CHAPTER 10. SUBDIVISION REGULATIONS

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Section 1000 – Purpose

1000.01 Purpose. The purpose of the regulations specified in this chapter is:

1000.01.1. To protect and promote the public health, safety and general welfare;

1000.01.2. To provide for the orderly, economical and safe development of land;

1000.01.3. To preserve agriculture lands;

1000.01.4. To promote the availability of housing affordable to persons and families of all income levels; and

1000.01.5. To facilitate adequate provision for transportation, water, sewage, storm drainage, schools, parks, playgrounds and other public services and facilities.

Section 1005 - Definitions

1005.01 Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1005.01.1. "Cluster development" means a subdivision development planned as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas.

1005.01.2. "Collector street" means a street of relatively short length that serves as a connection between a thoroughfare and several minor streets. The term includes the principal entrance streets or a residential development and streets for major circulation within such development.

1005.01.3. "Cul-de-sac" means 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.

1005.01.4. "Drainage course" means a watercourse or indenture for the drainage of surface waters.

1005.01.5. "Engineer" means the City Street and Highway Engineer designated by the City Council.

(Am. Ord. 83-04, passed 11-7-1983)

1005.01.6. "Final plat" means the drawing of a subdivision prepared in the manner and containing the data, documents and information required by this chapter.

1005.01.7. "Group housing" means a housing project consisting of a group of five or more buildings constructed on a plot of ground three acres or more in size.

1005.01.8. "Health Officer" means the St. Louis County Health Department.

1005.01.9. "Marginal access street" means a street or service road parallel with and adjacent to a thoroughfare which provides access from the thoroughfare to abutting properties.

1005.01.10. "Minor street" means a street of relatively short length that provides direct access to a limited number of abutting properties.

1005.01.11. "Plat or plan" both have the same meaning and can be used interchangeably.

1005.01.12. "Preliminary plan" means a drawing of a proposed subdivision or greater area prepared in the manner and containing the data, documents and information required by this chapter.

1005.01.13. "Private street or reserve strip" means a 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.

1005.01.14. "Public walkway" means a public way designed for the use of pedestrian traffic.

1005.01.15. "Subdivider" means the owner, agent or person having control of such land as the term is used in this chapter.

1005.01.16. "Subdivision" means the division of a tract of land into two or more parcels, tracts, lots or long-term leasehold interests for the purpose of transfer of ownership or building development, and any other conveyance, document, plat, dedication, association, cooperative or action, the result of which is the creation of a new CVT-Plat-Parcel number or numbers.

1005.01.17. "Surveyor" means a registered land surveyor designated by the City Council.

(Am Ord. 83-04, passed 11-7-1983)

Section 1010 – Platting Required

1010.01 Applicability. All subdivisions shall be platted pursuant to the provisions of this chapter.

1010.02 S-1 Zone District. In any S-1 Zone District, the division of a tract of land is not a subdivision if:

1010.02.1. All resulting parcels are five acres or more with a minimum lot width at the roadway of 300 feet.

1010.02.2. All resulting parcels have uniform size and dimensions (rectangular); no flag-shaped parcels or gerrymandered parcels are allowed except with a variance. The decision as to what constitutes a flag-shaped lot shall be made by the Zoning Official, subject to appeal to the Board of Appeals and Adjustments pursuant to the provisions of Section 350 of this code.

1010.02.3. All resulting parcels are surveyed by a registered land surveyor.

1010.02.4. The entire frontage of all the resulting parcels abut on a street that has been officially accepted by the City of Hermantown or other governmental body with jurisdiction over such street.

1010.02.5. The legal descriptions of all resulting parcels are approved by the City Engineer's office.

1010.02.6. All of the resulting parcels meet the minimum area and width requirements and all other applicable zoning regulations and no non-conforming lots or parcels are created by or result from the split.

1010.02.7. If more than one split is foreseeable, or more than 10 acres are in the tract to be subdivided, the party requesting the division provides a master development plan. If a need exists, platting can be required if determined to be appropriate by the Zoning Official.

1010.02.8. The City, by and through the Zoning Official, as a condition to approving the division of the tract of land pursuant to 1010.02 may require a public road easement as follows:

1010.02.8.1. If a dedicated half street exists adjacent to the tract desired to be subdivided, the other half of the street shall be dedicated within such tract;

1010.02.8.2. A temporary easement may be required when any of the resulting parcels abut a dead-end street for the purpose of a turnaround until the street is extended so that it intersects with another street;

1010.02.8.3. The easement is necessary in relation to existing streets in surrounding areas or in order to prevent interior property from being landlocked;

1010.02.8.4. The development of the resulting parcels will preclude development of interior parcels of land.

1010.02.9. The lot acreage for determining whether any of the resulting parcels satisfies the area requirements of the Zoning Code will include unplatted road right-of-way, except for any roadway easements provided pursuant to 1010.02.8.

(Am. Ord. 2005-13, passed 9-19-2005)

1010.03 R-1 Zone District. In any R-1 Zone District, the division of a tract of land is not a subdivision if:

1010.03.1. All of the resulting parcels have uniform size and dimensions (rectangular); no flag-shaped parcels or gerrymandered parcels are allowed except with a variance. The decision as to what constitutes a flag-shaped lot shall be made by the Zoning Official, subject to appeal to the Board of Appeals and Adjustments pursuant to Section 350 of these Zoning Regulations of the Hermantown City Council.

1010.03.2. All of the resulting parcels are surveyed by a registered land surveyor.

1010.03.3. The entire frontage of all the resulting parcels abut on a street that has been officially accepted by the City of Hermantown or other governmental body with jurisdiction over such street.

1010.03.4. The legal descriptions of all resulting parcels are approved by the City Engineer's office.

1010.03.5. All resulting parcels meet the minimum area and width requirements and all other applicable zoning regulations and no non-conforming lots or parcels are created by or result from the split.

1010.03.6. If more than one split is foreseeable or more than 5 acres are in the tract to be subdivided, the party requesting the division provides a master development plan. If a need exists, platting can be required if determined to be appropriate by the Zoning Official.

1010.03.7. The City, by and through the Zoning Official, as a condition to approving the division of the tract of land pursuant to Section 1010.03 may require a public road easement as follows:

1010.03.7.1. If a dedicated half street exists adjacent to the tract desired to be subdivided, the other half of the street shall be dedicated within such tract;

1010.03.7.2. A temporary easement may be required when any of the resulting parcels abuts a dead-end street for the purpose of a turnaround until the street is extended so that it intersects with another street;

1010.03.7.3. The easement is necessary in relation to existing streets in surrounding areas or in order to prevent interior property from being landlocked; or

1010.03.7.4. The development of the resulting parcels will preclude development of interior parcels of land.

1010.03.8. The lot acreage for determining whether any of the resulting parcels satisfies the area requirements of the Zoning Code will include unplatted road rights-of-way, except for any roadway easements provided pursuant to 1010.03.7.

(Am. Ord. 2005-13, passed 9-19-2005)

1010.04 R-3 Zone District. In any R-3 Zone District, the division of a tract of land is not a subdivision if:

1010.04.1. The resulting parcels abut on a street that has been officially accepted by the City of Hermantown or other governmental body with jurisdiction over such street.

1010.04.2. The legal descriptions of all resulting parcels are approved by the City Engineer's office.

1010.04.3. All of the resulting parcels are of uniform size and dimension (rectangular); no flag-shaped parcels or gerrymandered parcels are allowed except with a variance.

1010.04.4. A survey of all of the resulting parcels by a registered land surveyor is required.

1010.04.5. If more than one division is foreseeable or the original tract contains more than two acres, the party requesting the division provides a master development plan. If a need exists, platting can be required if determined to be appropriate by the Zoning Official.

1010.04.6. The City, by and through the Zoning Official, as a condition to approving the division of the tract of land pursuant to 1010.02 may require a public road easement as follows:

1010.04.6.1. If a dedicated half street exists adjacent to the tract desired to be subdivided, the other half of the street shall be dedicated within such tract;

1010.04.6.2. A temporary easement may be required when any of the resulting parcels abuts a dead-end street for the purpose of a turnaround until the street is extended so that it intersects with another street;

1010.04.6.3. The easement is necessary in relation to existing streets in surrounding areas or in order to prevent interior property from being landlocked; or

1010.04.6.4. The development of the resulting parcels will preclude development of interior parcels of land.

1010.04.7. The lot acreage for determining whether the resulting lot satisfies the area requirements of the Zoning Code does not include road right-of-way.

1010.04.8. All of the resulting parcels meet the minimum area and width requirements and all other applicable zoning regulations, and no non-conforming lots or parcels are created by or result from such split.

(Am. Ord. 2005-13, passed 9-19-2005)

1010.05 C, C-1, M-1 or M-2 Zone District. The division of land in a C, C-1, M-1 or M-2 Zone District shall be a subdivision and platting may be required as a condition to any Commercial-Industrial Development permit if factors described in 1010.02 through 1010.04 would result in a plat being beneficial or required by the Zoning Official or Planning and Zoning Commission.

(Am. Ord. 2005-13, passed 9-19-2005)

1010.06 Adding Land to Adjoining Parcel. The division of a tract of land for the purpose of adding land to an adjoining parcel of property, provided that the parcel conveyed is added to adjoining parcel of property for all purposes and the parcel conveyed is assigned the same CVT-Plat-Parcel real estate tax number as the property to which the conveyed property is added.

(Am. Ord. 2005-13, passed 9-19-2005)

1010.07 Master Development Plan. For purposes of this section, "Master Development Plan" shall mean a plat sketch drawn to scale that shows the entire original parcel, any anticipated future parcel splits, any wetlands, waterways or creeks on the entire original parcel, any road or utility easement or rights-of-way on or adjoining the original parcel and the planned access to all of the parcel splits for roadway (minimum 66-foot right-of-way) and utilities (minimum 20-foot easement). Such plat sketch shall be signed by the person preparing it and dated as of the date of preparation. Although not required, developers are encouraged to obtain the assistance of the land surveyor that surveys parcels of property in preparing the Master Development Plan.

(Am. Ord. 2005-13, passed 9-19-2005)

Section 1015 – Requirements

1015.01 Comprehensive Plan. The subdivision shall be consistent with the Hermantown Comprehensive Plan.

1015.02 Land Requirements. The land prepared to be platted shall be suited to the purpose for which it is to be subdivided. No preliminary plan shall be approved if, considering the best interests of the public, the site is not suitable for plat and development purposes of the kind proposed, by reason of potential flooding, swamp conditions or adverse earth formation. Lots subject to flooding and lots deemed uninhabitable because of adverse earth formation shall not be approved for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the hazard, but such land within a plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundations or as shall not produce unsatisfactory living conditions.

1015.03 Land Use Regulations. The use of the land proposed to be platted shall be allowed under the land use regulations of this title.

1015.04 Structures. All structures to be constructed in a subdivision shall be permitted under the provisions of the zone district in which such subdivision is located, be located on the property in compliance with all setback and other requirements of this code and be constructed in accordance with the Hermantown Building Code.

(Am. Ord. 83-04, passed 11-7-1983)

1015.05 Fee in Lieu of Land Dedication. For all proposed subdivisions, the applicant shall pay a fee in lieu of the land the City could require to be dedicated for public use as parks or recreational facilities pursuant to M.S. Section 471.191, as it may be amended from time to time. The amount of fee is as set forth in the Hermantown Ordinance No. 2005-13 and Section 375.02 of this code. Pursuant to M.S. Section 462.358, Subd. 2b(b)(2), as it may be amended from time to time, fees shall be placed in a special park fund to be used only for related capital expenditures, including but not limited to land acquisition for parks, and playground equipment. If the applicant provides the City with written notice to dispute the proposed fee before the City's final decision on an application, the application may proceed as if the fee had

been paid if the applicant proceeds according to M.S. Section 462.358, Subd. 2c, as it may be amended from time to time.

(Ord. 2005-12, passed 9-19-2005)

1015.06 Authority and Nexus. Pursuant to M. S. Section 462.358, Subd. 26, (2004), the City is authorized to require the fees provided by Section 1015.05 above for use for parks, recreational facilities, playgrounds, trails or open spaces. Pursuant to M. S. Section 462.358, Subd. 26, (2004), the City hereby determines that there is an essential nexus between a fee for each new parcel created by a subdivision or for each new commercial or industrial development and the City's need to create and maintain public parks, recreational facilities, playgrounds, trails, or open spaces. Each new subdivision increases the need for public parks, recreational facilities, playgrounds, trails, or open spaces as a result of the increased number of residents a subdivision adds to the City, and each new commercial or industrial development increases the density of development within the City and visitors to the City, which in turn leads to an increased need for public parks, recreational facilities, playgrounds, trails or open spaces. The City Council has determined that requiring an applicant to pay a fee for creating an increased number of residents to the City and those residents' need for public parks and recreational facilities is necessary, proper and fair. Likewise, requiring an applicant to pay a fee for the increased density and/or visitors to the City that a commercial or industrial development may add to the City to be used for public parks, recreational facilities, playgrounds, trails and open space is necessary, proper and fair.

(Ord. 2005-13, passed 9-19-2005)

Section 1020 – Minimum Design and Standards

1020.01 Standards. All subdivision plats shall be designed in accordance with the standards set forth in this section.

(Am. Ord. 2006-08, passed 12-20-2006)

1020.01.1. Lots and Blocks.

1020.01.1.1. No lot shall have less area or width than is required for the zone district in which such subdivision is located.

1020.01.1.2. The entire frontage of each lot must abut on a street that has been officially accepted by the City of Hermantown or other governmental body with jurisdiction over such street.

1020.01.1.3. Through lots or double-frontage lots shall not be allowed.

1020.01.1.4. Residential lots shall be separated from thoroughfares and railroad rights-of-way by a landscape buffer strip or sand barrier not less than 50 feet in width.

1020.01.1.5. 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 necessitate a variation.

1020.01.1.6. In residential areas, blocks shall be generally not less than 600 feet nor more than 1,400 feet in length measured along the greatest dimension of the enclosed block area unless minor variations are necessitated by topography or to conform with an adjoining plat.

1020.01.1.7. Blocks for commercial and industrial areas may vary from the provisions of this section if the nature of the use requires other treatment.

1020.01.1.8. Blocks shall be generally wide enough to allow two tiers of lots except where adjoining a lake, stream, railroad or thoroughfare or where one tier of lots is necessary because of topographic conditions.

1020.01.1.9. Reserve strips and landlocked areas shall be prohibited.

(Am. Ord. 83-04, passed 11-7-1983; Am. Ord. 2006-08, passed 12-20-2006)

1020.02 Public Use and Service Areas.

Where a proposed highway, school, park, recreation area or public access to water frontage shown on an official plan is located in whole or in part in the applicant's subdivision, the City Council shall require as a condition of final approval that such space within the subdivision be dedicated or reserved to the public. Such land shall not be developed for a period of one year from the date of such final approval so that within said period the appropriate public agency may acquire said land in the manner provided by law and before it is developed for some purposes not conforming to the official plan. If it is not so acquired and no legal actions are filed by such public agency within such period, said reservation shall be of no further effect and such lands may then be used for other purposes.

(Am. Ord. 83-04, passed 11-7-1983; Am. Ord. 2006-08, passed 12-20-2006)

1020.03 Streets and Roads.

1020.03.1. General Requirements.

1020.03.1.1. 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.

1020.03.1.2. Streets shall be logically related to the topography so as to produce usable lots and reasonable grades. Streets shall be designed so that access to a street is given to all lots and portions of the tract in the subdivision and to adjacent unsubdivided territory unless the topography or conditions of the land clearly indicates that such access is not feasible. Streets

giving such access shall be improved to the limits of the subdivision, except such streets providing access only to adjacent unsubdivided territory need not be improved.

1020.03.1.3. 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.

1020.03.1.4. Half or partial streets will 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 assurance for dedication of the remaining part of 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 plat.

1020.03.1.5. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as Cul-de-sacs.

(Am. Ord. 2006-08, passed 12-20-2006)

1020.03.2. Cul-de-Sacs.

1020.03.2.1. Cul-de-sacs, permanently designed as such, shall not exceed 500 feet in length.

1020.03.2.2. Cul-de-sac shall be provided at the closed end with a turnaround having a minimum right-of-way radius of not less than 65 feet.

1020.03.2.3. Unless future extension is clearly impractical or undesirable, a “hammer handle” turnaround shall be placed adjacent to a property line, and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the overage created by the hammer handle turnaround outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary hammer handle.

(Am. Ord. 2006-08, passed 12-20-2006)

1020.03.3. Design Requirements.

1020.03.3.1. Minimum right-of-way widths for each type of public street or road shall be as follows:

Type of Street	Right-of-Way Width
Alley	20 feet
Collector Street	80 feet
Cul-de-sac	130 feet (65-foot radius)

Marginal Access Street	66 feet
Minor Street	66 feet
Thoroughfare	100 feet

1020.03.3.2. Where a subdivision abuts or contains an existing street or road of inadequate width, sufficient additional width shall be required to meet the above standards.

1020.03.3.3. Additional right-of-way and roadway width may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use.

1020.03.3.4. When a subdivision or portion thereof adjoins a thoroughfare, no lot shall have direct access thereto. Said lots shall be provided with frontage on a marginal access street or street other than a thoroughfare with adequate depth for vegetation screening the portion of any such lot contiguous with said thoroughfare.

1020.03.3.5. On streets 66 feet or more in width, the center line radius of curvature shall generally be not less than 300 feet.

1020.03.3.6. The minimum design speed for horizontal and vertical curves in streets shall be 30 miles per hour.

1020.03.3.7. Profiles and cross-sections of all streets showing natural and finished grades drawn to a scale of not less than one inch equals 100 feet horizontal and one inch equals 20 feet vertical shall be required. A 300-foot minimum sight distance shall be provided.

1020.03.3.8. Street intersections shall be as nearly as possible to right angles.

1020.03.3.9. Alleys may be required to be provided at the rear or side of all lots to be used for commercial or industrial use.

1020.03.3.10. The plans and specifications for the construction of streets within a subdivision shall meet or exceed the design and construction requirements contained in the current version of the Hermantown Construction Specifications ("Hermantown Spec Book").

1020.03.3.11. Other design features, such as a right turn lane or a right turn treatment, may be required if recommended by a traffic or engineering study prepared by a registered engineer.

1020.03.3.12. Streets shall be named in accordance with the City's regulations regarding naming of streets.

1020.03.3.13. At this time the Hermantown Spec Book requires a 28-foot street with a two-foot curb and gutter section on each side of a 24-foot driving surface with a sidewalk and boulevard on each side of the street where there are lots.

(Am. Ord. 2006-08, passed 12-20-2006)

1020.04 Water Supply.

1020.04.1. When a subdivision is located within 1,000 feet of a City water main the subdivision design shall include water mains not less than eight inches in diameter that are accessible to all lots and tracts in the subdivision and include shut-off valves and fire hydrants to be installed throughout the entire subdivision at intervals of no more than 600 feet. The water main shall be designed and constructed in accordance with the requirement for design and construction of public waterlines imposed by all applicable governmental bodies and the Hermantown Spec Book.

1020.04.2. When a subdivision is located more than 1,000 feet from a City waterline, consideration should be given by the subdivider to providing a private water supply system within the subdivision.

(Am. Ord. 2006-08, passed 12-20-2006)

1020.05 Storm Drainage.

1020.05.1. 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 on-site sewage disposal systems. In designing storm drainage facilities, special consideration shall be given to protect against erosion, against siltation of surface waters and against excess runoff to adjacent properties.

1020.05.2. Where storm water from adjacent areas naturally passes through a subdivision, adequate provision shall be included in the subdivision for facilities to route the storm water through the subdivision to its natural outlet to maintain or replace the natural watercourse.

1020.05.3. Storm drainage shall be provided in accordance with any required NPDES permit and the MS4 permit applicable to the City of Hermantown.

(Am. Ord. 2006-08, passed 12-20-2006)

1020.06 Sewage Disposal.

1020.06.1. When a subdivision is located within 1,000 feet of a City sewer main the subdivision design shall include sanitary sewer mains that are accessible to all lots and tracts in the subdivision. The sewer main shall be designed and constructed in accordance with the requirements for design and construction of public sewer mains imposed by all applicable governmental bodies and the Hermantown Spec Book.

1020.06.2. Storm water drainage shall not be permitted to combine with sanitary sewers nor shall sanitary sewage be permitted in storm water sewers.

1020.06.3. When a subdivision is located more than 1,000 feet from a City sewer main, provision must be made for sanitary sewage facilities, consisting of a central treatment plant or individual sewage treatment systems for each lot, with any and all proposed sewage facilities being subject to any regulations then currently in force.

1020.06.4. With respect to any subdivision or lot not provided with public sewer, soil and percolation tests shall be made by the applicant to determine whether or not the proposed lot size will meet minimum standards of health and sanitation. Such tests shall be made under the direction of and subject to approval by the St. Louis County Health Department.

1020.06.5. All proposed sewage disposal systems shall comply with all applicable codes and ordinances.

(Am. Ord. 2006-08, passed 12-20-2006)

1020.07 Utilities. Except where alleys are provided for the purpose, utility easements not less than 20 feet in width across lots or centered on rear or side lot lines shall be provided for use in erecting, construction and maintaining poles, wires, conduits, storm sewers, sanitary sewers, surface drainage, water mains, electrical lines and other public utilities reasonably required. Such easements shall be placed along rear lot lines whenever possible.

(Am. Ord. 2006-08, passed 12-20-2006)

1020.08 Access to Solar Energy. The subdivision shall be designed to give appropriate consideration to protecting and assuring access to direct sunlight for solar energy systems to all lots in the subdivision.

(Am. Ord. 2006-08, passed 12-20-2006)

1020.09 Floodplain District.

1020.09.1. All lots in a subdivision, any part of which is in a Floodplain District, shall contain a building site at or above the regulatory flood protection elevation.

1020.09.2. All public utilities and facilities such as gas, electrical and water supply systems in a subdivision, any part of which is in a Floodplain District, shall be flood-proofed in accordance with the Hermantown Building Code or elevated to above the regulatory flood protection elevation. In addition, such subdivisions shall have road access to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation.

(Am. Ord. 2006-08, passed 12-20-2006)

1020.10 Discretionary Requirements.

1020.10.1 The City Council shall have the authority to require that additional design features be added to the subdivision plat in order to comply with the purpose and intent of this chapter.

1020.10.2. Included without limitation are the following:

1020.10.2.1. In blocks over 800 feet in length, the City Council may require one or more public walkways within an easement not less than ten feet in width to extend entirely across the block and at locations deemed necessary at intervals not closer than 400 feet.

1020.10.2.2. The City Council may require the redistribution of top soil and the stabilization of the same by seeding or planting wherever this shall be necessary as an element of storm water control.

1020.10.2.3. To minimize the danger of the building site being flooded, the City Council may require that lots abutting a drainage course, channel, stream or lake have additional depth or width.

(Am. Ord. 2006-08, passed 12-20-2006)

Section 1025 – Procedure

1025.01 Pre-Application Conference. Before submitting an application for a subdivision plat, an applicant may and is encouraged to confer with the Zoning Officer or his or her representative to obtain information and guidance before incurring substantial expense in the preparation of plans, surveys and other data. A copy of this chapter will be provided to the prospective applicant so that the applicant knows what written and graphic materials are required for the consideration of the subdivision plat.

(Am. Ord. 83-04, passed 11-7-1983)

1025.02 Outline Subdivision Plan. Following any pre-application conference the subdivider shall furnish the Zoning Officer with three copies of a drawing showing the location and size of the tract and general layout of the proposed subdivision. Within ten working days of receipt of said drawing the Zoning Officer shall, by letter, with a copy of the drawing attached, advise the subdivider if a formal preliminary application on such subdivision should be made.

(Am. Ord. 83-04, passed 11-7-1983)

1025.03 Preliminary Subdivision Plan.

1025.03.1. Following receipt of the report of the Zoning Officer on the outline subdivision plan that a formal preliminary application should be made, the applicant shall submit to the City Clerk 12 copies of a preliminary subdivision plan, an application for approval of the plat and the application fee set from time to time by the City Council. The application shall contain such information as may be required by the Planning and Zoning Commission to properly consider the application.

1025.03.2. The following data shall be required for the preliminary plan:

1025.03.2.1. Scale. One inch shall equal 100 feet, or 50 feet;

1025.03.2.2. Identification and description.

1025.03.2.2.1. Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation with the name of any plat theretofore recorded in the City. Short names are preferable;

1025.03.2.2.2. Location by section, township, range or by other legal description together with a small scale sketch showing location within the section;

1025.03.2.2.3. Names and addresses of the owner, subdivider, surveyor and designer of the plan;

1025.03.2.2.4. Graphic scale;

1025.03.2.2.5. North point; and

1025.03.2.2.6. Date of preparation.

1025.03.2.3. Existing conditions in the tract and within a reasonable surrounding area, including the location of swamps, waterways and rock formations, and including also the following:

1025.03.2.3.1. Property lines;

1025.03.2.3.2. Total acreage of proposed plat;

1025.03.2.3.3. Platted streets, railroad right-of-way and utility easements;

1025.03.2.3.4. Location of nearest City sewers and water mains, existing culverts or other underground facilities;

1025.03.2.3.5. U.S. Geological Survey contours shall be superimposed on the preliminary plan where available, and where U.S.G.S. contours are known to be in error, the subdivider shall provide the necessary corrections;

1025.03.2.3.6. Existing storm water drainage patterns;

1025.03.2.3.7. Location of any property located within a Floodplain, Wetland or Shoreland District; and

1025.03.2.3.8. Description of uses of adjacent property.

1025.03.2.4. Wooded areas, in outline only;

1025.03.2.5. Other information requested by the Planning and Zoning Commission; and

1025.03.2.6. Subdivision design features.

1025.03.2.6.1. Layout of proposed streets, showing right-of-way widths and names of streets;

1025.03.2.6.2. Location and widths of proposed public walkways and utility easements;

1025.03.2.6.3. Layout, numbers and minimum dimensions of lots and blocks;

1025.03.2.6.4. Areas, other than streets, public walkways and utility easements, intended to be dedicated or reserved for public use, including the size of such area, or areas in acres;

1025.03.2.6.5. Location of public water and sewer lines;

1025.03.2.6.6. Storm water drainage patterns of subdivision when completed; and

1025.03.2.6.7. Solar access provisions.

(Am. Ord. 83-04, passed 11-7-1983)

1025.04 Referrals for Review.

1025.04.1. Upon receipt of the preliminary plan and application the City Clerk shall refer one copy to each of the following:

1025.04.1.1. City Engineer;

1025.04.1.2. Superintendent of Schools;

1025.04.1.3. Public Utilities Commission of the City of Hermantown;

1025.04.1.4. St. Louis County Health Department;

1025.04.1.5. Hermantown City Planner;

1025.04.1.6. St. Louis County Surveyor;

1025.04.1.7. St. Louis County Highway Department;

1025.04.1.8. Northwestern Bell Telephone;

1025.04.1.9. Minnesota Power;

1025.04.1.10. City Surveyor; and

1025.04.1.11. Zoning Officer.

1025.04.2. These officials shall submit their comments on the proposed subdivision plan to the Planning and Zoning Commission within 30 days of the receipt by them of such plan.

(Am. Ord. 83-04, passed 11-7-1983)

1025.05 Planning and Zoning Commission Consideration.

1025.05.1. The Planning and Zoning Commission shall hold a public hearing on the application for preliminary plat approval at its first regularly scheduled meeting occurring a sufficient time after the required notice of hearing has been published and mailed.

1025.05.2. In this regard, the City Clerk, upon receipt of an application for approval of a preliminary subdivision plan and the names of the owners of affected property situated wholly or partly within 350 feet of the property upon which the subdivision is to be located, shall set the time and date of the public hearing to be held by the Planning and Zoning Commission hereunder and shall cause notice of such hearing to be given in accordance with 1025.06.

(Am. Ord. 83-04, passed 11-7-1983)

1025.06 Notice of Public Hearing. Notice of the time, place and purpose of the public hearing shall be published in the official newspaper at least ten days prior to the day of the hearing. Notice shall also be mailed at least ten days before the day of the hearing to each owner of affected property and the owners of property situated wholly or partly within 350 feet of the property upon which the subdivision is to be located. For purposes of giving mailed notice, owners shall be those as shown to be such on the records of the St. Louis County Auditor. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this notice provision has been made. Notice of a hearing on a subdivision plat, any part of which is in a Floodplain, Shoreland or Wetland District, shall be mailed to the Commissioner of Natural Resources of the State of Minnesota at least 15 days prior to any such hearing.

1025.07 Preliminary Plan Approval.

1025.07.1. The Planning and Zoning Commission shall consider the application for approval of the proposed subdivision plan and preliminarily approve or disapprove such application within 120 days of receipt by the City Clerk of the completed application, unless an extension of the review period is agreed to by the applicant. If the Planning and Zoning Commission does not preliminarily approve or disapprove an application within such 120-day period, the application shall be deemed preliminarily approved, and upon demand the City Clerk shall execute a certificate to that effect. Action on any preliminary plan shall be by majority vote of the members of the Planning and Zoning Commission present and voting.

1025.07.2. The decision of the Planning and Zoning Commission may impose appropriate safeguards, conditions and restrictions, to ensure that the spirit and intent of this code and the Comprehensive Plan are met.

1025.07.3. Included, without limitation, the Planning and Zoning Commission may condition its approval on the construction and installation of sewers, streets, electric, gas, drainage, water facilities, and similar utilities and improvements or, in lieu thereof, on the receipt by the City of a cash deposit, certified check, irrevocable letter of credit or bond in an amount and with surety and conditions sufficient to assure the City that the utilities and improvements will be constructed or installed according to the specifications of the City. In addition, the Planning and Zoning Commission may condition its approval on compliance with other requirements reasonably related to the provisions of this code and to execute development contracts embodying the terms and conditions of approval.

1025.08 Governing Criteria. No preliminary subdivision plan shall be approved unless positive findings are made with respect to each of the following criteria:

1025.08.1. The subdivision plan conforms to the Comprehensive Plan;

1025.08.2. The subdivision plan conforms to the requirements of this chapter;

1025.08.3. The proposed development is compatible with development permitted under the general provisions of this chapter on substantially all land in the vicinity of the proposed development;

1025.08.4. The proposed use will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity of the proposed development;

1025.08.5. Adequate consideration has been made for providing safe drinking water and effective disposal of sewage;

1025.08.6. Storm water drainage has been provided for in an effective manner;

1025.08.7. Adequate provision has been made for areas devoted for public use;

1025.08.8. Adequate consideration has been given to providing solar access to all lots within the subdivision;

1025.08.9. Appropriate safeguards have been taken against any identified flood hazard; and

1025.08.10. The applicant will be responsible for paying all costs incurred by the City in connection with such plat including professional fees.

(Am. Ord. 83-04, passed 11-7-1983)

1025.09 Appeal to the City Council. The decision of the Planning and Zoning Commission on any preliminary subdivision plan shall be subject to appeal to the City Council by any person or persons, jointly or severally, aggrieved by any decision of the Planning and Zoning Commission, or any taxpayer, officer, department, board or bureau of the City under the procedures as set

forth for appeals from decisions of the Board of Appeals and Adjustments to the City Council under Section 355 of this code.

1025.10 Final Subdivision Plan.

1025.10.1. Within one year following approval of the preliminary subdivision plan by the Planning and Zoning Commission, the applicant shall file with the City Clerk four copies of a final subdivision plan containing in final form all of the information required for the preliminary subdivision plan. If the final subdivision plan is not submitted within such one-year period of time, the approval of the preliminary plan shall be deemed withdrawn; provided, however, that the City Council, upon application by the applicant, for good cause shown, extends for six months the period for filing the final subdivision plan.

1025.10.2. In addition to the final subdivision plan the applicant shall provide the City Clerk with an abstract of title extended to a current date or certificate of title and registered property certificate extended to a current date.

1025.10.3. Upon receipt of such items, a copy of the final plan shall be submitted to the City Engineer, the City Surveyor and the City Planner and the abstract of title or certificate of title and registered property certificate shall be submitted to the City Attorney. These officials shall submit written reports to the City Council within 30 days after receipt of such documents. The City Engineer shall state whether the final plan conforms to street engineering standards and specifications established by state law and this code. The City Planner shall state whether the final plan conforms to the preliminary plan approved by the Planning and Zoning Commission. The City Surveyor shall state whether the final plan conforms to surveying standards and specifications established by state law and this code. The City Attorney shall render an opinion of title.

(Amended by Ordinance No. 83-04, passed 11-7-1983)

1025.10.4. 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 and a certification by a registered land surveyor to the effect that the plat represents a survey made by him or her or under his or her direction and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.

1025.10.5. All signatures on the final plan shall be in black India ink.

1025.11 Decision by City Council.

1025.11.1. The City Council shall act on the final plat within 60 days of the date on which paper prints thereof were submitted to the City Clerk. The Council shall not approve a final plan unless:

1025.11.1.1. The final plan conforms to a preliminary plan approved by the Commission;

1025.11.1.2. The final plan meets the design standards and engineering specifications set forth in this code;

1025.11.1.3. The final plan conforms to all municipal plans;

1025.11.1.4. The final plan meets all requirements and laws of the State of Minnesota;

1025.11.1.5. The City Council determines that all conditions and requirements upon which the preliminary approval is expressly conditioned, either through performance or execution of appropriate agreements assuring performance, have been satisfied; and

1025.11.1.6. Applicant has paid or has agreed to pay all costs incurred by the City in connection with the subdivision plan, including professional fees.

1025.11.2. If the City Council fails to certify final approval as so required, and if the applicant has complied with all conditions and requirements, the application shall be deemed finally approved, and upon demand the City Clerk shall execute a certificate to that effect.

1025.11.3. The decision of the City Council shall be in writing with the factual basis and reasons supporting such decision set forth.

1025.11.4. The City Council may impose safeguards, conditions and restrictions on its approval to ensure that the spirit and intent of this code and the Comprehensive Plan are met. Included, without limitation, shall be all of the conditions that may be placed on preliminary plan approval by the Planning and Zoning Commission under 1025.07 of this chapter.

Section 1030 – Specifications

1030.01 Specifications. The City Engineer shall provide the applicant with advice and directions for the requirements for grading of streets and construction of streets. The Zoning Officer or his or her representative shall provide the applicant with advice and direction for the requirements for the grading of lots, construction of water lines and construction of sewerline or other matters involving design. The City Surveyor shall provide the applicant with advice and directions for the requirements for surveying matters.

1030.02 Guiding Criteria. In providing this advice and direction these officials shall be guided by the following without limitation:

1030.02.1. All work and improvements of streets is to be done in accordance with County Highway Department specifications and shall be subject to the recommendations, supervision and approval of the City and/or St. Louis County Engineer;

1030.02.2. All lots shall be graded to secure proper drainage and to prevent the collection of storm water in pools;

1030.02.3. All street grading between property lines shall be at least 40 feet in width;

1030.02.4. All sections and/or quarter section corners necessarily used to create boundary lines for a subdivision plat shall be permanently marked and property perpetuated;

1030.02.5. The permanent marking of corners and establishment of reference or witness monuments shall be made in the following manner: At the exact location of the corner there shall be placed a metal or concrete marker not less than three inches in diameter and not less than 30 inches deep. Reference or witness monuments shall be of a permanent nature, whenever possible, and shall be established in a manner approved by the City Engineer;

1030.02.6. The surveyor placing and establishing the corners and/or monuments shall file a certificate to that effect for each section corner, quarter section corner, meander corner or witness corner in the office of the County Surveyor on a form provided by the Surveyor's office. Materials to be used for the permanent marking of corners and establishment of reference or witness monuments shall be furnished by the County Surveyor's office;

(Am. Ord. 83-04, passed 11-7-1983)

1030.02.7. Complete curve data, including radii, internal angles, tangent bearings, and lengths of all arcs;

1030.02.8. Accurate location of all monuments; and

1030.02.9. 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 (min. 1-1/2 inch dia.) or min. one-inch deformed steel rods 36 inches in length. Lot corners shall be marked with survey monuments consisting of iron pipes, iron rods or other metal markers. All U.S., state, county, township and other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

Section 1035 – Preparation, Distribution and Filing of Approved Final Plats

1035.01 Preparation for filing. The final plat shall be prepared in such a manner so as to conform to the requirements for plats imposed by M.S. Chapter 505, as it may be amended from time to time. When the final plat is approved and certified, the subdivider shall immediately comply with the filing requirements set forth in M.S. Section 505.08, as it may be amended from time to time.

(Am. Ord. 83-04, passed 11-7-1983)

1035.02 Distribution. Copies of the final plat shall also be distributed to:

1035.02.1. The St. Louis County Auditor;

1035.02.2. The City Clerk;

1035.02.3. The Hermantown Utilities Commission;

1035.02.4. The Hermantown Zoning Officer; and

1035.02.5. The City Assessor's Office.

(Am. Ord. 83-04, passed 11-7-1983)

Section 1040 – Public Use Areas and Facilities

1040.01 Approval and Acceptance. Approval of a final subdivision plan by the City Council shall constitute acceptance by it of the streets, sewer lines and water lines shown on such subdivision plan. Following such approval, such streets, sewer lines and water lines shall be under the control of and responsibility of the City.

(Am. Ord. 83-04, passed 11-7-1983)

1040.02 Exceptions. Approval of a final subdivision plan by the City Council shall not constitute acceptance by it of any alleys, other public ways or easements, or parks or other public lands shown on the final subdivision plan. Such lands shall be accepted by the City Council only by specific action.

(Am. Ord. 83-04, passed 11-7-1983)

Section 1045 – Variances

1045.01 Applications. Application for variances from the specific provisions of this chapter for any subdivision plan shall be made in accordance with and subject to the provisions of Chapter 6 of this code.

Section 1050 – Vacation of Easements

1050.01 Vacation of Easements. The City Council may vacate any publicly owned utility easement or boulevard reserve or any portion thereof, which is not being used for sewer, drainage, electric, telephone, gas and purposes or for boulevard reserve purposes, in the same manner as vacation proceedings are conducted for streets, alleys and other public ways under Minnesota Law.

(Am. Ord. 83-04, passed 11-7-1983)

Section 1055 – Effect of Subdivision Approval

1055.01 Moratorium on Amendments. For one year following preliminary approval and for two years following final approval of a subdivision plat, unless the subdivider and City agree otherwise, no amendment to the Comprehensive Plan or this code shall apply to or affect the use, development density, lot size, lot layout, or dedication or platting required or permitted by the approved application. Thereafter, pursuant to its regulations, the City may extend the period by agreement with the subdivider and subject to all applicable performance conditions and requirements, or it may require submission of a new application unless substantial physical activity and investment has occurred in reasonable reliance on the approved application and the subdivider will suffer substantial financial damage as a consequence of a requirement to a new application. In connection with a subdivision involving a Planned Unit Development, the City may by resolution or agreement grant the rights referred to herein for such periods of time longer than two years when it determines to be reasonable and appropriate.

Section 1060 – Control, Enforcement

1060.01 Violations. Violations of any conditions and safeguards, when made as part of the approval of any subdivision pan, shall be deemed a violation of this code.

1060.02 Compliance. 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 or safeguards have not been met.

1060.03 Enforcement. The City may enforce any and all conditions and safeguards by whatever legal and equitable remedies it deems appropriate.