



East Bethel Community Development
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SUBDIVISION

INFORMATION ONLY. THIS IS NOT AN APPLICATION. SUBDIVISIONS ARE REVIEWED IN 3 SEPARATE STEPS: CONCEPT PLAN, PRELIMINARY PLAT, AND FINAL PLAT.

CONCEPT PLAN	APPLICATION FEE: \$500 AND ESCROW: \$500*
PRELIMINARY PLAT	APPLICATION FEE: \$500 + \$25/LOT AND ESCROW: \$5,000*
FINAL PLAT	APPLICATION FEE: \$300 AND ESCROW: \$1,000 + \$50/LOT IF NEW ROAD*
PARK DEDICATION FEES FOR COMMERCIAL LOTS	5% OF LAND OR CASH NOT TO EXCEED \$2,000 PER ACRE (SEE CITY ORDINANCE FOR FURTHER DETAILS)
PARK DEDICATION FEES FOR RESIDENTIAL LOTS	10% OF LAND OR CASH NOT TO EXCEED \$2,000 PER LOT (SEE CITY ORDINANCE FOR FURTHER DETAILS)

SUBDIVISIONS

ARTICLE I. - IN GENERAL

Sec. 66-1. - Title.

This chapter shall be known as the East Bethel Subdivision Ordinance and will be referred to herein as this chapter. (Ord. of 10-17-2007, § 1(1-1))

Sec. 66-2. - Purpose.

The city council, being aware of the responsibility which they have for the adoption of ordinances and rules and regulations designed for the protection of the health, safety, natural environment, and general welfare of this community, deem it necessary to provide regulations for platting and subdividing of property within the city which will prevent, as far as possible:

- (1) Noncompliant land issues;
- (2) The location of streets where such location does not fit the overall pattern of the city;
- (3) The general design of the proposed building lots in any platted area which might prevent compliance with the building code, zoning ordinance, or other regulations of the city in the future;
- (4) To make all subdivisions of property conform as nearly as possible to a future overall plan;
- (5) Adverse effects of development on the natural ecosystems of the city;

does hereby order that all subdivisions hereafter planned within the limits of the city shall in all respects fully comply with the regulations hereinafter set forth.

(Ord. of 10-17-2007, § 1(1-2))

Sec. 66-3. - Jurisdiction.

The provisions of this chapter shall apply to all lands within the incorporated boundaries of the city.

(Ord. of 10-17-2007, § 1(1-3))

Sec. 66-4. - Platting authority.

The city council shall serve as the platting authority of the incorporated areas of the city in accordance with Minn. Stats. § 462.358, as may be amended. No plat or replat shall be filed or accepted for filing by the office of the county recorder unless adopted by the affirmative vote of the majority of the members of city council approving such plat or replat.

(Ord. of 10-17-2007, § 1(1-4))

Sec. 66-5. - Administration.

This chapter shall be administered by the zoning administrator who is appointed by city council.

(Ord. of 10-17-2007, § 1(1-5))

Sec. 66-6. - Amendments.

The provisions of this chapter shall be amended by the city following a legally advertised public hearing before the planning commission and in accordance with the law, including the rules and regulations of any applicable state or federal agency.

(Ord. of 10-17-2007, § 1(1-6))

Sec. 66-7. - Conditions for recording.

No plat or subdivision shall be entitled to record in the county recorder's office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this chapter.

(Ord. of 10-17-2007, § 1(1-7))

Sec. 66-8. - Building permits.

No building permits shall be considered for issuance by the city for the construction of any structure until all requirements of this chapter have been fully complied with.

(Ord. of 10-17-2007, § 1(1-8))

Sec. 66-9. - Policy.

- (a) It is hereby declared to be the policy of the city to consider the subdivision of land and the subsequent development of the plat as subject to the control of the city pursuant to the comprehensive plan for the orderly, planned, efficient, and economical development of the city, while protecting to the greatest degree possible the health, safety, and well-being of the residents.
- (b) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health from fire, flood, environmental damage, or other menace. Land shall not be subdivided unless proper provisions have been made for drainage, stormwater management, wetland protection, minimization of ecological impacts, potable water, domestic wastewater, streets, and capital improvements such as parks, trails, sidewalks, recreation facilities, transportation facilities, stormwater improvements, and any other necessary improvements.
- (c) The existing and proposed public improvements shall conform to and be properly related to the comprehensive plan, comprehensive sanitary sewer plan, master water study, water management plan, comprehensive park/trail plan, and the capital improvement plan of the city.
- (d) The provisions of this chapter are in addition to and not in replacement of provisions of all building codes and zoning regulations. Any provision of the building code and zoning regulations shall remain in full force and effect except as may be contradictory to the provisions hereof. Where any provision conflicts with another provision, the most restrictive provision shall be applied.

(Ord. of 10-17-2007, § 1(1-10))

Sec. 66-10. - Application of rules.

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

- (1) The singular includes the plural, and the plural the singular.
- (2) The present includes the past and future tenses, and the future tense includes the present tense.
- (3) The masculine gender includes the feminine and neuter genders.
- (4) Whenever a word or term defined hereinafter appears in this chapter, its meaning shall be construed as set forth in such definition.
- (5) In the event of conflicting provisions, the more restrictive shall apply.
- (6) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirement for the promotion of health, safety, and welfare.

(Ord. of 10-17-2007, § 1(1-11))

Sec. 66-11 – Definitions can be found here:

https://library.municode.com/mn/east_bethel/codes/code_of_ordinances?nodeId=COOR_CH66SU_ARTIINGE_S66-16PRSU

Sec. 66-12. - Compliance with comprehensive plan, zoning ordinance, and official map.

No subdivision of land shall conflict with the provisions of the comprehensive plan, the city's zoning ordinance, which is set forth in Appendix A to this Code, or official maps.

(Ord. of 10-17-2007, § 2(2-1))

Sec. 66-13. - Purpose.

- (a) A subdivision application shall be accompanied by a fee established by resolution of the city council to pay for costs associated with the application processing and review. Said fee resolution will be annually reviewed and updated. Any and all expenses incurred by the city for engineering, planning, legal, or other services related to the review and processing of the subdivision application that exceeds the established application fee shall be collected from the applicant.
- (b) The acceptance of all applications, issuance of permits, or recording of any plat shall not occur until a complete application has been filed and the appropriate fees have been paid.

(Ord. of 10-17-2007, § 2(2-2))

Sec. 66-14. - Building permits.

No building permits shall be considered for issuance by the city for the construction of any structure until all requirements of this chapter have been fully complied with. No building permit shall be issued for a platted outlot.

(Ord. of 10-17-2007, § 2(2-3))

Sec. 66-15. - Variances.

The city may grant a variance from the minimum standards of this chapter (not procedural provisions) when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the city shall prescribe any

conditions that it deems necessary to or desirable for the public interest. In granting a variance, the city shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be granted when the city finds that there are special circumstances or conditions affecting the property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land, and that the granting of the variance will not be detrimental to the public health, safety, and welfare, or injurious to other property in the territory in which property is situated. The purpose of the variance is to correct inequities resulting from an extreme physical hardship such as topography, etc. Neither financial hardship nor those hardships which are self-imposed by the owner (past or present) of the parcel are grounds for the granting of variances under this chapter.

(Ord. of 10-17-2007, § 2(2-4))

Sec. 66-16. - Premature subdivision.

Any concept plan, preliminary plat, or final plat deemed premature pursuant to the following criteria shall be denied by city council:

- (1) Conditions for establishing a premature subdivision. A subdivision may be deemed premature should any of the following conditions not be met:
 - a. Consistency with comprehensive plan. Consistency with the comprehensive plan, including any of the following:
 1. City's comprehensive plan.
 2. Comprehensive sanitary sewer plan.
 3. Master water study.
 4. Water management plan.
 5. Comprehensive parks, trails, and open space plan.
 6. Capital improvement plan.
 - b. Consistency with growth policies. A proposed urban subdivision shall meet the city's infill policies.
 1. The urban subdivision must be located within the staged growth area as established by the city's comprehensive plan.
 2. The costs of utilities and street extensions must be covered by one or more of the following and approved by city council:
 - (i) An immediate assessment to the proposed subdivision.
 - (ii) One hundred percent of the street and utility costs are privately financed by the developer.
 - (iii) The cost of regional and/or oversized trunk utility lines can be financed with available city trunk funds.
 - (iv) The cost and timing of the expenditure of city funds are consistent with the city's capital improvement plan.
 3. The cost, operation, and maintenance of the utility system are consistent with the normal costs as projected within the city's water, sewer, and stormwater utility rates.
 4. The developer payments will be sufficient to offset additional costs of utility installation of the future operation, planning, design, city staff time, enforcement, inspection, maintenance, and any other reasonable costs incurred by the city.
 - c. Roads or highway to serve the subdivision. A proposed subdivision shall have adequate roads or highways when:
 1. Roads or highways providing access to a subdivision are functioning at a level of service (LOS) D or better, as defined by the 2000 Highway Capacity Manual, as amended from time to time.
 2. Traffic generated by a proposed subdivision will maintain the LOS of any street providing access to the subdivision to a LOS D or better, as defined by the 2000 Highway Capacity Manual, as amended from time to time.
 3. Existing roads providing access to the subdivision have the structural capacity to accommodate projected traffic from the proposed subdivision or the developer will pay to correct any structural deficiencies. Such costs may include, but are not limited to, future operation, planning, design, city staff time, enforcement, inspection, maintenance, and any other reasonable costs incurred by the city.
 4. The traffic generated from a proposed subdivision shall not require city street improvements that are inconsistent with the city's capital improvement plan or the developer shall pay to correct any street deficiencies as outlined previously.
 5. The developer will solely finance any street improvements or upgrades required by the city's comprehensive plan, county highway department, Mn/DOT, city ordinance, or other regulatory agency to insure proper traffic flow and traffic safety.

- d. Water supply. A proposed urban subdivision shall be deemed to have an adequate water supply when:
 1. The city water system has adequate wells, storage, or pipe capacity to serve the subdivision.
 2. The water utility extension is consistent with the city's master water study and offers the opportunity for water main looping to serve the urban subdivision.
 3. The extension of water mains will provide adequate water pressure for personal use and fire protection.
 4. Adequate well head protection measures have been implemented for all abandoned wells.
- e. Waste disposal systems. A proposed urban subdivision shall be served with adequate waste disposal systems when:
 1. The city has a sufficient waste treatment plan and pipe capacity to serve the subdivision if developed to its maximum density.
 2. The subdivision will result in a sewer extension consistent with the city's comprehensive sanitary sewer plan and capital improvement plan.
- f. Lack of adequate drainage. A condition of inadequate drainage shall be deemed to exist if:
 1. Surface or subsurface water retention and runoff are such that it constitutes a danger to the structural security of existing or proposed structures, or cause unwanted changes to significant natural communities as identified in the zoning code.
 2. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream on land outside the parcel's boundaries.
 3. The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downhill or downstream on land outside the parcel's boundaries.
 4. Factors to be considered in making these determinations may include: average rainfall for the area; the relation of the land to floodplains; the proximity to identified significant natural communities, the nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluents; and the presence of streams as related to effluent disposal.

(2) Burden of establishing. The burden shall be upon the applicant to show that the proposed subdivision is not premature.

(Ord. of 10-17-2007, § 2(2-5))

Sec. 66-17. - Denial of plat.

The planning commission may recommend denial and city council may deny the subdivision if it makes any one or more of the following findings:

- (1) That the proposed subdivision is in conflict with adopted applicable general and specific comprehensive plans of the city.
- (2) That the physical characteristics of this site including, but not limited to, topography, percolation rate, soil conditions, susceptibility to erosion and siltation, susceptibility to flooding, water storage, draining and retention, are such that the site is not suitable for the type of development, design, or use contemplated.
- (3) That the site is not physically suitable for the proposed density of development.
- (4) That the design of the subdivision or the proposed improvements are likely to cause environmental damage or adverse impacts on significant and identified natural communities.
- (5) That the design of the subdivision or the type of improvements are likely to cause environmental damage.
- (6) That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.
- (7) That the proposed subdivision, its site, or its design adversely affects the flood-carrying capacity of the floodway, increases flood stages and velocities, or increases flood hazards within the floodway fringe or within other areas of the city.
- (8) The proposed subdivision is inconsistent with the policies and standards of the state-defined shoreland, floodplain, and wetland regulations.
- (9) The city council deems the subdivision to be premature.
- (10) The design of the subdivision does not conform to minimum city development standards.
- (11) The time period for review of the plat has reached expiration without resolution of design features or conformance with city development regulations that would allow for city approval.

(Ord. of 10-17-2007, § 2(2-6))

Sec. 66-18. - Severability and supremacy.

(a) *Severability.*

- (1) Every section, provision, or part of this chapter or any permit issued pursuant to this chapter is declared separable from every other section, provision, or part thereof to the extent that if any section,

provision, or part of this chapter or any permit issued pursuant to this chapter shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

- (2) If any court of competent jurisdiction shall judge invalid the application of any provision of this chapter to a particular property, building, or structure, such judgment shall not affect other properties, buildings, or structures.

(b) *Supremacy.*

- (1) When any condition imposed by a provision of this chapter on the use of land or building or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other city ordinance or regulation, the more restrictive conditions shall prevail.
- (2) This chapter is not intended to abrogate any easements, restrictions, or covenants relating to the use of land within the city by private declaration or agreement, but where the provisions of this chapter are more restrictive than any such easement, restriction, or covenant, or the provision of any private agreement, the provisions of this chapter shall prevail.

(Ord. of 10-17-2007, § 13)

Secs. 66-19—66-39. - Reserved.