

CITY OF ARLINGTON

ORDINANCE NO. 210

AN ORDINANCE AMENDING ORDINANCE 168, THE ARLINGTON SUBDIVISION ORDINANCE TO ALLOW FOR MINOR SUBDIVISIONS OR COMBINATIONS OF PROPERTY WITHIN THE CORPORATE LIMITS BY ADDING SECTION 7.5.

WHEREAS, the City of Arlington Subdivision Ordinance was placed into effect several years ago; and,

WHEREAS, the Arlington Planning Commission routinely reviews portions of the Subdivision Ordinance to ensure it is up to date; and,

WHEREAS, the Arlington Planning Commission has reviewed and studied the addition of Section 7.5 to the Subdivision Ordinance relating to Minor Subdivisions of Property (i.e. simple lot splits and lot combinations); and,

WHEREAS, a public hearing was properly noticed and held on August 16, 2007 by the City of Arlington Planning Commission; and,

WHEREAS, at its regular meeting on August 16, 2007 the Arlington Planning Commission recommended the City Council approve an amendment to the Subdivision Ordinance relating to Minor Subdivisions of Property (i.e. simple lot splits and lot combinations); and,

WHEREAS, The City Council of the City of Arlington held a first reading of Ordinance 210 at its regular meeting on August 20, 2007.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARLINGTON ORDAINS AS FOLLOWS:

Section 1

Arlington Subdivision Ordinance (Ordinance 168), shall be amended to include Section 7.5 as follows:

SECTION 7.5 MINOR ADMINISTRATIVE SUBDIVISIONS/CONSOLIDATIONS.

- A. **Applicability/Purpose.** This section is established to provide for administrative approval of subdivisions that meet specified criteria and for the waiver of standard platting requirements specified elsewhere in this Title. It is intended largely to facilitate the further division of previously platted lots, the combination of previously platted lots into fewer lots, or for the adjustment of a lot line by relocation of a common boundary.
- B. **Application.** Any person having a legal or equitable interest in a property may file an application for administrative subdivision. An application for minor subdivision shall be filed with the Zoning

Administrator on an approved form and shall be accompanied by an assessment search, proof of ownership of the subject property, the submittal of required fee(s) and the submittal of a survey, prepared and signed by a Minnesota registered land surveyor, depicting the following:

1. Scale, one (1) inch equals fifty (50) feet or less and North point.
 2. Existing zoning district, existing site improvements and existing boundaries with lot dimension and area.
 3. All encroachments and easements of record.
 4. Legal description of property; existing and proposed.
 5. The boundary(ies) and legal description(s) of the lots as they are proposed to be subdivided along with proposed zoning.
 6. The boundary and legal description of any proposed or required easements for drainage, utilities, or roadways on the property.
- C. Review of Administrative Subdivision. The Zoning Administrator shall review all applications for administrative subdivision to determine compliance with the standards identified in this section and all other pertinent requirements of this Title. Upon written approval of the request, the developer shall be responsible for filing the subdivision survey with the County Recorder's office. Should the request be denied, the Zoning Administrator shall notify the developer, in writing, of the findings of fact for such denial.
- D. Findings Required for Approval. In order for the Zoning Administrator to grant approval for a proposed administrative subdivision, each of the provisions shown below shall be met:
1. The proposed subdivision of land will not result in more than two (2) lots.
 2. All necessary right-of-way, utility and drainage easements are provided.
 3. All lots to be created by the subdivision conform to lot area and width requirements of the City of Arlington Zoning Ordinance including all requirements established for the zoning district in which the property is located.
 4. The proposed administrative subdivision is in compliance with the Comprehensive Plan.
 5. Lots created have direct access onto a public street.
 6. The property has not been divided through the provisions of this section within the previous five (5) years.
 7. The subdivision meets all design and dedication standards as specified elsewhere in this Title.

8. All basic improvements required by this Title are installed in accordance with City standards.
 9. No parcel of land or portion thereof shall result in buildings and/or uses becoming non-conforming.
- E. The City and/or its assigns may impose such conditions on any proposed administrative subdivision that are deemed reasonable and necessary to protect the public interest and to ensure compliance with the provisions of this ordinance including, but not limited to, the following:
1. The developer shall provide required utility and drainage easements for all newly created lots and be responsible for the cost of filing and recording written easements with the County Recorder's Office.
 2. That there be no more than one principal structure on a base lot in all residential districts.
 3. Separate public sewer and water services shall be provided to each subdivided lot and shall be subject to the review and approval of the City Engineer.
 4. In the case of the subdivision of base lots containing two-family, townhouse or quadraminium lots, wherein the purpose is to permit individual private ownership of a single dwelling within such a structure, verification of fire walls in compliance with the building code provided by a certified building inspector at the expense of the applicant.
- F. All other Minor Subdivision requests shall be approved by resolution of the City Council following consultation with the Planning Commission.

Section 2

Effective Date: This Ordinance is effective upon its adoption and publication as prescribed by law.

Adopted by the City of Arlington on the 5th day of September, 2007.

Attest:

/s/ James R. Kreft
James R. Kreft, Mayor

/s/ Matthew Jaunich
Matthew Jaunich, City Administrator

First Reading: August 20, 2007
Second Reading: September 5, 2007
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