



# SUBDIVISION WAIVER

## PLANNING & ZONING RICHFIELD COMMUNITY DEVELOPMENT DEPARTMENT

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ZONING CODE  
SECTION 500

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Normally, the division or re-division of land requires that a plat or re-plat be filed. In some circumstances platting requirements can be waived and a **subdivision waiver** issued. In a case in which compliance with platting requirements will result in an unnecessary hardship and the failure to comply does not interfere with the purpose of the regulations, the Council may issue a subdivision waiver.

\*NOTE—Subdivision waivers will typically not be granted for properties with metes and bounds legal descriptions. A **plat** is required in these cases.

In order to be approved, both new parcels must meet city requirements related to minimum lot size, width and depth. Any existing as well as proposed structures must meet setbacks, lot coverage and other city requirements. An applicant may want to submit a site plan of the proposed subdivision to staff for a preliminary review of the subdivision waiver request. Staff may be able to give an applicant a general idea of whether or not the subdivision waiver would be approved before the applicant goes to the expense of having a formal survey done.

**> A final determination can only be made after a certificate of survey has been submitted.**

### Process:

1. Obtain three 24x36 and one reduced 8 1/2 x 11 size copies of a current certificate of survey for the property showing:
  - Existing property lines;
  - Current legal description;
  - Proposed new property line(s);
  - Existing building(s) and distance between the current property lines and the proposed property lines;
  - Proposed legal description for both parcels;
  - The width, depth and square foot area for both parcels resulting from the split;
  - Square footage of existing buildings (and proposed building, if possible);
  - Distance between any existing driveways and existing and proposed property lines;
  - Trees that will be lost due to any proposed construction.

► NOTE: The applicant should indicate how a new house/garage/driveway could be placed on the new lot to ensure that it will meet setback requirements.
2. Submit a complete application for a subdivision waiver to the Community Development Department. Applications are available on the city's website or at City Hall.

3. For parcels that abut MNDOT or Hennepin County right-of-ways, additional information will also be required. City staff will inform applicants of these Staff will review the application for compliance with city regulations. After the applicant has supplied the additional information, staff will submit it to MNDOT and/or Hennepin County for review prior to proceeding. MNDOT and the County have 60 days to review the proposal.
4. If the proposed subdivision waiver meets all requirements, staff will schedule the request for subdivision waiver on the next available City Council agenda.
  - > **The City Council meets the second and fourth Tuesday of each month.**
5. Applications must be **submitted at least 28 days** prior to the scheduled Council meeting and **complete at least 14 days** prior to the meeting in order to be placed on the agenda.
6. Staff may or may not send mailed notices to property owners and occupants within 350 feet of the subject property.
7. Following Council approval, staff will send the applicant two certified copies of the signed, approved resolution. In cases of Abstract Property, the applicant must file the resolution with Hennepin County to effectuate the division.

**Other Matters To Consider:**

1. Does water/sewer service exist to the proposed new lot? If it does not, the property owner will need to pay to have the services installed. Contact Bill LaLonde with the Richfield Water Department at 612-861-9167.
2. Does the parcel abut MNDOT and/or Hennepin County right-of-way? If so, they will need to review and approve the proposed subdivision. Remember they have up to 60 days to review.
3. Will there be separate driveways for both parcels or a shared driveway over the property line? A shared driveway will require a legal agreement to be recorded against both property titles. Contact the Richfield Engineering Department for driveway permits at 612-861-9790.
4. Will new buildings and a driveway on the newly created parcel be able to meet all the setback requirements?

**Application Fee:**

The fee for a subdivision waiver application is: \$350.

**This is a guide to the most common questions and problems. It is not intended nor shall it be considered a complete set of requirements.**