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Chapter 11

Subdivisions

Section 1100 - General

1100.01. Title. This Chapter shall be known as the "Subdivision Regulations".

1100.02. Purpose. Each new subdivision becomes a permanent unit in the basic physical structure of the City. In order that new subdivisions contribute toward an attractive, stable and wholesome community environment, with adequate municipal services and safe streets, all subdivisions platted within the City shall fully comply with the regulations set forth in this Chapter. Pursuant to the provisions of Minn. Stat. §§ 462.357 and 462.358, this Chapter is adopted for the following purposes:

- A. To provide for the orderly, economic and safe development of land and public services.
- B. To promote the availability of housing affordable to persons and families of all income levels.
- C. To facilitate adequate provision for transportation, water, sewage, storm drainage, schools, parks, playgrounds and other public services and facilities.
- D. To promote the health, safety and general welfare of the residents of the City and adjoining areas.
- E. To assure fair and equitable handling of development proposals by establishing a uniform subdivision process.

1100.03. Scope. This Chapter relates to the division of land into two (2) or more parcels, any of which is less than five (5) acres or any that does not front on a public street. It is not intended to repeal, abrogate, annul or in any way impair or interfere with private restrictions placed upon property by deed, covenant, or other private agreement or with restrictive covenants running with the land to which the City shall be a party.

1100.04. Jurisdiction. This Chapter applies to all land within the City and to all land within two (2) miles of the City limits, in any direction, where the adjacent unincorporated territory or town has not adopted comprehensive zoning regulations.

1100.05. Platting Required. All subdivisions shall be platted pursuant to the provisions of this Chapter and the provisions of Minn. Stat. § 462.358 and Minn. Stat. §§ 505 et al. Plats, including

preliminary plats, shall be prepared by a licensed surveyor.

1100.06. General Requirements.

A. The subdivision shall be consistent with the Silver Bay Comprehensive Plan.

B. The land to be platted shall be suited to the purpose for which it is to be subdivided.

No preliminary plan shall be approved if after consideration to the best interests of the public, the site shall not be suitable for a plat due to flooding, soil conditions, topography or adverse earth conditions.

C. The use of the land proposed to be platted is allowed under the land use regulations of this Code.

1100.07. Definitions.

Subd. 1. Cluster Development. "Cluster Development" shall mean a subdivision development planned with relatively tight patterns of group housing units while providing a unified network of open space and wooded areas.

Subd. 2. Collector Street. "Collector Street" shall mean a street that serves as a connection between an arterial and several minor streets. The term includes the principal entrance streets of a residential development and streets for major circulation within such the development.

Subd. 3. Cul-de-sac. "Cul-de-sac" shall mean a permanent street terminating at one end without connecting with another street and designed so that it cannot be further extended without condemnation or taking property not dedicated as a street.

Subd. 4. Drainage Course. "Drainage Course" shall mean a water course or indenture for the drainage of surface waters.

Subd. 5. Engineer. "Engineer" shall mean the City Engineer designated by the Council.

Subd. 6. Final Plat. "Final Plat" shall mean the drawing of a subdivision prepared in the manner and containing the data, documents and information required by this Chapter.

Subd. 7. Lot. "Lot" shall mean a parcel of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision.

Subd. 8. Marginal Access Street. "Marginal Access Street" shall mean a street or service road parallel with and adjacent to a thoroughfare which provides access from the thoroughfare to abutting properties.

Subd. 9. Minor Street. "Minor Street" shall mean a street that provides direct access to a limited number of abutting properties.

Subd. 10. Planning Commission. "Commission" shall mean the City Planning and Zoning Commission and its members.

Subd. 11. Preliminary Plan. "Preliminary Plan" shall mean a drawing of a proposed subdivision or greater area prepared in the manner and containing the data, documents and information required by this Chapter.

Subd. 12. Private Street or Reserve Strip. "Private Street or Reserve Strip" shall mean purported street, way or strip of land reserved for the use of a limited number of persons or purposes as distinguished from a publicly dedicated street.

Subd. 13. Public Walkway. "Public Walkway" shall mean a public way designed for the use of pedestrian traffic.

Subd. 14. Subdivider. "Subdivider" shall mean the owner, agent or person having control of the land to be subdivided.

Subd. 15. Subdivision. "Subdivision" shall mean the division of a tract of land into two (2) or more parcels, tracts or lots for transfer of ownership or development, if the following shall not be deemed a subdivision:

- A. The division of a tract of land into lots or parcels of five (5) acres or more with a minimum width of one hundred sixty-five (165) feet and not involving a new street.
- B. One (1) division of a tract into two (2) lots in any twelve (12) month period if the lots shall meet minimum lot and area requirements of the Zoning Ordinance and all sewage regulations of the Lake County Health Department.
- C. Transfers of interest in land by will or court order.

Subd. 16. Surveyor. "Surveyor" shall mean a registered land surveyor.

Section 1110 - Standards

1110.01. Minimum Design Standards. All subdivisions shall be designed in accordance with the standards set forth in this section.

1110.02. Lots and Blocks. All lots and blocks shall meet the minimum following standards:

- A. No lot shall have less area or width than shall be required by this chapter for the zone district in which the subdivision shall be located.
- B. Each lot must front upon a public or private street.
- C. Through lots or double-frontage lots shall not be allowed.

D. Residential lots shall be separated from thoroughfares and railroad rights-of-way by a landscape buffer strip or sand barrier not less than fifty (50') feet in width.

E. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines or radial to lake or stream shores unless topographic conditions shall necessitate a variation.

F. In residential areas, blocks shall generally be not less than six hundred (600) feet or more than thirteen-hundred twenty (1,320) feet in length measured along the greatest dimension of the enclosed block area unless minor variations shall be necessitated by topography or to conform with an adjoining plat.

G. Blocks shall be wide enough to allow two (2) tiers of lots except where adjoining a lake, stream, railroad or thoroughfare or where one (1) tier of lots shall be necessary because of topographic conditions.

1110.03. Structure. All structures to be constructed in a subdivision shall be permitted under the provisions of the zone district in which the subdivision is located, shall be located on the property in compliance with all setback and other requirements of this chapter, and shall be constructed in accordance with all applicable codes.

1110.04. Public Use and Service Areas. Unless a subdivider can show cause for a lower amount based upon use of the land to be developed, a minimum of five percent (5%) of the gross land area in any proposed subdivision shall be dedicated to the public or preserved for public use such as parks, playgrounds, trails or open space.

1110.05. Streets and Roads.

Subd. 1. General Requirements.

A. Streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the City and shall further conform to such City, County and State road and highway plans as have been prepared, adopted and/or filed as prescribed by law.

B. Streets shall be logically related to the topography to produce usable lots and reasonable grades. Streets shall be designed so that access to a street shall be given to all lots and portions of the tract in the subdivision and to adjacent non-subdivided territory unless the topography clearly indicates that the access shall not be feasible. Streets giving such access shall be improved to the limits of the subdivision, except the streets providing access only

to adjacent, non-subdivided territory need not be improved.

C. Minor streets shall be laid out to discourage their use by through traffic and, where possible, thoroughfares shall be protected for use by through traffic by marginal access streets through lots or other means.

D. Half or partial streets shall not be permitted except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory access to the street can be secured. Wherever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be platted within the tract.

Subd. 2. Cul-de-sac Streets. Cul-de-sac streets, permanently designed as such, shall not exceed five hundred (500) feet in length when designed to be permanent. Cul-de-sac streets shall be provided at the closed end with a turnaround having a minimum radius to the outside edge of the curb line or finished street of not less than sixty (60) feet.

Subd. 3. Design Requirements.

A. Minimum widths for each type of public street or road shall be as follows:

<u>Type of Street</u>	<u>Right-of-Way-Width</u>
Thoroughfare	100 feet
Collector Street	75 feet
Minor Street & Cul-de-sac	66 feet
Alley	20 feet

B. The minimum street driving surface width shall be twenty-six (26) feet. The minimum street surface shall not less than the minimum dimensions for each classification as recommended by the appropriate utility companies and/or the City engineer, as accepted and approved by the Council.

C. When a subdivision abuts, or contains an existing street or road of inadequate width, sufficient additional width shall be required to meet the above standards.

D. Street grades shall not exceed six percent (6%) on thoroughfares, eight percent (8%) on collector streets, or ten percent (10%) on other streets. Street profiles shall be required if grades exceed eight percent (8%).

E. When a subdivision or portion thereof adjoins a thoroughfare, no lot shall have direct access thereto. The lots shall be provided with frontage on a marginal access street or street

other than a thoroughfare.

F. Where a deflection angle of more than five (5) degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced, to wit: On streets sixty-six (66) feet or more in width, the center line radius of curvature shall be not less than three-hundred (300) feet.

G. All changes in grade shall be connected by vertical curves of minimum length in feet equal to fifteen (15) times the algebraic difference in rates of grade for thoroughfares and one-half ($\frac{1}{2}$) this minimum length for other streets. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equaling one-hundred (100) feet horizontal and one (1) inch equaling twenty (20) feet vertical may be required by the City Engineer if topographic conditions warrant. A three hundred (300) foot maximum sight distance shall be provided.

H. Street intersections shall be as nearly at right angles as possible and no intersection shall be an angle of less than seventy (70) degrees.

I. Street jogs with centerline offsets of less than one-hundred twenty-five (125) feet shall not be allowed.

J. A proposed street which shall be in alignment with and joins an existing and named street shall bear the name of the existing street.

1110.06. Water Supply. When a subdivision shall be located within one thousand (1000) feet of a City water line, the subdivision shall be required to provide water mains of not less than six (6) inches in diameter that shall serve all lots and tracts in the subdivision. Shut-off valves and fire hydrants shall be installed along all water mains at the minimum intervals required by the laws and statutes of the State of Minnesota. The waterline shall be designed per all applicable state and local codes. Subdivisions more than one thousand (1000) feet from a City water line shall be required to provide data on well water availability.

1110.07. Storm Drainage.

A. Surface water drainage shall be provided by storm sewers or drainage courses adequate to drain surface water from the subdivision and protect roadway surfaces. Storm drainage facilities shall be designed to provide positive drainage away from onsite sewage disposal systems. In designing storm drainage facilities, special consideration shall be given to protect against erosion, siltation of surface waters, and runoff to adjacent properties.

B. Where storm water from adjacent areas naturally passes through a subdivision, adequate provision shall be included for facilities to route the storm water through the subdivision to its natural outlet to maintain or replace the natural water course.

1110.08. Sewage Disposal.

A. When a subdivision is located within one thousand (1000) feet of a City sewer line, the subdivision shall be required to provide sanitary sewer lines that shall serve all lots and tracts within the subdivision. Service wyes shall be provided for all lots. The sewer lines shall be designed per all applicable state and local codes.

B. When a subdivision is located more than one thousand (1000) feet from a City sewer line, provisions shall be made for sanitary sewage facilities consisting of a central treatment plant or individual onsite system for each lot, with all designed per current state and local regulations.

C. For all lots within the subdivision not provided with City sewer service, soil and percolation tests shall be made by the subdivision applicant to determine whether the lots meet minimum standards for health and sanitation. The tests shall be under the direction of City and the results of all tests shall be used in determining the approval of the subdivision.

1110.09. Utilities. Utility easements shall be provided across lots or centered on rear or side lot lines. Easements shall be not less than twenty (20) feet in width. Use of the easements shall be for erecting and maintaining poles, wires, conduits, storm sewers, drainage ways, sanitary sewers, water mains, electrical conduit and other public utilities. All such easements shall be placed along the rear lot lines whenever possible.

1110.10. Solar Energy Access. Appropriate consideration shall be given to protecting and assuring access to direct sunlight for solar energy systems to all lots within the subdivision.

Section 1120 - Procedure

1120.01. Pre-Application Conference. Prior to the submittal of a preliminary subdivision plan, an applicant shall be encouraged to confer with the Zoning Officer about the general scope of the subdivision. The requirements of this chapter shall be reviewed at this session including the written and graphic materials required for consideration of the subdivision plat.

1120.02. Outline Subdivision. Following any pre-application conference, the subdivider shall

furnish the Zoning Officer with three (3) copies of the proposed subdivision showing generally the proposed lots and the entire tract of land to be subdivided. Within ten (10) days the Zoning Officer shall by letter advise the subdivider of general comments to the prepared plat and if a formal preliminary application should be made. Failure of the Zoning Officer to respond to the applicant shall constitute general acceptance of the drawing.

1120.03. Preliminary Subdivision Plan. Following a report by the Zoning Officer, the applicant shall submit to the Administrator four (4) copies (unless otherwise requested) of a Preliminary Subdivision Plan, an application for approval of the plan and the application fee. The application shall contain all information necessary for the Commission to properly consider the application.

The following data shall be required for the preliminary subdivision plan and shall be shown on the plan drawing:

Subd. 1. Scale. One (1) inch equal to one hundred (100) feet. If size warrants, a scale of fifty (50) feet to one (1) inch may be used.

Subd. 2. Identification and Description. The following shall be identified:

- A. Name of the subdivision, which shall not duplicate any other recorded subdivision in the city;
- B. Location including the section, township, and range, and a location map showing subdivision within the section and tied into established section corners;
- C. Name and address of owner, subdivider, surveyor and designer of the plan;
- D. Graphic scale;
- E. North arrow;
- F. Date of preparation;
- G. Existing natural conditions of the tract of land including swamps, lowlands, water features, rock formations, and including:
 - 1. Property lines;
 - 2. Acreage;
 - 3. Platted streets and utility easements;
 - 4. Permanent structures;
 - 5. Location of city sewers, waterlines and all other public utilities;
 - 6. U.S.G.S. contours shall be shown where available;
 - 7. Storm water drainage patterns; and

8. Adjacent land uses;
- H. Outline information as requested by zoning officer or the Commission;
- I. Other information as requested by zoning officer or the Commission;
- J. Preliminary Plat Design Features to include:
 1. Street layout showing right-of-way width and street names;
 2. Location and widths of all public walkways and easements;
 3. Layout, numbers and dimensions of all lots and blocks;
 4. Areas other than streets, walkways or easements that shall be dedicated to public use including dimensions of the areas;
 5. Locations of all proposed water and sewer lines;
 6. Storm water drainage patterns of subdivision when completed;
 7. Solar access provisions; and

1120.04. Referrals for Review. Upon receipt of the preliminary plan and completed application, when deemed applicable by the Commission and/or the Attorney, the Administrator shall refer one (1) copy of the plan to the following:

- A. City Engineer and/or City Surveyor.
- B. Utility Companies including electric, telephone, gas and cable.

These officials and groups shall submit their comments on the proposed plan to the Commission within thirty (30) days of receipt of the plan. Failure to do so shall constitute acceptance of the preliminary plan.

1120.05. Public Hearing. The Commission shall hold a public hearing on the preliminary plat within thirty (30) days following the review period. The hearing shall be set by the Administrator and shall include notification of all property owners within the City located wholly or partly within three hundred-fifty (350) feet of the subdivision, shall set time and date of the hearing and shall cause notice of the hearing to be published in accordance with legal requirements.

1120.06. Preliminary Plan Approval.

- A. The Commission shall consider the application for the Proposed Subdivision within sixty (60) days of the public hearing, unless an extension of the review period is agreed to by the applicant. If the Commission fails to act upon the application, the application shall be deemed preliminarily approved by the Commission and upon demand the Administrator shall execute a certificate to that effect.

- B. All decisions made by the Planning and Zoning Commission shall be in writing with the factual basis and reasons supporting all decisions set forth.
- C. Conditions and restrictions may be placed upon the subdivision to insure the spirit and intent of this chapter and the Comprehensive Plan are met.
- D. The Commission may condition its approval on the construction and installation of sewers, streets, gas, electric, drainage, water and similar utilities and improvements if necessary.

1120.07. Governing Criteria. No preliminary subdivision plan shall be approved unless positive findings of fact are found and stated in writing by the Commission with respect to the following criteria:

- A. The subdivision plan conforms to the Silver Bay Comprehensive Plan;
- B. The subdivision plan conforms to the requirements of this chapter;
- C. The proposed development is compatible with development permitted under the general provisions of the Zoning Ordinance on substantially all land near the disposal of sewage;
- D. An effective manner of storm water drainage has been provided for;
- E. Provision has been made for areas for public use;
- F. Consideration has been given for providing solar access to all lots within the subdivision; and,
- G. Appropriate safeguards have been given to the protection of all lots from flood hazards.

1120.08. Appeals. The decision of the Commission on any subdivision plan shall be subject to appeal to the Council by any person or persons who may be aggrieved.

1120.09. Final Subdivision Plan.

Subd. 1. Submission. Within ninety (90) days following approval of the preliminary subdivision plan by the Commission, the applicant shall submit with the Administrator five (5) copies of a final plan containing in final form all information required and agreed upon under conditions set forth by the Planning and Zoning Commission. If the final subdivision plan is not submitted within the required period, the approval of the preliminary plan shall be deemed void. The Council, however, may for good cause shown extend the period for a reasonable period for filing of the final subdivision form. The applicant shall include with the final subdivision plan an Abstract of Title extended to a current date or Certificate of Title and Registered Property Certificate extended to a current date.

Subd. 2. Review. Upon receipt by the Administrator, a copy of the final plan shall be submitted to the City Engineer and/or City Surveyor (if the City has appointed an Engineer or Surveyor). The City Attorney shall be furnished with a copy of the final plan together with the Abstract of Title or Certificate of Title and Registered Property Certificate. These officials shall submit written reports to the City Council within thirty (30) days after receipt of the documents.

Subd. 3. Signatures and Notary. The final plan shall contain a notarized certification by owner and by any mortgage holder of record of the adoption of the plat and the dedication of streets and other public areas in the form approved by the City Attorney.

1120.10. Decision by City Council. The Council shall act on the final plat within sixty (60) days of the date after the final prints were submitted to the Administrator. The Council shall not approve the final plat unless positive findings are made on the following points:

- A. The final plan conforms to the Preliminary Plan as approved by the Commission;
- B. The final plan conforms to all engineering and surveying standards and specifications as set forth by State law and this chapter;
- C. The final plan conforms to all municipal plans;
- D. The Council determines that all conditions and requirements as set forth by the Commission have been met either through performance or execution of agreements assuring performance; and,
- E. The Council may impose additional safeguards, conditions and restrictions on its approval to ensure that the Comprehensive Plan is met.

1120.11. Specifications.

Subd. 1. Street Improvements. All street improvements and work shall be done in accordance with State of Minnesota and City specifications and shall be subject to the recommendations, supervision and approval of the City.

Subd. 2. Drainage. All lots shall be subject to having proper drainage to prevent the collection of storm water in pools.

Subd. 3. Corner Boundaries. All sections and/or quarter section corners used to create boundary lines for a subdivision plat shall be permanently marked and properly perpetuated.

Subd. 4. Corner Markings. All permanent markings of corners and establishment of reference or witness monuments shall be made in conformance with the standards established by the Lake County Surveyor's office and State standards.

Subd. 5. Curves. Complete curve data, including radii, internal angles, tangent bearings and length of all arcs shall be provided.

Subd. 6. Monuments. Accurate location of all monuments shall be indicated.

Subd. 7. Survey Markers. All subdivision boundary corners, block corners, street intersection corners and a point of tangency and curvature shall be marked with survey monuments consisting of galvanized pipes with caps (minimum 1½" diameter) or minimum one (1) inch deformed steel rods thirty-six (36) inches in length. Lot corners shall be marked with iron survey monuments acceptable to State regulations. All U.S., State, County, Township and other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise location.

1120.12. Preparation and Filing of Approved Plats. The final plat shall be prepared to conform to the requirements for plats imposed by Minn. Stat. §§ 505 et al. When the plat is approved and certified, the subdivider shall immediately comply with the filing requirements set forth in Minn. Stat. § 505.04.

1120.13. Variances. All applications for variances from the specific provisions of this chapter for any subdivision plan shall be made to the Commission. No variance shall be issued without approval of the Council.

1120.14. Vacation of Easements. The Council may vacate any publicly owned utility or street easement, or any portion thereof, which is not being used for utility or street purpose in the same manner as vacation proceedings are conducted for utility and street easement vacations under Minnesota law.

1120.15. Effect of Subdivision Approval. For one (1) year following preliminary plan approval and for two (2) years following final plat approval of a subdivision plan, unless mutually agreed upon in writing by the subdivider and the City, no amendment shall be made to the Silver Bay Comprehensive Plan, Zoning Ordinance or other ordinances that apply to or effect the use, development density, lot size or layout, dedication, or platting required or permitted by the approved application.

1120.16. Control/Enforcement. Violations of any conditions, requirements, safeguards or other agreements when made as part of the approval of any subdivision plan shall be deemed a violation of this chapter and shall be subject to such penalties as may be imposed by this Code.

1120.17. Building Permits. No building permit may be issued for any tract, lot, or parcel for

which required subdivision has not been obtained or for which any conditions, requirements, safeguards or other agreements have not been met.

1120.18. Subdividing and Platting Costs. Any person subdividing or platting land within the City, pursuant to this chapter, shall pay costs incurred by the City in the subdividing or platting procedure. Costs may include City Engineer fees and expenses, City Attorney fees and expenses, copying costs and other administrative expenses incurred by the City.