



Date Received by City: _____
Application Number: _____
Fee Paid (Non-refundable): _____
Check # _____ Cash _____ CC _____

Subdivision Application

Application Information

Name of Applicant _____ Phone _____

Property Address (E911#) _____

Mailing Address _____ Email _____

City, State, Zip _____

Property ID _____ Zoning District _____

Applicant is:

Legal Owner ()

Contract Buyer ()

Option Holder ()

Agent ()

Other _____

Title Holder of Property: *(if not applicant)*

(Name)

(Address)

(City, State, Zip)

The application is for:

☐ Metes & Bounds Subdivision

☐ Boundary Line Adjustment

☐ Preliminary Plat

☐ Final Plat

Signature of Owner, authorizing application (required): _____

(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): _____

(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

State nature of request in detail:

Application

- A. Applicant shall complete a Subdivision Application provided by the City and submit to the City at least 30 days prior to the scheduled public hearing.
- B. Application shall be completed with as a minimum the information requested from Section 6: Subdivision/Platting Provisions of the Manhattan Beach Zoning Ordinance and the Subdivision Application Checklist.
- C. Application shall be accompanied by application fee made payable to City of Manhattan Beach.
- D. The Planning Commission holds their monthly meeting on the third Tuesday of the month at 6:30 PM at City Hall. Meetings are held as needed, so coordinate with the Zoning Administrator for placement on the agenda.

Review

- A. Planning and Zoning Administrator shall review the application for completeness and assign a reference number to application and any other attachments. Applicant shall be notified within ten days if additional information is required to complete the application.
- B. After receiving a completed Subdivision Application and supporting documents, the City/Zoning Administrator shall schedule a public hearing date on the Planning Commission's agenda for the earliest possible opening, if required. Applicant will be notified of the date and time of the public hearing.
- C. The Zoning Administrator may conduct a site visit of the property to familiarize him or herself with the property and to verify that the requirements of the Ordinance can be met.
- D. Zoning Administrator will prepare a Staff Report on the application. The Staff Report will be available for public review at City Hall or by request typically one week prior to the scheduled meeting date.
- E. The City shall publish notice of the public hearing in the official newspaper at least 10 days prior to the date of the public hearing, if required. If the proposed use is in a Shoreland area, the Zoning Administrator shall send the same notice to the Department of Natural Resources postmarked 10 days prior to the date of the public hearing.
- F. The City Fee Schedule is based on average processing and review costs for all applications. When costs exceed the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to obtain in reviewing applications and permits. The City may withhold final action on any application and/or hold the release of such permits until all fees are paid.

Action

- 1. The Planning Commission shall hold a public hearing on the Subdivision application.
- 2. At the conclusion of the public hearing, and after consideration of the testimony presented, the Planning Commission, by majority vote, shall make a recommendation to the City Council for approval or denial of the proposed subdivision. The application can be approved, denied, or tabled in order to gather additional information.
- 3. Recommendations of the Planning Commission are taken to the City Council for final action. City Council approval requires a 4/5 affirmative vote for some applications.

Boundary Line Adjustment Application and Approval

Boundary line adjustments (BLAs) are legal procedures that modify existing property lines between two or more parcels without creating new lots. They are often used to correct surveying errors, resolve encroachments, or accommodate improvements such as fences, driveways, or building expansions. Unlike a subdivision, which divides land into new parcels, BLAs simply alter the shape or size of existing ones.

The City's review and approval of BLA requests ensures that adjustments comply with local zoning laws, building codes, and land use plans, and to ensure that property changes are legally valid, properly documented, and do not create nonconforming lots. This is an administrative process that does not require Planning Commission or City Council Approval – because of this, there can be no staff discretion regarding approval. It either meets ordinance requirements and must be approved, or it does not meet requirements and must be denied.

Before beginning the process, property owners must often verify zoning designations and minimum lot sizes to ensure the proposed adjustment complies with regulations. For example, in residential zones, reducing a parcel's size below the legal minimum could result in a denial of the request. Similarly, certain protected areas (wetlands or utility easements) may limit how much the boundaries can shift.

This requires the submission of a certificate of survey prepared by a licensed surveyor. This survey shows both the existing and proposed property lines, as well as relevant topographical and structural details. In some cases, additional documents—such as deeds, legal descriptions, and title reports—must be submitted to the county/title company to verify ownership and confirm that no liens or encumbrances will be affected by the change.

Once reviewed and approved, the new legal descriptions of the properties are recorded with the county recorder's office. This ensures that the adjustment becomes a matter of public record, preserving transparency and preventing future disputes. In many areas, property taxes are also reassessed following the completion of BLAs to reflect any change in land area or value.

Application Requirements:

- A completed and signed Land Use Permit application with signatures from BOTH property owners.
- A certificate of survey showing (at a minimum) both properties, existing structures, non-conformities, existing and proposed impervious, the proposed new property lines, and new legal descriptions.
- Compliance inspection SSTS (if applicable).
- No outstanding balances with the City.
- Payment of any required application fees.

Manhattan Beach Land Use Ordinance
6.0 SUBDIVISION/PLATTING PROVISIONS

6.01 Subdivision of Land

In order to provide for the orderly, economic, and safe development of land, all subdivisions of land into two or more parcels shall require review by the Planning Commission and approval by the City Council. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the date of this ordinance unless the lot was approved as part of a formal subdivision. All subdivisions resulting in residential parcels less than 20 acres in size or 500 feet in width and commercial parcels less than 5 acres in size or 300 feet in width and resulting in the creation of more than two parcels in any one year period counting the remnant shall be Subdivisions by Plat or Subdivisions by Condominium Plat as provided below. All plats shall comply with the requirements of **Minnesota Statutes Chapter 505**.

1. **Subdivision by Plat.** The subdivision into two or more parcels of any size according to Minnesota Statutes, Chapter 505, with documents prepared by a Registered Land Surveyor and approved by the Planning Commission and the City Council.
2. **Subdivision by Condominium Plat.** The subdivision of a building or the subdivision of real estate into two or more spaces or parcels of any size according to Minnesota Statutes, Chapter 515A, with documents prepared by a Registered Land Surveyor and approved by the Planning Commission and the City Council.
3. **Subdivision by Metes and Bounds.** Any division of real estate resulting in two or more parcels which are not platted, but divided by description prepared and signed by a Registered Land Surveyor. All subdivisions by metes and bounds resulting in residential parcels less than 20 acres or 500 feet in width and commercial parcels less than 5 acres or 300 feet in width shall be considered for approval by the Planning Commission. The Planning Commission may request other reasonable information from the subdivider in order to make a proper evaluation of the proposal. The Planning Commission may include any requirement from Section 6.0, regarding subdivision by platting, to ensure orderly development. Subdivision by metes and bounds shall be limited to the creation of two parcels in any three (3) year period, counting the remnant. The subdivider shall submit six copies of the proposal to the Zoning Administrator along with payment of the subdivision application fee. Conditions may be attached to an approval requiring appropriate improvements. The resulting land descriptions shall be recorded in the office of the county recorder.

The following exceptions are not subdivisions and do not require approval of the City Council.

- a. Resulting parcels exceeding the dimensions in Subparagraph 3 above.
- b. Parcels resulting from a Court order.
- c. Adjustment of a lot line by the relocation of a common boundary.
- d. Cemetery lots.
- e. Transfers of small parcels in case of encroachments, road right-of-ways, or utility easements.

6.02 Data Required for a Preliminary Plat.

A preliminary plat for a Subdivision by plat or Subdivision by Condominium shall be submitted to the Zoning Administrator and shall include the following information:

1. Names and addresses of the owner, subdivider, surveyor, and designer of the plat as appropriate;
2. Legal description of the land within which the proposed subdivision is located;
3. Proposed name of the subdivision, which name shall not be a duplicate of the name of any other plat previously recorded in the County;
4. A drawing or print of the proposed subdivision with the scale identified;
5. The North point identified;
6. Certification by the surveyor;
7. Date of preparation of the plat;
8. Total acreage of the land contained within the proposed subdivision and the acreage adjoining under the same ownership but not to be included within the proposed subdivision.
9. Information on existing conditions within the parcel proposed to be subdivided as well as within the adjacent lands as will enable the Planning Commission to evaluate the suitability of the land for the proposed use. This information is to be provided at the subdivider's expense and includes:
 - a. Property lines of all concerned properties shown;
 - b. The name of any adjoining platted lands and the boundaries shown dotted on the plat;
 - c. Platted roads, easements, and existing public and private roads, each specifically identified;
 - d. Buildings and any other structures located on any such lands;
 - e. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
 - f. The surface water features required in Minnesota Statutes, Section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
 - g. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot-from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
 - h. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
 - i. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data;
 - j. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff, wetlands, and the lake or stream; and

- k. Other reasonable information as may be requested by the Zoning Administrator or the Planning Commission in order to make a proper evaluation of the proposal.
 - l. All required information shall be provided at the subdivider's expense.
10. Proposed design features of the subdivision to be shown on the plat include:
- a. The layout of proposed roads, alleys, and easements, showing widths of the right-of-way of each;
 - b. All proposed areas of grading and filling;
 - c. All public and reserved areas, together with the covenants used to govern the use of such areas;
 - d. Layout, numbers, and dimensions of lots and blocks;
 - e. Survey monuments shall be set at all angle and curve points on the outside boundary lines of the plat and also at all block corners and at all intermediate points on the block lines indicating changes of direction in the lines. The plat shall indicate that all monuments have been set.
11. In addition to Items (a) through (j) above, a condominium plat shall include all information required by Minnesota Statutes 515B.2-110.
12. Preliminary and final plats require review and signature by a registered engineer.

6.03 Design Standards.

For design standards and processing of cluster subdivisions refer to Section 7.0 in this Ordinance, Planned Unit Development (PUD).

6.03.01 Land Suitability.

Each lot created through subdivision, including planned unit developments authorized under Section 7.0 of this ordinance, must be properly zoned and be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the City shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of residents of the proposed subdivision or of the City. Sufficient information must be submitted by the applicant to enable the city to make a determination of land suitability.

6.03.02 Consistency with Other Controls.

Subdivisions must conform to all official controls of the City. A subdivision will not be approved where a later variance from one or more provisions in this ordinance would be needed to use the lots for their intended purpose. A subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with this ordinance can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Section 5.01 including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require the use of holding tanks shall not be approved.

6.03.03 Preservation of Rural Character.

While reviewing a subdivision plat proposal the City should refer to the City Comprehensive Plan and include the following items in their Findings of Fact stating whether the proposal meets the following objectives:

1. Minimize Visual Impact. For example, locate residences near the edge of the woods, not in open fields; establish greater setbacks or have more tree preservation along shorelines; and do not place structures on ridge lines.
2. Retain Rural Features. For example, preserve farm roads and preserve tree lines.
3. Minimize Land Disturbance. Use existing contours where possible and limit dirt moving for roads or structures. Stormwater areas should use natural shapes and features.
4. Retain Woodland Features: maintain trees on ridge lines; discourage large lawn areas; and building envelopes should not include any steep slopes or bluffs .

6.03.04 Design of Blocks.

1. In residential areas, other than along waterfronts or where topographic conditions necessitate otherwise for prudent land use, blocks shall not be less than 600 feet nor more than 1320 feet in length, measured along the greatest dimension of the enclosed block area. To conform to an adjoining plat, a portion thereof adjoining a partial block in the subdivision may be considered one block. Design features may require consideration of future plats of other adjoining property in relation to the proposed subdivision.
2. Blocks for commercial or industrial areas may vary from the design requirements in this Section upon evaluation and approval by the Planning Commission.
3. Blocks shall be wide enough to allow two tiers of lots with the minimum depth as required herein or as required by any applicable zoning regulation, except adjoining public waters, or adjoining a road that access is not provided to, or adjoining other topographic conditions of a peculiar nature, where only one tier of lots is necessary.

6.03.06 Design of Lots.

No lot shall be designed to have less area, width, or depth than is required in this ordinance. If soil percolation tests indicate that larger lots should be required, the Planning Commission shall set such increased sizes for the proposed subdivision. Other design features shall be as follows:

1. Side lots lines shall be substantially at right angles to straight road lines or radial to curved road lines or radial to shorelines unless topographic conditions necessitate otherwise.
2. Lots designed for commercial or industrial purposes shall contain sufficient area for on-site parking and loading facilities.
3. Except where roads or alleys are provided for utility easements, utility easements shall be provided along the side lines and/or back lines of lots, with such easements to be not less than 20 feet in width.

6.04 Other Design Features and Requirements.

6.04.01

A reasonable portion of any proposed subdivision may be required as a dedication to the public or reserved for public use as roads, utilities, drainage, ponds, parks, playgrounds, trails, open space, and similar utilities and improvements.

6.04.02

Surface water drainage shall be provided by drainage courses adequate to drain surface water from the subdivision so as to protect roadway surfaces and the property of others. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

6.04.03

Controlled Access or Recreational Lots. Lots intended as controlled accesses or easements across riparian lots to public waters or for recreational use area for use by nonriparian lots shall not be allowed.

6.04.04

Where a community water supply and/or sewage treatment system is to be provided, plans and covenants shall be included with the preliminary plat. All such systems must conform to the provisions of this ordinance.

6.05 Roads and Other Improvements.

Before the City Council approves any final plat, the subdivider shall construct all roads dedicated to the public in accordance with City road specifications on file in the office of the City Clerk. All fees, conditions, and dedications shall be paid and/or completed before the final plat is approved. Before recommending approval, The Planning Commission may require certain other improvements to be provided by the subdivider. These improvements may include, but are not limited to, roads, drainage, community water supply and sewage treatment systems, and lot improvement work. The subdivider shall also provide financial assurance of the construction costs of uncompleted work on common facilities and any other improvements required by the City. Any interest accrued on funds held by the City for this purpose shall belong to the City.

All roads, which are to be accepted and recorded as part of the City's transportation system must meet the following requirements.

6.05.01 Residential Public Streets.

1. The arrangement, character, extent, width and location shall conform to the comprehensive plan, the approved standard street sections and all applicable ordinances of the City and Crow Wing County, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of stormwater, to public convenience and safety and in their appropriate relation to the proposed uses of the area to be served.

2. The minimum width for each road shall be 66 feet of right-of-way. However, additional right-of-way widths may be required to promote public safety and convenience when conditions require it, such as at corners or intersections for safe sight-distance, for excessive cut or fill sections of a roadway, or in areas in intensive use. Where a subdivision abuts or contains an existing road of inadequate width to conform to these standards, provision for additional width shall be made by the subdivider to meet these standards for a road passing through the proposed subdivision. No road shall be platted with a right-of-way width of less than 66 feet.
3. Access shall be given to all lots in the subdivision and to adjacent unsubdivided territory unless the topography clearly indicates that connection with adjacent territory is not feasible or that it has alternative adequate access and additional access is not necessary for proper long-term planning. Access shall be provided to the limits of the subdivision. Reserve strips and land-locked areas shall not be created.
4. Street jogs shall have a centerline off-set of two-hundred (200) feet or more.
5. Streets shall have a bituminous surface with a minimum width of 28 feet (two 12-foot travel lanes and two 2-foot shoulders) and shall meet a minimum seven (7) ton design requirement unless otherwise specified by the City.
6. Access to County highways shall be approved by the respective authorities, shall be kept to a minimum through the use of frontage roads, and shall be located in accordance with approved intersection design standards.
7. A tangent of at least fifty (50) feet long shall be introduced between reverse curves on streets.
8. Where connecting street lines deflect from each other at any one point, the design requirements of the Minnesota Department of Transportation Road Design Manual, latest revision, shall apply in order to meet 30 mph design standards.
9. Property lines at street intersections shall be rounded with a radius of at least 20 feet or with comparable cutoffs or chords in place of rounded corners.
10. Street grades, wherever feasible, shall not exceed seven (7.0) percent and in no case shall they be less than five-tenths (0.5) percent. Wherever feasible, grades within 30 feet of street intersections shall not exceed three (3.0) percent.
11. Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall conform to the requirements of the Minnesota Department of Transportation Road Design Manual, latest revision, to meet 30 mph design standards.

6.05.02

Cul-de-sac streets shall be measured along the center line of the street from the intersection of origin to the end of the cul-de-sac right-of-way. The design standards for cul-de-sac streets are as follows:

1. Each cul-de-sac shall have a terminus of nearly circular shape unless modified by the city with a minimum right-of-way radius of sixty-six (66) feet and a minimum pavement radius of fifty (50) feet. Corners at the entrances to the turnaround portions of cul-de-sacs shall be rounded by a radius of not less than ninety (90) feet.

2. The property line at the intersection of the cul-de-sac turnaround and the straight portion of the street shall be rounded at a radius of not less than 20 feet.
3. Center islands in cul-de-sacs are prohibited.
4. Cul-de-sac streets may not be longer than 500 feet unless a majority of the city council permits a longer length based upon one or more of the following conditions:
 - a. Severe topography, where the resulting street grade is more than seven percent or where substantial grading is required such that the physical character of the property or adjacent properties is severely impacted;
 - b. Significant vegetation: the cul-de-sac would serve to preserve mature trees on the property, whereas an extension or through street would cause their destruction. Significant vegetation is defined to include but not limited to indigenous deciduous hardwood trees of 12 inches in diameter or more and indigenous coniferous trees of 15 feet high or more;
 - c. Existing development: the pattern of existing development requires that the only practical method of providing public access is a long cul-de-sac; or
 - d. Temporary cul-de-sac: the cul-de-sac is temporary and designed to be extended to provide access to an adjacent property that has not undergone development.
5. Cul-de-sac roads which are temporarily designed as such with the intent that such road may be extended at some future time shall have the turn-around right-of-way placed adjacent to the subdivision property line, and the right-of-way of the same width as the road concerned shall be carried to the property line in such a way as to permit future extension of the road into the adjoining property. Provision should be made so that at such time as the road is extended beyond the concerned subdivision, the coverage created by the turnaround and outside the normal boundaries of the extended road shall revert in ownership to the property owners fronting on the temporary cul-de-sac turnaround.
6. Dead-end roads shall be prohibited except as stubs to permit future road extension into adjoining parcels, or when designated as cul-de-sac roads.

6.05.03

Minor streets shall be so aligned that their use by through traffic will be discouraged.

6.05.04

Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity to other requirements of these regulations and where the planning commission finds that it will be practicable to require the dedication of the other half when the adjoining property is subdivided.

6.05.05

In a case where a proposed plat is adjacent to a limited access highway, other major highway or major thoroughfare, the planning commission may require the developer to provide local service drives along the right-of-way of such facilities or they may require that lots should back on the highway or street in question, in which case vehicular and pedestrian access between the lots and highway, or thoroughfare, shall be prohibited.

6.05.06

Street intersections shall be ninety (90) degrees with a fifty (50) foot minimum tangent from the radius return. Intersections of more than four corners shall be prohibited. Roadways of street intersections shall be rounded by a radius of not less than fifteen (15) feet.

6.05.07

All street signs shall be in accordance with the Minnesota Manual on Uniform Traffic Control Devices.

6.05.08

Street names shall conform to the pattern of the City, continue an existing name on the same alignment and generally promote order and direction in the community.

6.05.09

The entire right-of-way may be cleared for safety purposes, however at least minimum clearing must be done to facilitate water run-off and snow storage. Stumps, rocks and all other debris shall be hauled away. Under no circumstances shall it be acceptable to bury stumps, rocks or other debris under the roadbed or right-of-way.

6.05.10

The roadbed shall be constructed entirely within the platted right-of-way. In extreme conditions, the City may specifically allow, by City Council approval, a maximum of a 20 foot deviation from the centerline as an exception to this specification. If the City allows the exception, a deviation from the centerline of more than five feet requires a foot for foot successive right-of-way acquisition on the deviated side to accommodate nominal ditch requirements and to avoid trespassing on private property.

6.05.11

All centerline culverts shall be a minimum diameter of eighteen (18) inches.

6.05.12

The upper two (2) feet of the sub-grade shall be a granular material with suitable materials below. Unsuitable materials such as organic materials (peat, muck) shall be excavated and disposed of a minimum of four (4) feet outside the edge of the shoulder. The top one (1) foot of the sub-grade shall be free of rocks greater than three (3) inches in diameter and sticks greater than one (1) inch in diameter and six (6) inches in length.

6.05.13

Embankments shall be constructed in layers not to exceed six (6) inches in plastic soils or twelve (12) inches in non-plastic soils, with mechanical compaction applied to each layer until no evidence of appreciable deflection exists under a motor grader tire while driven over the surface (Ordinary Compaction Method). The subdivider may be required to provide a third-party density test, as directed by the City.

6.05.14

All disturbed areas shall have four (4) inches of topsoil placed over the area and turf established as approved by the City.

6.05.15

All improvement projects shall incorporate Best Management Practices (BMPs) to provide perimeter sediment control and minimize the risk of erosion from exposed soils by using BMPs and establishing turf as soon as possible. All exposed soils shall be stabilized within 14 days after construction activity for that area has temporarily or permanently ceased. Exposed soils within 200 lineal feet of a surface water or connection to a surface water shall be stabilized within 24 hours.

6.05.16

All projects disturbing more than one (1) acre of surface area are required to obtain a Minnesota Pollution Control Agency (MPCA) National Pollutant Discharge Elimination System (NPDES) permit. The subdivider shall provide a copy of the Storm Water Pollution Prevention Plan (SWPPP) to the City prior to beginning grading activities.

6.05.17

All storm sewer facilities, streets, concrete curb, gutters, sidewalks, sod, drainage swales and other public utilities (improvements) shall be made and constructed on or within the subdivided lands or where otherwise required and dedicated to the City and shall be designed in compliance with City standards by a registered professional engineer. Plans and specifications shall be submitted to the City Engineer for approval prior to construction. All of the improvements shall be completed by the subdivider and acceptable to the City Engineer for approval prior to construction. All of the improvements shall be completed by the subdivider and acceptable to the City Engineer and shall be free and clear of any lien, claim, charge or encumbrance, including any for work, labor or services rendered in connection therewith or material or equipment supplied therefor. Subdivider shall warrant and guarantee the improvements against any defect in materials or workmanship for a period of one (1) year following completion and acceptance thereof. In the event of the existence of any defect in materials or workmanship within said one (1) year period, the warranty and guarantee shall be for a period of two (2) years following said completion and acceptance. Defects in material or workmanship shall be determined by the City Engineer. Acceptance of improvements by the City Engineer may be subject to such reasonable conditions as he/she may impose at the time of acceptance. Subdivider through his engineer shall provide competent daily inspection during the construction of all improvements. As-built drawings of streets and storm water facilities on reproducible mylar shall be delivered to the City Engineer within sixty (60) days of completion of the improvements together with a written certification from a registered engineer that all improvements have been completed, inspected and tested in accordance with City-approved plans and specifications.

6.05.18

Subsequent to approval by the Council and before execution by the City of the final plat or other appropriate forms of City approval, subdivider shall:

1. Execute and deliver to the City an agreement whereby subdivider shall undertake performance of the obligations imposed by this Chapter and containing such other terms and provisions and in such form as shall be acceptable to City.
2. Submit a letter of credit or cash deposit ("security") which guarantees completion of all improvements within the times specified by the City Engineer and in accordance with the terms of this section of the Ordinance. The amount of the security shall be 125% of the estimated construction cost of said improvement subject to reduction thereof to an amount equal to 25% of the cost of the improvements after acceptance thereof by the City Engineer and receipt of as-built drawings. The security shall be in such form and contain such other provisions and terms as may be required by the City Engineer. The subdivider's registered engineer shall make and submit for approval to the City Engineer a written estimate of the costs of the improvements.
3. The security will be returned to the subdivider upon acceptance of the improvements by City and after the warranty period.

6.05.19

The following provisions apply to private streets in the city:

1. Any private street adjoining a public street shall have a top width of twenty-six (26) feet when within the public right-of-way of said street. Private streets shall not have grades exceeding three (3) percent within 30 feet of the intersection, wherever feasible.
2. Any private streets requested to be accepted as a public street must provide documentation to the City Engineer that the street meets all criteria for a public street prior to it being adopted as a city public street, and subject to approval by the City Council.

6.06 Variances.

Application for a variance from the provisions of this ordinance shall be submitted by the subdivider at the time the preliminary plat is submitted. In recommending variances the Planning Commission shall take into account location of the subdivision, proposed land use, existing land use in the vicinity, probable effect on the safety, health, and general welfare of the community, and other applicable laws or regulations, in order to preserve the general intent of this ordinance while allowing the subdivider to develop the property in a reasonable manner. There are two types of variances; use variances and area variances:

A use variance is permission to use or develop land other than that prescribed by this zoning ordinance, including restrictions placed on non-conformities. No variance may be granted that would allow any new use that is prohibited in the zoning district in which the subject property is located.

An area variance is an exception from official controls concerning lot restrictions, such as area, height, setback, density, and parking requirements. Area variances do not change the character of the zoned district.

Undue hardship on the land, as described in Section 3.07.01, shall be the basis for granting a variance. The City Council may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

6.07 Procedure.

1. The subdivider shall submit to the Zoning Administrator six copies of the preliminary plat, covenants, and supporting documents, along with payment of the Preliminary Plat fee, as delineated in the application form provided in the Appendix. Developer shall provide the escrow required by Section 3.13.
2. The Zoning Administrator shall submit the plat to the Planning Commission and shall publish notice of the time and place of the public hearing in the official newspaper at least ten days before the hearing. Notice shall also be sent to all property owners within 600 feet of the proposed subdivision.
3. A subdivision shall be preliminarily approved or disapproved within 120 days following submission of an application completed in compliance with this ordinance, unless an extension of the review period has been agreed to by the City and the applicant. The Planning Commission may, after having notified the subdivider, employ qualified persons to check and verify the surveys and plat and to determine the suitability of the plat from the standpoint of City planning. The subdivider shall reimburse the City for the cost of such services. The Planning Commission may require the applicant to fulfill certain conditions before the subdivision may be given final plat approval.
4. Following preliminary approval by the Planning Commission, the applicant may request final approval, and upon such request, the Planning Commission will review to make sure all conditions are met by applicant. Upon a finding by the Planning Commission that all conditions have been met, the plat shall be submitted to the City Council for final approval. The City shall certify final approval within 60 days if the applicant has complied with all conditions and requirements of applicable regulations and the preliminary approval. The subdivider shall provide six (6) copies of the final plat along with a certification from the County Treasurer that the current years taxes have been paid.
5. Following final approval, when duly certified and signed, the plat must be recorded in the office of the county recorder.
6. Approved Preliminary Plat is valid for one (1) year following approved date by the Planning Commission, unless the applicant and the City Council agree otherwise.

Subdivision Application Checklist

- _____ Completed application, including signature of property owner
- _____ Fee
- _____ Sewer Compliance Inspection Report, if SSTS
- _____ All current City charges paid
- _____ No outstanding violations
- _____ Certificate of Survey (completed by a licensed land surveyor)
- _____ Information requested in Section 6 of the Land Use Ordinance, unless waived by the Planning and Zoning Administrator. Under certain circumstances, the Planning Commission may require additional information to aid in their decision making.

Contact Information

Planning and Zoning
Administrator:

Bethany Soderlund
Sourcewell
202 12th St NE
Staples, MN 56479

Phone: (218) 855-9605
bethany.soderlund@sourcewell-mn.gov

City Clerk:

Marlene Yurek
Manhattan Beach City Hall
39148 Co Rd 66
Manhattan Beach, MN 56442
218-692-3914