

ORDINANCE NO. x
AN ORDINANCE AMENDING CITY CODE CHAPTER 109 SUBDIVISIONS

The City Council for the City of Golden Valley hereby ordains as follows:

Section 1. City Code Chapter 109 is amended to read as follows. "****" denotes a section break.

Sec. 109-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Lot Line Adjustment: An administrative subdivision process by which two or more contiguous existing lots or parcels move one or more boundary lines so as to reconfigure their shapes or sizes, without creating additional lots or altering the number of parcels.

DIVISION 3. FINAL PLAT

Sec. 109-93. Application; Approval; Filing.

- (a) *Application.* After the preliminary plat has been approved by the Council, the subdivider must apply for approval of the final plat. The application must be made within 180 calendar days of the approval by the Council of the preliminary plat unless an extension is made by the Council. The subdivider shall submit copies of the final plat (in conformance with the approved preliminary plat). The subdivider shall also provide one copy of the final plat to each utility company (telecommunications, electric, gas, and cable TV). The subdivider shall also furnish the City with the abstract of title or registered property abstract.
- (b) *Approval of Final Plat.* The Council shall grant approval of the final plat, refer the final plat to the Planning Commission for additional study, or disapprove the final plat stating the reasons for such action which shall be recorded in the minutes of the meeting. Action to approve the plat shall be by resolution of the Council and shall be taken within 60 calendar days of the preliminary approval if the subdivider so requests and has complied with all the conditions, requirements, and provisions of this chapter.
 - (1) Before the Council gives approval to the final plat, a review of the certified abstract of title or the registered property abstract by the City Attorney showing title or control of the property being subdivided by the subdivider may be required. The applicant shall pay all costs of such review by the City Attorney.

- (2) The final plat may include only that portion of the preliminary plat which the owner or subdivider proposes to record or develop, provided that such portion conforms with all of the requirements of this chapter.
- (3) If the plat is approved, the subdivider shall submit two reproducible copies of the final plat for signing by the proper City officials, one of which will be retained by the City for their records.
- (c) Combination Preliminary/Final Plat Applications. An applicant may submit preliminary and final plat applications at the same time for City Council to consider both applications at the same meeting.
- (d) Filing/Recording.
 - (1) Filing/Recording. After the Council approves the final plat, the subdivider shall file it for recording with the County Recorder or the Registrar of Titles within ~~60~~ 120 calendar days of the date of the resolution approving the final plat. If the subdivider does not file the final plat within ~~60~~ 120 calendar days, the final plat shall become null and void unless the Council grants an extension. The subdivider must request extensions in writing within the 120-day period.
 - (2) Proof of Filing/Recording. The subdivider shall immediately upon recording furnish the City with a print of the final plat with recording or filing data shown on the plat. No building permits shall be issued on any of the platted property until the City has received the above copy of the plat.

DIVISION 4. MINOR SUBDIVISIONS, CONSOLIDATIONS, AND ADMINISTRATIVE LOT LINE ADJUSTMENTS

Sec. 109-119. Eligibility for Application.

In keeping with Minn. Stats. § 462.358, subd. 1a, which allows for the establishment of more than one class of subdivision and more than one set of regulations, certain proposed land subdivisions and consolidations may qualify for application under this division. For such applications, the standards, requirements, and procedures cited herein shall supersede their subdivision counterparts of this chapter. Each of the following conditions must be met to establish eligibility:

- (1) The land to be subdivided or consolidated must be part of a recorded plat or a recorded registered land survey (RLS)
- (2) Consolidations may involve any number of parcels, but subdivisions shall be limited to the creation of four or fewer lots from one or more original parcels
- (3) The subdivision or consolidation shall not necessitate any additional public investment in new roads or utilities to serve the lots.

(4) For lot line adjustments, all affected parcels are contiguous and no additional lots or parcels are created.

Sec. 109-120. Components of Application.

Application for a minor subdivision consolidation, or lot line adjustment shall be made on forms furnished by the City. A filing fee set by Council resolution shall accompany the application. The applicant shall also furnish copies of a sketch showing the following:

- (1) North arrow and scale (no smaller than one inch equals 100 feet).
- (2) Overall dimensions of the property and of each internal property division.
- (3) An existing conditions survey. The survey must include: lot dimensions, all platted and recorded easements, all existing structures with dimensions to show size and location, structure setbacks from all property lines, and the location of existing driveways and utility lines.
- (4) A proposed conditions survey. The survey must include: the proposed lot lines, all platted, recorded, and proposed easements, all existing structures with dimensions to show size and location, structure setbacks from all property lines, and the location of existing driveways and utility lines.
- (5) Square footage of the overall property and of each internal property division.
- (6) (4) Location of all public utilities, streets, driveways, and easements, adjacent to or on the property.
- (7) Location and dimensions of any existing buildings and distances to nearest existing or proposed lot lines on all sides.
- (8) Size, species, and location of all existing significant trees, specimen trees, and significant woodlands, as defined by the City Code, located within the project limits. These significant trees, specimen trees, and significant woodlands should be identified in both graphic and tabular form. This existing tree survey must be prepared by a certified tree inspector or landscape architect retained by the applicant.
- (9) A grading plan establishing yards or site elevations, with sufficient proposed elevations indicated thereon to provide proper control of the development to ensure proper building grades, site drainage, and conformance to established street grades.
- (10) Evidence of the current condition of title to the land affected by the lot line adjustment, in a form reasonably acceptable to the city attorney, which may include an abstract of title or registered property abstract or a commitment for an owner's policy of title insurance. The City Attorney may require the applicant to also provide copies of recorded instruments that are referenced in the submitted title evidence.

(11) Any other information specific to the particular site and required for the complete evaluation of the application. Such information shall be supplied at the expense of the applicant.

Sec. 109-121. Conditions for Approval or Denial.

(a) Minor subdivisions, consolidations, and administrative lot line adjustments shall be denied if the proposed lots fail to meet the following requirements:

- (1) All lots shall meet the minimum area requirements of the zoning district in which they are located, except that lots in the Single-family Residential (R-1) District created through minor subdivision after November 4, 2015, must be at least 15,000 square feet if the average of the R-1 single-family lots within 250 feet of the subject parcel have an average lot area of 18,000 square feet or greater, excluding from the calculation the subject parcel and lots less than 4,001 square feet.
- (2) All lots shall meet the minimum dimension requirements of the zoning district in which they are located, except that lots in the R-1 and Moderate Density Residential (R-2) Districts created through minor subdivision after November 4, 2015, must meet the minimum lot width at the minimum front yard setback line and maintain that lot width to a point 70 feet back from the front lot line.
- (3) The entire front of each lot shall abut on a street right-of-way and there shall be vehicular access to and from each lot via an improved street on which the lot abuts and/or via an improved public alleyway on which the lot abuts.
- (4) Corner lots shall be platted at least 20 feet wider than the required minimum lot width as required by Chapter 113, pertaining to zoning.
- (5) For lot line adjustments, the lots must be part of a recorded plat, and the adjustment shall not create or delete any existing lots.

(b) Minor subdivisions may be denied upon the City's determination that the buildable portion of a resulting new lot is encumbered by steep slopes or excessive wetness. Alternatively, approval of the minor subdivision may be conditioned on the applicant's submittal of a certified engineer's study showing how the lot may be so reconditioned as to allow development without adversely affecting adjacent sites.

(c) Minor subdivisions may be denied if public sewer and water connections are not directly accessible by each proposed lot. Alternatively, approval of the minor subdivision may be conditioned on the applicant's obtaining the necessary easements across adjacent properties to the nearest reasonable point of public sewer and water connection.

(d) Approval of minor subdivisions shall be conditioned on the applicant's granting of easements for necessary public purposes, as determined by the City.

(e) Where public agencies, other than the City, have some form of jurisdiction over an area including or directly affected by a proposed minor subdivision, approval of that minor subdivision may be conditioned on the requirements of the outside agency. Such agencies

shall include, but not be limited to, the County, the State Department of Transportation, the State Department of Natural Resources, and the Bassett Creek Watershed Management Commission.

- (f) If applicant is required to submit to a review of the property's title pursuant to this division, then approval of the minor subdivision shall be conditioned on the applicant's resolution of any title issues raised by the City Attorney.
- (g) Minor subdivisions of nonresidential parcels may be denied upon the City Engineer's determination that new development on the resulting lot will cause undue strain on adjacent roads or on public utilities or will adversely affect adjacent residential, institutional, or public land uses. Alternatively, approval of the minor subdivision may be conditioned on the applicant's agreeing to take specific action to mitigate the strain or adverse effect.
- (h) Approval of residential minor subdivisions shall be conditioned on the payment of a park dedication fee, sewer and water access charges, and pending or levied deferred assessments in the amounts established by Council resolution.
- (i) The conditions spelled out in this section shall provide the only basis for denial of a minor subdivision or consolidation except for the additional conditions imposed on residential zero lot line homes and administrative lot line adjustments later in this division. Approval will be granted to any application that meets the established conditions. Additionally, an applicant may request a waiver from specific conditions imposed in this section by applying for a variance in accordance with this chapter.

Sec. 109-122. Application Review Process.

- (a) The completed application shall be received by the Planning Division. Staff shall review the application for conformance with the conditions stated above. If the application meets all conditions for a minor subdivision, consolidation, or administrative lot line adjustment, City staff shall administratively approve the application and mail a notification to all property owners within 250 feet of the subject property indicating that the application has been approved.
- (b) Upon approval of the minor subdivision, consolidation, or administrative lot line adjustment, the applicant shall cause the approval to be recording or filed with the County Recorder or Registrar of Titles within 120 days of the date of the approval. If the applicant does not file the approval within 120 days of the date of approval, the approval shall be null and void. The City shall not issue any permits on the affected properties until the applicant submits proof that the approval was filed with the County.

Sec. 109-122. Final Plat Application Review Process.

- (a) ~~The completed application shall be received by the staff of the Community Development Department. An official public hearing by the Planning Commission shall be scheduled following application acceptance. At least 10 days prior to the hearing date, legal notice shall be published in the official newspaper of the City, and notice of the hearing shall be mailed to the owners of all property within 500 feet of the subject property. The Planning Commission shall consider the conditions established in Section 109-121 and shall make a recommendation to the City Council on whether to approve or deny the proposed minor subdivision or consolidation.~~
- (b) ~~After review and recommendation by the Planning Commission, the application shall be formally heard by the City Council.~~
- (c) ~~If preliminary Council approval is granted, the applicant shall have a final plat prepared in accordance with this chapter and in conformance with the sketch approved by the Council. At this time, the applicant may be required to submit, for review by the City Attorney, a current certified abstract of title or a current registered property abstract for the property. The cost of this review shall be borne by the applicant. Unless an extension is requested by the applicant and granted by the Council, the plat and evidence of clear title shall be completed and submitted to the City within 180 days of Council approval. After the Council passes a resolution approving the plat, two hard copies of the plat shall be furnished by the applicant for signing. Except as otherwise authorized by the Council, all conditions placed on the approval shall be fulfilled before the signed plat copies are released by the City.~~
- (d) ~~A certified copy of the resolution approving the final plat, together with one copy of the final plat, shall be recorded with the County. The filing of the plat must be done by the applicant within 60 days of the approval of the resolution. The other hard copy shall be filed with the City. Proof of filing of the final plat shall be submitted to the City prior to issuance of any building permits on the properties.~~

Sec. 109-123. Minor Subdivision for a Residential Zero Lot Line Home.

- (a) If the conditions for eligibility above are met, then a lot occupied or proposed to be occupied by a residential zero lot line structure may be split along the party line to provide individual ownership of each unit. The components of application shall be as specified above. The application review process shall be as outlined above, except that the conditions for approval shall also include Subsection (b) of this section.
- (b) All of the following conditions shall be met before a minor subdivision for a residential zero lot line home shall be approved:
 - (1) Each newly created lot shall individually be exempt from the minimum lot size and width requirements found in the R-2 Zoning District provisions of Chapter 113, but in combination the lots shall meet said requirements. Other requirements of this division shall be met as stated.
 - (2) The property and structure must be able to be split into substantially equal sections, except as necessary to meet the wider corner lot requirement, and except that developmentally unsuitable portions of a lot may be discounted. Rowhouses may be allowed wider lots for end units.
 - (3) The structure must meet current building code standards for firewall separation, which may be created by new construction or an addition to existing construction.
 - (4) Separate utility services must be provided.
 - (5) The owner of the property to be subdivided shall execute and record at owner's expense a "Declaration of Covenants, Restrictions and Conditions." Said document shall be used to protect the rights of the individual owners sharing the single structure as to maintenance and repair and reconstruction in case of damage to the original structure. Specifically, it shall provide protection to the property owners and the City on the following:
 - a. Building and use restriction.
 - b. Party walls and other necessary common easements, including utilities and access.
 - c. Submission to binding arbitration of disputes between owners.
 - (6) The City shall be a beneficiary to these "Declarations of Covenants, Restrictions and Conditions." They shall be submitted for review by the Planning Commission and the Council at the time the proposed subdivision is reviewed. The City Attorney shall also review the "Declarations of Covenants, Restrictions and Conditions." Changes to the document shall be made if so recommended by the City Attorney. The cost of such review shall be paid by the applicant.
 - (7) No building permit shall be issued on any of the property until proof of recording the "Declarations of Covenants, Restrictions and Conditions" has been submitted to the City.
 - (8) Any other conditions shall be imposed that the City deems necessary to ensure compatibility with surrounding structures or to ensure a reasonable division of property.

109-124 Minor Subdivision for a Lot Line Adjustment

(a) If the conditions for eligibility above are met, then contiguous lots wishing to adjust boundary lines to reconfigure their shapes or sizes may apply for a lot line adjustment. The components of application shall be as specified above. The application review process shall be as outlined above, except that the conditions for approval shall also include Subsection (b) of this section.

(b) All of the following conditions shall be met before a lot line adjustment may be approved:

- a. The adjustment does not result in the creation of a new lot;
- b. The adjustment does not impair existing public or private easement rights;
- c. The resulting parcels meet all applicable ordinance requirements, except that if any of the parcels were previously non-conforming, they become more conforming as a result of the lot line adjustment.

Section 2. This ordinance shall take effect on January 1, 2026, and from and after its passage and publication as required by law.

Adopted by the City Council on this 2nd day of December, 2025.

Roslyn Harmon, Mayor

ATTEST:

Theresa J. Schyma, City Clerk