose, but not including rooms in motels, hotels, nursing homes, boarding houses, nor trailers, tents, cabins or trailer coaches.

DWELLING, ATTACHED - A dwelling which is joined to another dwelling.

DWELLING, DETACHED - A dwelling which is entirely surrounded by open space on the same lot.

EASEMENT - a grant by an owner of land for the use of that land or a specific portion thereof for a specific limited purpose by a person or persons. The purpose generally shall be for public utility facilities such as underground utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

EROSION CONTROL PLAN - A plan developed in accordance with the requirements of Gem Lake, Ramsey County, Regional, State of MN and Federal guidelines that includes all proposed alterations to real property and the methods to be employed before undertaking the proposed alterations to prevent potential erosion and contamination of shorelands, wetlands and watershed areas, streets and by-ways, and adjacent private and public real property using accepted best practices.

ESSENTIAL SERVICES - underground or overhead gas, electrical, steam or water transmission or distribution systems including poles, wires, mains, drains, sewers, conduits, cables, fire alarm boxes, traffic signals or other similar equipment and accessories in conjunction therewith, but not including buildings.

ESSENTIAL SERVICE STRUCTURES - Structures including, but not limited to, buildings such as telephone exchanges, substations, wells, pumping stations and elevated tanks.

FAMILY - An individual, or two or more persons each related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of persons not so related, maintaining a common household and using common cooking and kitchen facilities.

FEES - Charges established and, from time to time, amended by the City Council by resolution for services, variances, permits, licenses or other activities.

FILLING - the act of depositing any rock, soil, gravel, sand, or other material so as to fill a waterbody, watercourse, wetland or other depression.

FINAL PLAT - the final plat of the subdivision that is presented to the City Council for approval and that, if approved, will be submitted to the County Register of Deeds.

GRADE (ADJACENT GROUND ELEVATION) - the level at which the ground surface intersects the foundation of the building.

GRADING - changing the natural or existing topography of the land.

GRADE PLANE - A reference plane representing the finished ground level adjoining the building at the exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest point within the area between the building and a point six (6) feet from the building.

HEIGHT, STORY - The vertical distance from top to top of two successive finished floor surfaces; and for the top most story, from the top of the finished floor to the top of the ceiling joists, where there is not a ceiling to the top of the roof rafters.

INDIVIDUAL SEWAGE TREATMENT SYSTEM (ISTS) - a septic tank, seepage tile sewage disposal system, or any other approved on-site sewage treatment device.

LOT - land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of the Zoning Ordinance, having not less than the minimum area required by the Zoning Ordinance for a building site in the district in which such lot is situated and having its principal frontage on a public street or in residential districts an authorized private way.

LOT AREA - the area of the horizontal plane within the lot lines.

LOT AREA PER FAMILY - The number of square feet of lot area required per dwelling unit.

LOT, BACK - a parcel of land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of the Zoning Ordinance, having not less than the minimum area required by the Zoning Ordinance for a building site in the Zoning District in which such lot is located and having primary access via a private driveway or authorized private way which is on land that is part of the residential lot served.

LOT, CORNER - a lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

LOT, DEPTH - the mean horizontal distance between the front lot line and the rear lot line of a lot.

LOT, FRONTAGE - the front of the lot shall be that boundary abutting the public right-of-way or an authorized private way having the least length.

LOT, INTERIOR - a lot, other than a corner lot, including through lots.

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

LOT IMPROVEMENT - any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

LOT LINE - a property line bounding a lot except that where any portion of the lot extends into the abutting street, the lot line shall be deemed to be the edge of the street right-of-way.

LOT OF RECORD - Any lot which is one (1) unit of a plat heretofore duly approved and filed, or one (1) unit of an Auditor's Subdivision or a Registered Land Survey, or a parcel of land not so platted, subdivided or registered, for which a Deed, Auditor's Subdivision or Registered Land Survey has been recorded in the Office of the Register of Deeds or Registrar of Titles for Ramsey County, Minnesota, prior to the effective date of this Ordinance.

LOT WIDTH - the maximum horizontal distance between the side lot lines measured at the minimum building setback line.

MARGINAL ACCESS STREET - a service drive or minor street that is parallel and adjacent to a thoroughfare and that provides access to abutting properties and protection from through traffic.

MINOR STREET - a street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

OUTLOT - a lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no development is intended and for which NO building permit shall be issued.

OWNER - any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.

PARKS AND PLAYGROUNDS - public land and open spaces in the City of Gem Lake dedicated or reserved for recreational purposes.

PEDESTRIAN WAY - a public right-of-way or private easement across a block or within a block to provide access for pedestrians and that may be used for the installation of utility lines.

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

PERCENTAGE OF GRADE - on the street centerline, the distance vertically from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.

PLAN - a group of drawings and sketches that outlines the ideas for making a subdivision of land. These shall include details on lot and street layout, physical features of the land to be subdivided, locations of existing features, and details on utilities such as water, sewer, electric and other utilities.

PLANNING COMMISSION - the City of Gem Lake Planning Commission.

PLAT - a map, chart or drawing prepared by a Registered Land Surveyor that describes the completed field work, and establishing corner monuments for the covered lots.

PRELIMINARY PLAN - the tentative drawings or maps of a proposed subdivision meeting the requirements of this Ordinance.

PUBLIC IMPROVEMENT- any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the City of Gem Lake does or may ultimately assume

responsibility for maintenance and operation, or that may affect an improvement for which local government responsibility is established.

RESERVE STRIPS - narrow strips of private property reserved exclusively for the purpose of controlling or limiting access via public right-of-way to contiguous properties.

RESTRICTIVE COVENANTS - 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 any given area.

SETBACK - the distance between a building, structure or ISTS and a lot line or designated right-of-way.

SHORELAND - Real property immediately adjacent to and abutting but not contained within the mean high water mark of any Shoreline.

SHORELAND IMPACT PLAN - A plan detailing current and future use of Shorelands and the potential impact of said uses; an assessment of current and future conditions and impact on those conditions for: vegetation and trees, soil and water, human and animal habitat, natural aesthetics and environmental quality.

SHORELAND ZONE 1 - All real property located within and waterward of any Shoreline in the City of Gem Lake as determined by a federal, state, regional or local regulatory agency with the authority to make such determinations.

SHORELAND ZONE 2 - All real property located within and landward fifty (50') feet of any Shoreline in the City of Gem Lake as determined by a federal, state, regional or local regulatory agency with the authority to make such determinations.

SHORELAND ZONE 3 - All real property located within and landward fifty (50') feet to one hundred fifty (150') feet of any Shoreline in the City of Gem Lake as determined by a federal, state, regional or local regulatory agency with the authority to make such determinations.

SHORELINE - The mean high water mark of the body of water known as Gem Lake and any lake, pond, or flowage in the City of Gem Lake as determined by a federal, state, regional or local regulatory agency with the authority to make such determinations, along with all wetlands attendant to each body of water.

SKETCH PLAN - a general plan of a possible subdivision that includes the items required by this Ordinance.

STREET - a public or private way not less than forty (40) feet in width that affords a primary means of access to abutting property.

STREET, COLLECTOR - a street that carries traffic from minor streets to thoroughfares.

STREET, CUL-DE-SAC - a local street with only one outlet.

STREET WIDTH - the shortest distance between the lines delineating the right-of-way of a street.

SUBDIVIDER - any person commencing proceedings under this Ordinance to effect a subdivision of land hereunder for himself or for another. (See definition of Applicant).

SUBDIVISION - the division of an area, parcel, or tract of land into two (2) or more lots or parcels, for the purpose of transfer of ownership or building

development that will require the creation of streets and roads, except for those resulting from court orders, or the adjustment of lot lines by the relocation of a common boundary. The term includes re-subdivision and when appropriate to the context, shall relate to the process of sub-dividing or to the land subdivided.

TANGENT - a straight line that is perpendicular to the radius of a curve at the point where the line meets the curve.

THOROUGHFARE - a street for fast or heavy traffic used primarily as a traffic artery between relatively large or congested areas.

USE - The purpose or activity for which the land, structure, or building thereon is designed, arranged, or intended, or for which it is occupied or maintained and shall include the performance of such activity as defined by the performance standards of this Ordinance. Uses shall be classified as principal or accessory and as permitted, special, interim and prohibited.

USE, INTERIM. - A temporary use of real property requiring a permit issued by the City which shall be allowed until a particular date, until the occurrence of a particular event, or until zoning regulations no longer allow for said temporary use.

USE, NONCONFORMING - A use of land, buildings or structures lawfully existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance or any use of land, building or structure lawfully existing prior to the adoption of an amendment which would not comply with all of the regulations.

USE, PERMITTED - A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of such district.

USE, PRINCIPAL - The main use of land or buildings as distinguished from subordinate or accessory uses.

USE, SPECIAL - Either a public or private use as listed which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district. This includes those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning district, which for the respective conduct or performance in such designated districts may require reasonable, but special, unusual, or extraordinary limitations peculiar to the use for the protection, promotion, and preservation of the general public welfare, health, and safety as well as the integrity of the City's Comprehensive Municipal Plan. Consideration of each case of special use shall be given to impact of such use on neighboring real property and of the public need for the particular use at the particular location.

USABLE OPEN SPACE - a required ground area or terrace area on a lot that is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas may be covered but only for recreational purposes. Roofs, breezeways, driveways and parking areas shall not constitute usable open spaces.

VARIANCE - A relaxation of the terms of this Ordinance such that deviation will not be contrary to the public interest and where, owing to physical conditions

unique to the individual real property under consideration and not the results of actions of the owner, a literal enforcement of this Ordinance would result in an undue hardship.

VEGETATION - the total sum of plant life in an area.

VERTICAL CURVE - the surface curvature on a street, road or highway center line occurring between lines of different percentage of grade or slope.

WATERBODY - a body of water (such as a lake or pond) or a depression of land or expanded part of a river, or an enclosed basin that holds water.

WATERCOURSE - a channel or depression through which water flows continuously or intermittently, such as rivers, streams, or creeks.

WATERSHED - the area drained by a natural or artificial drainage system, bounded peripherally by a ridge or stretch of high land dividing drainage areas.

WAY, AUTHORIZED PRIVATE - a road with a right-of-way not less than forty (40) feet wide across private land designed and built for vehicular traffic between a public street and two or more private residences. This road shall have been authorized or approved by the City Council, to be built and maintained by private interests. Authorized private ways are allowed only in R1 residential districts.

WETLANDS - an area where water stands near, at or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominantly aquatic form of vegetation, and that may have the following characteristics:

- a. Vegetation belonging to the marsh (emergent aquatic), bog, fen, sedge meadow, shrubland, and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetland types 1, 2, 3, 4, 6, 7 and 8 described by the United States Fish and Wildlife Service, Circular 39, "Wetlands of the U.S.").
- b. Mineral soils with gley horizons or organic soils belonging to the Histosol order (peat and muck).
- c. Soil that is water logged or covered with water at least three (3) months of the year.
- d. Swamps, bogs, marshes, potholes, wet meadows, and sloughs are wetlands, and such property may be shallow waterbodies, the water of which are stagnant or actuated by very feeble currents, and may be at times sufficiently dry to permit tillage, but would require drainage to be made arable. The edge of a wetland is commonly that point where natural vegetation changes from predominantly aquatic to predominantly terrestrial.

YARD - A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky except as expressly permitted in this Ordinance. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

YARD, FRONT - that area extending along the full length of a front lot line between side lot lines and extending from the abutting front street right-of-way to the depth required in the yard regulations for the district in which it is located. In

the case of a corner lot abutting one or more major roads, both yards shall be considered front yards. A major road is any road that is of a collector designation or greater.

YARD, REAR - that area extending the full length of the lot line between the side lot lines and extending towards the front lot line for a depth as specified in the yard regulations for district in which it is located.

YARD, REQUIRED - that distance specified in the yard requirements pertaining to setbacks. Setbacks and required yards are used interchangeably.

YARD, SIDE - that area extending along the full length of a side lot line between the front and rear lot lines and extending from the side lot line to the depth required by the yard regulations for the district in which it is located.

ZONING ADMINISTRATOR - that person appointed as set forth in the Zoning Ordinance, to be responsible for enforcing and administering the City of Gem Lake Zoning Ordinance.

SECTION 11. FILING AND REVIEW PROCEDURES OF PLANS

11.1 SKETCH PLAN. In order to insure that all applicants are informed on the procedural requirements and minimum standards of this Ordinance and the requirements or limitations imposed by other City Codes, Ordinances or Plans, the applicant shall submit three (3) copies of a Sketch Plan to the Zoning Administrator. (see Section 12.1 for details of what is to be included in a Sketch Plan) The applicant also shall arrange a pre-application meeting with the Zoning Administrator, the Planning Commission and the City Engineer to review and discuss the proposed development.

11.2 PRELIMINARY PLAN

11.2.1 FILING - the subdivider shall submit to the Zoning Administrator the following:

A) A completed Subdivision Application form

B) Ten (10) copies of the Preliminary Plan and at least one reduced (8 ½ X 11 or 8 ½ X 14) Preliminary Plat.

C) The required fees. The base fee for a subdivision application shall be established by the city council from time to time and published with all other City fees and charges. This fee is non-refundable. In addition to the base fee, the subdivider shall deposit funds with the City for payment of expenses incurred through staff time and from all outside sources including, but not limited to, engineers, attorneys, and outside consultants employed specifically for review and processing the application. The deposit shall be based on the city clerk's estimate of staff and consultant time required, but in no case shall the deposit exceed one percent (1%) of the current-year market value of the land to be subdivided, as determined by the Ramsey County Assessor. Any amount over the base fee not

expended by the city will be refunded within thirty (30) days of final action on the application (i.e. final plat approval or application denial). Expenses in excess of the filing fee and deposit that the City incurs shall be borne by the subdivider and paid prior to final approval.

D) Any applications for Variances from the provisions of this Ordinance or applications for Variances or Special Uses as provided for in the other Gem Lake Ordinances and the required fee(s) for such action.

E) A list of all property owners located within three hundred fifty (350) feet of the subject property, obtained from and certified by Ramsey County or the City of Gem Lake.

F) An executed Cost Sharing Agreement indicating the applicants understanding that he/she agrees to reimburse the City for all expenses incurred through staff time and from all outside sources including, but not limited to, engineers, attorneys, and outside consultants employed specifically for review and processing the application.

11.2.2 ACTION ON REQUESTS. The Zoning Administrator shall upon receipt of the Preliminary Plan:

A) Determine whether the Preliminary Plan includes the data required by this Ordinance. The plan shall be considered as being officially submitted when all the information required is supplied and all requirements of this Ordinance are complied with.

B) Send a copy of the Subdivision Application and one copy of the Preliminary Plan to each member of the Planning Commission and one copy to the City Engineer.

C) The Zoning Administrator also shall refer copies of the Preliminary Plan to the Park Advisory committee, Watershed Districts, County, State, or other public jurisdictions for their timely review and comment, where appropriate and when required.

D) The proposed plan shall be placed on the agenda of the first possible Planning Commission meeting.

E) The City Engineer shall in a timely manner submit his report to the Planning Commission. This report shall be on the feasibility of street location and construction and on any drainage or other problems that might be encountered. The absence of a report from the City Engineer shall in no way invalidate the approval or disapproval by the City of the Preliminary Plan.

F) The Planning Commission shall hold a public hearing on the proposed Preliminary Plan and shall have notice of such hearing published in the official newspaper at least ten (10) days prior to the hearing. The subdivider shall certify that all owners of property within 350 feet of the property being subdivided have been notified by mail of the Public Hearing.

G) Upon completion of the Public Hearing, the Planning Commission shall prepare and submit its report, five (5) copies of the Preliminary Plan, its recommendation for approval or disapproval, and recommendations for conditions associated with approval to the City Council in a timely manner that allows the City Council to take action within the time limits established by law. If the report of the Planning Commission has not been received so as to provide for compliance with time limits established by law, the City Council may act without such a report.

H) The City Council shall, within the time limits established by law, approve with or without conditions or disapprove the Application For Subdivision Preliminary Plat with said action being formally recorded in the minutes of a properly convened meeting. Further, any disapproval of the Application For Subdivision Preliminary Plat shall be noticed in writing to the applicant.

I) Any modification or waiver of time limits established by law shall only be made in writing to the City by the applicant except for extensions by the City provided for by law.

11.3 FINAL PLAT. Within six (6) months following approval of the Preliminary Plan by the City Council, unless the subdivider has requested an extension of that time from the City Council, the following shall be submitted to the Zoning Administrator:

11.3.1 FILING

A) Eight (8) copies of the Final Plat, including one reproducible copy are required. This Final Plat shall incorporate all changes to and conditions associated with the Preliminary Plan required by the City Council. Otherwise, it shall conform to the Preliminary Plan. The Final Plat may constitute only that portion of the Preliminary Plan that the subdivider proposes to record and develop at this time. If the Final Plat is not submitted within six (6) months, the approval of the Preliminary Plan shall be considered void.

B) An up-to-date certified abstract of title or registered property record report and such other evidence as the City Council may require showing title or control of the property in the subdivision by the applicant.

11.3.2 ACTION ON REQUESTS - the Zoning Administrator shall upon receipt of the Final Plat:

- A) Acknowledge receipt of the Final Plat to the applicant
- B) Send three (3) copies of the Final Plat to the Planning Commission
- C) The report of the Planning Commission shall be submitted to the City Council in a timely manner that allows the City Council to take action within the time limits established by law after filing of the Final Plat. The report shall state whether the proposed improvements conform to the engineering standards and specifications established in this Ordinance. It shall also state whether the Final Plat conforms to the Preliminary Plan as approved by the City Council pursuant to Section 11.2.2 h).
- D) The City Council shall act on the Final Plat within the time limits established by law. It shall not approve a Final Plat unless it:
 - 1) Conforms to the Preliminary Plan with all changes and conditions associated with the Preliminary Plan approval by the City.
 - 2) Meets the design and engineering standards set forth in this Ordinance,
 - 3) Conforms to the plans of the City, as approved by the Planning Commission and City Council.
 - 4) All fees required to be paid to the City in connection with this Plat have been paid.
- E) If the Final Plat is approved by the City Council, the subdivider shall record it with the County Register of Deeds within sixty (60) days after the date of approval. If not recorded within this time period, the approval of the Final Plat shall be considered void.
- F) The subdivider shall immediately upon completion of recording, furnish to the City Clerk two (2) prints of the Final Plat showing evidence of recording.

SECTION 12 DATA REQUIREMENTS FOR PLANS AND PLATS

12.1 SKETCH PLAN. Sketch Plans shall contain, at a minimum, the following information:

12.1.1 Plat Boundary

12.1.2 North arrow

12.1.3 Scale

12.1.4 Street layout on and adjacent to plat

12.1.5 Designation of land use and current proposed zoning

12.1.6 Significant topographical or physical features

12.1.7 Preliminary lot locations, numbers and layout

12.2 PRELIMINARY PLAN. The subdivider shall prepare and submit a Preliminary Plan, together with any necessary supplementary information. The Preliminary Plan shall contain the information set forth in the sections that follow.

12.2.1 GENERAL REQUIREMENTS

A) Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions in Ramsey County.

B) Location of boundary lines in relation to a known section, quarter section or quarter-quarter section line comprising a legal description of the property.

C) Names and addresses of all persons having property interest, the developer, designer and surveyor together with the surveyor's registration number.

D) Graphic scale of plat, not less than one (1) inch to one hundred (100) feet.

E) Date and north arrow.

12.2.2 EXISTING CONDITIONS

A) Boundary lines and total acreage of proposed plat, clearly indicated.

B) Existing zoning classifications for land within and abutting the subdivision.

C) Location, widths and names of all existing or previously platted streets or other public ways, showing type, width and condition of improvements, if any; railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the plat and to a distance of three hundred fifty (350) feet beyond the tract.

D) Location and size of existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract, Such data as grades, invert elevations and locations of catch basins, manholes and hydrants also shall be shown.

E) Boundary lines of adjoining unsubdivided and subdivided land, within three hundred fifty (350) feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.

F) Topographical data, including contours at vertical intervals of not more than two (2) feet. Water courses, wetlands, rock out-crops, power transmission poles and lines and other significant features shall also be shown.

G) In plats where public water and sewer are not available, the subdivider shall file a report prepared by a registered civil engineer on the feasibility of individual on-site sewer and waste systems on each lot, and shall include soils boring analysis and percolation tests to verify conclusions.

12.2.3 PROPOSED DESIGN FEATURES

A) Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross sections, and proposed names of streets in conformance with City and County street identification policies. The name of any street heretofore used in the City of Gem Lake or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.

B) Locations and size of proposed sewer lines and water mains.

C) Locations, dimensions and purposes of all easements.

D) Layout, numbers, lot areas and preliminary dimensions of lots and blocks.

E) Minimum front and side street building setback lines.

F) When lots are located on a curve, the width of the lot at the building setback line.

G) Areas, other than streets, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

H) Water mains shall be provided to serve the subdivision by extension of an existing community system whenever feasible. Service connections shall be stubbed into the property line and all necessary fire hydrants also shall be provided. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the standards of the City of Gem Lake. In areas where public water supply is not available, individual wells shall be provided on each lot, properly placed in relation to individual sewage treatment facilities on the same and adjoining lots. Well plans must comply with the Minnesota State Well Code as may be amended, and shall be submitted for the approval of the City Engineer.

I) Sewage Disposal, Public. Sanitary sewer mains and service connections shall be installed in accordance with the standards and ordinances of the State of MN, Ramsey County and the City of Gem Lake.

J) Sewage Disposal, Private. All on-site septic systems shall be installed in accordance with the standards and ordinances of the State of MN, Ramsey County and the City of Gem Lake.

12.2.4 SUPPLEMENTARY INFORMATION

A) Proposed restrictive covenants

B) An accurate soil survey of the subdivision prepared by a qualified person.

C) Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry, so as to reveal the effect of the development on traffic, fire hazards and congestion of population.

D) If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions shall be shown, Such proposed zoning plan shall be for information only and shall not vest any rights in the applicant.

E) Provisions for surface water disposal, ponding, drainage and flood control.

F) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, it shall be required that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing or potential adjacent subdivisions.

G) Where structures are to be placed on large or excessively deep lots that are subject to potential replat, the preliminary plat shall indicate a logical way in which the lots could possibly be resubdivided in the future.

H) Proof that a plan for soil erosion and sediment control, both during construction and after development, has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, design of sediment control measures, and landscaping of the erosion and sediment control system along with any such requirements as may be required of the applicant by watershed districts or other such public agencies established to regulate sediment and erosion control.

I) A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and location of trees and other vegetation that are to be planted, and which indicates compliance with all attendant local ordinances.

J) When the City of Gem Lake agrees to install improvements in a development, the developer shall furnish the City a Financial Statement satisfactory to the City. When then City has not undertaken to install improvements, the City may, at the City's option, require the developer to furnish a Financial Statement satisfactory to the City.

K) Such other information as may be required.

12.3 FINAL PLAT. The owner or subdivider shall submit a Final Plat together with any necessary supplementary information. The Final Plat, prepared for recording purposes, shall be prepared in accordance with provisions of Minnesota State Statutes, Ramsey County regulations and the Final Plat shall contain the following information:

12.3.1 GENERAL REQUIREMENTS

A) Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision.

B) Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions that must mathematically close. The

allowable error closure of any portion of a final plat shall be one (1) foot in seventy-five hundred (7500) feet.

C) The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments.

D) Locations of lots, streets, public highways, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.

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

F) The exact locations, widths, and names of all streets to be dedicated.

G) Location and width of all easements to be dedicated.

H) Name, address and registration number of the surveyor making the plat.

I) Scale of plat (the scale to be shown graphically on a bar scale), date and north arrow.

J) Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are served over, under and along strips marked "utility easements."

K) Statement dedicating all streets and other public areas not previously dedicated as follows: Streets and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

12.3.2 CERTIFICATION REQUIREMENTS

A) Certification by a registered surveyor in the form required by Section 505.03, Minnesota Statutes, as amended.

B) Execution by all owners of any interest in the land or any lenders of a mortgage thereon of the certificate required by Section 505.03, Minnesota Statutes, as amended, and where certificate shall include a dedication of the utility easements and other public areas in such form as approved by the City Council.

C) Certifications showing that all taxes currently due on the property to be subdivided have been paid in full.

D) An approval and review block to be filled in with the signature of the Mayor and City Clerk. The form of this approval and review block is as follows:

Approved by the City of Gem Lake, Ramsey County, Minnesota

This ___ Day of _____, 20

Signed: _____
Mayor

Attest: _____
City Clerk

SECTION 13. DESIGN STANDARDS

13.1 BLOCKS

13.1.1 Block Length. In general, intersecting streets, determining block lengths, shall be provided at such intervals so as to serve cross traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions should not exceed one thousand eight hundred (1800) feet nor be less than four hundred (400) feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than twelve hundred (1200) feet, pedestrian ways and/or easements through the block may be required near the center of the block.

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

13.2 LOTS

13.2.1 Area. The minimum lot area, width and depth shall not be less than that established by the City of Gem Lake Zoning Ordinance in effect at the time of adoption of the Final Plat.

13.2.2 Corner lots. Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the Zoning Ordinance.

13.2.3 Side lot lines. Other than for good reason, side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

13.2.4 Frontage. Every lot must have minimum frontage on a City approved existing or platted street or road other than an alley, as required in the City of Gem Lake Zoning Ordinance.

13.2.5 Setback lines. Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required in the Zoning Ordinance.

13.2.6 Water courses. Lots abutting a water course, wetland, ponding area or stream shall have additional depth and width, and other restrictions as required in the Zoning Ordinance.

13.2.7 Features. In the subdividing of land, due regard shall be shown for natural features, such as tree growth, water courses, historic spots or similar conditions that if preserved will add attractiveness and stability to the proposed development.

13.2.8 Lot remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than being allowed to remain as unusable parcels.

13.2.9 Political boundaries. No singular plat shall extend over a political boundary or school district line without documented notification to affected units of government.

13.2.10 Frontage on two streets. Double frontage, or lots with frontage on two (2) roughly parallel streets, shall be avoided except where lots back on an arterial street or highways, or where topographic or other conditions render subdividing otherwise unreasonable. Such double-frontage lots shall have an additional depth of at least twenty (20) feet in order to allow space for screen planting along the back lot line.

13.2.11 Turn around egress. When proposed residential lots abut a collector or arterial street, they should be platted in such a manner as to encourage turn around egress on each lot.

13.3 STREETS

13.3.1 Streets, Continuous. Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangements of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety and in appropriate relation to proposed uses of the area to be served.

13.3.2 Local streets, authorized private ways and Dead-end streets. Local streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but cul-de-sacs will be permitted where topography or other physical conditions justify their use. Cul-de-sacs shall include a terminal turn-around with a turn around radius of not less than sixty (60) feet.

13.3.3 Alleys. Alleys are not permitted in subdivisions in the City of Gem Lake.

13.3.4 Street plans for Future Subdivisions. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided/subdivided portion shall accompany the plat.

13.3.5 Temporary Cul-de-sac. In those instances where a street is terminated pending future extension in conjunction with future subdivision, a temporary turn around facility shall be provided at the closed end as described in Section 13.3.2.

13.3.6 Street Intersections. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of streets shall be eighty (80) degrees. Street intersection jogs with an offset of less than one hundred twenty five (125) feet shall be avoided.

13.3.7 Sidewalks. The Planning Commission, when it deems appropriate and necessary, may require that sidewalks be provided on one or both sides of the paved surface, and shall prescribe the minimum width of such sidewalks. In all cases where sidewalks are specified, they shall provide handicapped access.

13.3.8 Half streets. Dedication of half streets shall not be considered for approval except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations or where it will be practical to require dedication of the other half when the adjoining property is subdivided.

13.3.9 Private Streets. Private streets existing as of the date of this Ordinance are permitted. Future private streets are permitted, but only when approved by the City. The City may accept private streets as public streets, but only when such streets have been upgraded to the standards set by this Ordinance.

13.3.10 Street Grades. The grades of all streets shall not be less than 0.3 percent and should not exceed the following:

- A) Collector Street Six (6%) percent
- B) Minor Street Eight (8%) percent

13.3.11 Curb Radius. The minimum curb radii for thoroughfares, collector streets, local streets, and alleys shall be as follows:

A) All Streets Ten (10') feet

13.3.12 Reserve Strips. Reserve strips controlling access to streets shall be prohibited except under conditions accepted by the City Council.

13.3.13 Street Right-of-Way Width. For all public streets hereafter dedicated and accepted, the minimum right-of-way widths of streets shall be as shown in the City of Gem Lake Comprehensive Municipal Plan and where not shown therein, the minimum right-of-way width for streets, arterial highways or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

- A) Principal Arterial Highway (As required by MNDOT)
- B) Intermediate Arterial Highway 100 feet
- C) Minor Arterial Highway 80 feet
- D) Collector Street 70 feet
- E) Minor Street 60 feet
- F) Authorized Private Way 40 feet
- G) Private Driveway 33 feet
- H) Pedestrian Way 10 feet

13.4 EASEMENTS

13.4.1 Width and Location. Necessary easements of appropriate width for utilities (including extension of main water and sewer lines) shall be provided (and shown on the plat), preferably along lot lines or as necessary across lots.

13.4.2 Continuous Utility Easement Locations. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council.

13.4.3 Guy Wires. Additional easements for pole guys should be provided, where appropriate, at the outside of turns. Where possible, lot lines shall be arranged to bisect the existing angle so that pole guys will fall along side lot lines.

13.5 EROSION AND SEDIMENT CONTROL

13.5.1 The development of this subdivision shall conform to the natural limitation presented by topography and soil so as to create the least potential for soil erosion.

13.5.2 Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to and maintained throughout development when necessary to control erosion.

13.5.3 Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one (1) period of time.

13.5.4 When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the development agreement.

13.5.5 Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. Topsoil shall be restored or provided to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.

13.5.6 Natural vegetation shall be protected wherever practical.

13.5.7 Run-off water shall be diverted to a sediment basin before being allowed to enter the natural drainage system.

13.5.8 The erosion and sediment control plan shall be subject to review and approval of the applicable Watershed District and the City Engineer. The City may request a report from the Ramsey Soil and Water Conservation District regarding soil erosion control measures. The City may require a soil erosion cash deposit to guarantee erosion control measures are taken.

13.6 STORM DRAINAGE

13.6.1 All subdivision designs shall incorporate adequate provisions for storm water run-off subject to review and approval of the applicable Watershed District and the City Engineer.

13.6.2 The grade and drainage requirements for each plat shall be approved by the applicable Watershed District and the City Engineer at the expense of the applicant for the subdivision. Every plat presented for final signatures shall be accompanied by certifications by the City Engineer that the grade and drainage requirements have been met. In an area not having municipal storm sewer trunks, the applicant shall be responsible for providing a storm water disposal plan that will operate without damage to properties outside the platted areas.

13.6.3 No plat shall be approved by the City Council before the storm water disposal plan is approved by both the City Engineer and the Watershed District.

13.6.4 The use of dry wells for the purpose of storm water disposal is prohibited in the City of Gem Lake.

13.7 PROTECTED AREAS

13.7.1 Where land proposed for subdivision is found to be environmentally sensitive by the City, due to the existence of wetlands, drainage ways, water courses, floodable areas or steep slopes, the design of said subdivisions shall clearly reflect all necessary measures of protection to insure against adverse environmental impact.

13.7.2 Based upon the necessity to control and maintain certain sensitive areas, the City shall determine whether said protection will be accomplished through lot enlargement and redesign or dedication of these sensitive areas in the form of outlots.

13.7.3 Measures of protection shall include design solutions that allow for construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the subdivider shall be required to demonstrate that the proposed design will not require construction of slopes over eighteen (18) percent or result in significant alteration in the natural drainage system such that adverse impact cannot be continued within the plat boundary.

SECTION 14. REQUIRED BASIC IMPROVEMENTS

14.1 GENERAL PROVISIONS

14.1.1 Before a Final Plat is returned to the subdivider by the City, the subdivider of the land covered by said plat shall pay all fees required and execute and submit to the City Council a developer's agreement that shall be binding on his or their heirs or personal representatives. This agreement shall declare that the subdivider will start no private construction on the lands within said plat, nor will the subdivider file or cause to be filed any application for building permits for such construction until all improvements required by this Ordinance have been made or arranged for in the manner and conforming to the requirements set forth on the Final Plat.

14.1.2 Prior to the delivery of the approved Final Plat, the subdivider shall deposit with the City Treasurer an amount equal to a minimum of one hundred twenty five (125) percent of the City Engineer's estimated cost of the required improvements within the plat, either in a cash escrow fund, performance and indemnity bond, or letter of credit. The surety involved in said financial guarantees shall be approved by the City. The cash escrow, letter of credit or performance and indemnity bond shall be conditioned upon:

A) The making and installing of all of the improvements required by the terms and conditions set forth by the City within one (1) year.

B) Satisfactory completion of the work the subdivider has agreed to in the developer's agreement referred to in Section 14.1.1.

C) The payment by the subdivider to the City of all expenses incurred by the City in connection with this subdivision proposal, shall include not be limited to: expenses for engineering, fiscal, legal, construction and administration. In instances where a cash escrow is submitted in lieu of a letter of credit or performance and indemnity bond, there shall be a cash escrow agreement that shall provide that in the event the required improvements are not completed in one year, all amounts held under the cash escrow agreement shall be automatically turned over and delivered to the City and applied by the City to the cost of completing the required improvements. If the funds available within the said cash escrow agreement are not sufficient to complete the required improvements, the necessary additional cost to the City shall be assessed against the subdivision. Any balance remaining in the cash escrow fund after such improvements have been made and all expenses therefore have been paid, shall be returned to the subdivider. In instances where a letter of credit is used in lieu of a cash escrow or performance and indemnity bond, the said letter of credit shall be in a form satisfactory to the City, and the terms thereof shall substantially comply with all requirements as set forth in Minnesota Statutes as amended, which statutes relate to Surety Bonds.

14.1.3 The City of Gem Lake shall where appropriate, require of a subdivider submission of a Warranty/Maintenance Bond in the amount equal to the original cost of the improvements, which shall be in force for one year following the final acceptance of any required improvements and shall guarantee satisfactory performance of the said improvements.

14.1.4 Reproducible "as built drawings" as required by the City Engineer, shall be furnished to the City by the subdivider giving details on all required improvements. Such "as built drawings" shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvements.

14.1.5 All the required improvements to be installed under the provisions of this Ordinance shall be approved by and subject to the inspection of the City Engineer. All of the City's expenses incurred as the result of the required improvements shall be paid either directly, indirectly or by reimbursement to the City by the subdivider.

14.2 MONUMENTS FOR FINAL PLAT

14.2.1 Official monuments, as designated and adopted by the Ramsey County Surveyors Office and approved by the Ramsey County District Court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the Final Plat or in accordance with a plan as approved by the City Engineer. The boundary line of the property to be included with the plat is to be fully dimensioned; all angles of the boundary excepting the closing angle to be indicated; all monuments and surveyor's irons to be indicated, each angle point or the boundary perimeter to be so monumented.

14.2.2 Pipes or steel rods shall be placed at each lot and at each intersection of street center lines. All United States, State, County or other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in the precise position they were and shall be recorded on the plat. All lot and block dimensions shall be recorded on the plat and all necessary angles pertaining to the lots and blocks shall be shown, as an aid to future surveys. No ditto marks will be permitted when indicating dimensions.

14.2.3 To insure that all irons and monuments are correctly in place following the final grading of a plat, a second monument shall be required. Proof of the second monumentation shall be in the form of a surveyor's certificate and this requirement shall additionally be a condition for the Certification of Occupancy as provided for in the Gem Lake Zoning Ordinance, as may be amended.

14.3 STREET IMPROVEMENTS

14.3.1 The full width of the right-of-way shall be graded, in accordance with the provisions for construction as outlined in the section of this Ordinance, titled Design Standards.

14.3.2 All street shall be improved in accordance with the City of Gem Lake standards and specifications for street construction or as required by the City Council.

14.3.3 All streets to be surfaced shall be of an overall width in accordance with the standards and specifications for construction as approved by the City Council. The portions of the right-of-way outside the area surfaced shall be sodded or ripped by the developer if deemed necessary by the City.

14.3.4 Where required, curb and gutter shall be constructed in accordance with the standards and specifications for street construction as set forth and approved by the City Council.

14.4 TREES AND BOULEVARD SODDING

14.4.1 Where street trees do not exist, trees having a trunk diameter of not less than two (2) inches, measured twelve (12) inches above the ground, shall be planted on both sides of all streets in the subdivision in locations approved by the Planning Commission, but no more than sixty (60) feet apart. Trees of equal standard shall be planted in the required front yards at an average minimum density of one (1) tree per forty (40) feet of right-of-way.

14.4.2 Tree species shall be as approved by the Planning Commission and must survive one full growing season or be replaced at the subdivider's expense.

14.4.3 Boulevards shall be sodded as required by the Planning Commission in conformance with generally accepted standards and specifications.

14.5 STREET SIGNS, LIGHTING AND DRIVEWAYS

14.5.1 Street signs, of suitable design approved by the City Council, shall be installed at each street intersection.

14.5.2 Driveway approaches and sidewalks of standard design or pedestrian pathways, as may be required by the City Council, shall be installed.

14.5.3 Street lighting fixtures, as may be required and approved by the City Council, shall be installed.

14.6 SANITARY SEWER AND WATER DISTRIBUTION IMPROVEMENTS

14.6.1 Sanitary sewers and water facilities shall be installed in accordance with standards and specifications as required by the City Council and subject to the approval of the City Engineer.

14.6.2 Where City sewer and water facilities are not available for extension into the proposed subdivision, the Council may permit the use of individual water and sewer systems in accordance with all appropriate state and local regulations.

14.7 PUBLIC UTILITIES

14.7.1 All new electric distribution lines (excluding main line feeders and high voltage transmission lines), telephone service lines, Cable TV and other services constructed within the confines of and providing service to customers in a newly platted residential area shall be buried underground, unless the City Council specifically shall find, after study and recommendation of the Planning Commission that:

- A) The placing of utilities underground would not be compatible with the development planned;
- B) Topographical, soil or any other conditions make underground installation unreasonable or impractical.

14.7.2 Where telephone, Cable TV, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such a manner so as not to conflict with other underground services.

14.7.3 All drainage and other underground utility installations that cross privately owned property shall be protected by easements.

14.7.4 All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles. The Planning Commission may recommend, and the City Council require, that the type of overhead pole used be of a quality and durability aesthetically in conformance with the nature of the residential development.

14.7.5 The subdivider is responsible for complying with the requirements of this section, and shall submit to the Zoning Administrator a written record from the utilities showing that the necessary arrangements with the utility involved for installation of said facilities have been made.

14.8 ELECTION OF CITY TO INSTALL IMPROVEMENTS

14.8.1 In accordance with the policy of the City of Gem Lake, it is the subdivider's responsibility to install all required improvements except that the City reserves the right to elect to install all or any part of the improvements required under the provisions of this Ordinance in lieu of requiring the subdivider to install such improvements.

14.9 RAILROAD CROSSINGS

14.9.1 No street dedications will be accepted that require a crossing of a railroad right-of-way unless sufficient land, as determined by the City Council, is dedicated to insure a safe view.

SECTION 15. VARIANCES FROM THIS ORDINANCE

15.1 The City Council may grant a variance in any particular case where the applicant can show that by reason of exceptional topography or other physical conditions the strict compliance to this Ordinance could cause an exceptional and undue hardship on the enjoyment of substantial property right. Such relief may be granted provided there is no detriment to the public welfare and no impairment of intended purpose of this Ordinance.

15.2 An application for any such Variance shall be made on an official application form available from the Zoning Administrator and shall be submitted at the same time as the Preliminary Plan is filed for consideration. Such application shall be accompanied by the required fee(s). Such application shall state fully all facts relied upon by the applicant and shall be supplemented with maps, plans or additional data that will aid the City in the analysis of the proposed project.

15.3 Upon receiving such application, the Zoning Administrator shall refer the application, along with all related information, to the Planning Commission for consideration at a duly convened public hearing, a report and recommendation to be sent to the City Council.

15.4 The applicant or a representative of the applicant shall appear before the Planning Commission at its next regular meeting in order to answer questions concerning the proposed Variance.

15.5 The Planning Commission shall have the authority to request additional information from the applicant concerning the Variance or to retain expert testimony with the consent and at the expense of the applicant concerning said Variance, where said information is declared necessary to insure preservation or health, safety and general welfare.

15.6 The Planning Commission shall make a finding of fact and recommend to the City Council in writing such actions or conditions relating to the request as it may deem necessary to carry out the intent and the purpose of this Ordinance and shall do so in a timely manner that allows the City Council to take action within the time limits established by law.

15.7 If the report of the Planning Commission has not been received so as to provide for compliance with time limits established by law, the City Council may act without such a report.

15.8 Upon receiving the report and recommendation of the Planning Commission, the City Council shall place the matter on the agenda for the next regular meeting. The Council shall within the time limits established by law make a written finding of fact and impose any conditions it considers necessary to protect the public health, safety and welfare. A Variance to this Ordinance shall require a four/fifths (4/5ths) vote of the full City Council. The Zoning Administrator shall promptly notify the applicant of the Council's decision in writing.

SECTION 16. VIOLATIONS AND PENALTY

16.1 SALE OF LOTS FROM UNRECORDED PLATS

16.1.1 It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or replat of any subdivision or area located within the jurisdiction of this Ordinance unless said plan, plat or replat shall have first been recorded in the Office of the Recorder of Ramsey County.

16.2 MISREPRESENTATION AS TO CONSTRUCTION, SUPERVISION OR INSPECTION OF IMPROVEMENTS

16.2.1 It shall be unlawful for any person, firm or corporation owning an addition or subdivision of land within the City of Gem Lake to represent that any improvements upon any of the streets, or avenues of said addition or subdivision or any sewer or water system in said addition or subdivision has been constructed according to the plans and specifications approved by the City Council, or has been supervised or inspected by the City, when such improvements have not been so constructed, supervised or inspected.

16.3 PENALTY

16.3.1 Any person who violates any of the provisions of this Code shall, upon conviction thereof, be fined not more than the maximum penalty for a misdemeanor prescribed under State Law. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 17. ADOPTION AND ENACTMENT

17.1 The Ordinance changes represented in this revision of Ordinance No. 58A were reviewed by the Planning Commission and discussed at a public hearing duly convened on August 1, 2005 with all public comments considered and included where deemed appropriate. The changes, drafted as a separate document titled "Ordinance No. 58B Redline" and included with the minutes of the public hearing, are incorporated in this revision and are forwarded to the City Council with the Planning Commission's recommendation for adoption.

17.2 This Ordinance No 58B incorporating all changes recommended in "Ordinance No. 58B Redline" was unanimously adopted with amendments thereto by the City Council of the City of Gem Lake on this the 15th day of August in the year 2005 and was summarily ordered for publication in the City's official legal publication, said date of publication to be the official date of enactment.

CITY OF GEM LAKE
Paul R. Emeott, Mayor

ATTEST
Frederic C. Magnuson, City Clerk

ORDINANCE NO. 58 LEGEND

The Subdivision Ordinance of the City of Gem Lake was originally enacted by the City of Gem Lake as Ordinance No. 1 on 17 November 1959. Ordinance No. 58 repealed all prior versions of the Subdivision Ordinance upon its adoption on September 17, 1990. Since that time, the Planning Commission and City Council have proposed and adopted several amendments to the Ordinance in keeping with the changing times as well as the needs and wishes of the community. The following table is added to Ordinance No. 58 as an historic reference to all changes made since the adoption of the original Subdivision Ordinance in 1959. All changes shown have been incorporated into the text of Ordinance No. 58C, the City of Gem Lake Subdivision Ordinance.

ORDINANCE NO.	TITLE & DESCRIPTION	DATE ENACTED
01	An Ordinance Regulating The Subdivision Of Land In The City Of Gem Lake	11/17/1959
08	An Ordinance Repealing Ordinance No. 01 And Regulating The Subdivision Of Land	10/15/1963
58	An Ordinance Repealing Ordinance No. 08 And Regulating The Subdivision Of Land In The City Of Gem Lake	09/17/1990
58B	An Ordinance Amending Ordinance No. 58A And Incorporating Changes Regarding Elimination of Subdivision Headings For Definitions, Elimination of Most Time Lines Identified And Subject To Control By State Statute, Elimination of Fees Specific and Referencing The Gem Lake Fee Schedule	08/15/2005
58C	An Ordinance Amending Ordinance No. 58B And Incorporating The Addition Of Section 5.4 Regarding Provisions For Park Land Dedication As Provided For By Minnesota Statute §462.358, subdivision 2b.	07/24/2006
89	An Ordinance Amending Section 11.2.1 (C) of Ordinance No. 58C to Require Escrow for Payment of City Expenses During Subdivision Review	10/21/2008