

# **Title XV Land Usage**

## **Chapter 152: Subdivisions**

### **Division 02 Design Standards**

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#### **Part 1 General Standards**

##### **152.02.11 Application**

The following land subdivision principles, standards and requirements will be applied by the City in evaluating plans for proposed subdivisions:

- A. Where literal compliance with the standards herein specified is clearly impractical, upon recommendation of the Planning Commission, or, in the absence of the recommendation, at its own discretion, the City Council may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of these regulations, including the issuance of a variance, if appropriate, as provided herein.
- B. The proposed subdivision shall conform to the Comprehensive Plan of the City.

##### **152.02.12 Land Requirements**

- A. Land shall be suited to the purpose for which it is to be subdivided. No preliminary plans shall be approved if the site is not suitable for purposes of the kind proposed by reason of potential flooding, topography, adverse earth or rock formation, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community.
- B. Land subject to hazards to life, health, or property shall not be subdivided for residential purposes until all hazards have been eliminated or unless adequate safeguards against the hazards are provided by the subdivision plan.
- C. No parcel of land or portion thereof shall be subdivided if such action results in buildings and/or uses becoming non-conforming.
- D. Proposed subdivisions shall be coordinated with existing nearby municipalities or neighborhoods so that the community as a whole may develop harmoniously.

##### **152.02.13 Wetland, Shoreland, and Floodplain Areas**

- A. Where the subdivision of a lot or tract of land contains watercourse, floodable areas, or wetlands the land shall at the city's option be:
  - 1. Dedicated to the City as a park, parkway, open space, outlot, or other public use;
  - 2. Carried in a private easement in the individual deeds affected with no allowance for building construction therein; or
  - 3. Developed in accordance with a plan setting forth provisions for sediment control, water management, maintenance of landscaped features and indicating any change which will be made in the natural condition of the earth and its effect, if any, upon watercourses, lakes, streams, wetlands, and drainage ways.
- B. The Planning Commission and City Council shall review the option selected and approve or disapprove the dedication, private easement or development plan. In no case shall land be subdivided which is held unsuitable by the City or the Commissioner of the State Department of Natural Resources for the proposed use because of flooding, inadequate water supply or sewage

disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the City.

- C. If located within the Shoreland Overlay District and no central sewer is available, a Final Plat shall not be approved until the subdivider has submitted data from percolation tests and soil borings which ensure that each lot in the subdivision has a suitable location and adequate area for the installation of an on-site disposal system that meets the requirements of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
- D. A buffer strip shall be maintained around the perimeter of all wetlands meeting the requirements listed in the Public Works Design Manual.

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## **Part 2      Blocks & Lots**

### **152.02.21 Blocks**

- A. Blocks shall not be greater than 1,200 feet in length, except if necessary due to unusual topographic conditions, water frontage, or other circumstances.
- B. In residential areas, blocks longer than 600 feet shall be provided with 10 foot pedestrian ways in locations deemed necessary for public welfare, health, safety, or ease of use. Suitable easements, setbacks, paving, landscaping, or fencing may be required.
- C. Blocks for commercial and industrial areas may vary from the elements of design contained in this Section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of roads, railroad access right-of-way and utilities shall be provided as necessary.
- D. Blocks shall be wide enough to allow two (2) tiers of lots, except lots adjoining a lake, stream, railroad, or arterial, or where one (1) tier of lots is necessary because of topographic conditions.

### **152.02.22 Lots**

- A. General Requirements
  - 1. A lot's dimensions, shape, and size shall conform to the requirements listed in Chapter 151 Zoning.
  - 2. Lots designed for commercial or industrial purposes shall provide adequate area for off-street service, loading, stacking spaces, and parking facilities.
  - 3. Lots designed for residential purposes shall take the following into consideration:
    - a. Corner lots shall be platted wider than interior lots to permit appropriate building setback from both streets as required by Chapter 151 Zoning.
    - b. Butt lots should be avoided when possible. Where butt lots must be used, they shall be platted at least five (5) feet wider than the average width of interior lots in the block.
    - c. Lots abutting upon a water course, drainage way, channel, or stream shall have an additional depth or width, as required to assure house sites that are not subject to flooding.
    - d. Irregular shaped lots are discouraged. Where such lots are proposed the development shall demonstrate to the City an ability to properly place principal buildings and accessory structures on the site in a manner that is compatible in size and character to the surrounding area.
  - 4. Lots with lakeshore frontage shall be designed so that the lot lines extended shall maintain the closest approximation to riparian rights.
  - 5. In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots, or similar conditions, which if preserved will add attractiveness and stability to the proposed development.

6. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, dedicated to the public, owned with specified restrictions by a homeowner association or comparable association as allowed by Minn. Stat. § 515B, or dedicated as an outlot with specific restrictions.
  7. In case a tract is divided, and the subdivision results in parcels of more than twice the minimum lot size provided for by Chapter 151 Zoning for the zoning district in which the land is located, then a build out plan may be required showing potential and feasible ways in which the lot or lots may be re-subdivided in future years for more intensive use of the land. The placement of buildings or structures upon these lots must allow for potential subdivision.
- B. Lot Size
1. Lots served with a central sewer system shall have a minimum lot size, as outlined within Chapter 151 Zoning.
  2. Lots with individual or private sewage disposal system shall have a minimum lot size as recommended by the Minnesota Pollution Control Agency in accordance with state regulations, as amended.
  3. Lots abutting upon a water course, drainage way, channel, or stream shall have an additional depth or width, as required to assure house sites that are not subject to flooding.
  4. All lots fronting or abutting on arterials and collectors shall be platted with additional depth necessary to provide for larger setbacks from such traffic ways.
  5. Excessive depth in relation to lot width shall be avoided. (A proportion of three to one (3:1) shall normally be considered as appropriate, except in the case of narrow lots).
  6. Corner lots shall be platted at least 15 feet wider than interior lots.
  7. Butt lots shall be platted at least five (5) feet wider than the average width of interior lots in the block. Their use shall be avoided when possible.
- C. Frontage
1. Side lot lines shall be substantially at right angles or straight road lines or radial to curved road lines or radial to lake or stream shores unless topographic conditions necessitate a different arrangements.
  2. Each lot shall front upon a public right-of-way or ingress easement.
  3. Through lots or double frontage lots shall be avoided when possible. When such lots cannot be avoided, an additional 20 feet shall be required to allow for screen planting along the rear lot line.

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## **Part 3**      **Easements & Utilities**

### **152.02.31 Easements**

- A. Easements
1. Easements having a minimum width of 10 feet shall be provided along the side or rear lot lines as required for utility lines and underground mains and cables.
  2. For lots abutting public right-of-way where the right-of-way width is less than the minimum width specified herein or in the Public Works Design Manual, an easement having a minimum width of 10 feet shall be provided along the street side lot line.
  3. Utility easements shall connect with easements established in adjoining properties. All utility easements should be reviewed by the City Public Works Department. Where feasible, all utilities shall be placed underground.
  4. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a floodage easement or drainage right-of-way conforming substantially with the 100-year high water elevation of the water course.
- B. Pedestrian walkway easements with right-of-way of not less than 10 feet in width for a sidewalk or 20 feet in width for a multi-use trail shall be required where deemed essential to provide circulation, or

access to schools, playgrounds, shopping centers, transportation, and other community facilities as required by the City Council.

#### **152.02.32 Utilities**

- A. Extensions of the public water supply system shall, when available, be designed so as to provide public water service to each lot.
- B. Water supply for all areas shall be designed to meet regulations and recommended standards of the City and the Minnesota Department of Health.
- C. Where connection with a public water system is feasible and within 100 feet of the subject parcel, the public water facilities shall be utilized.
- D. When the subdivision is located within the service area of a public water supply system, water mains not less than eight (8) inches in diameter shall be constructed throughout the entire subdivision in such a manner as to serve adequately all lots and tracts with connection to the public system together with shut-off valves and fire hydrants at intervals of not greater than 400 feet.
- E. Extensions of the public sanitary sewer system shall, when available, be designed so as to provide sewer service to each lot.
- F. Sewerage for all subdivisions shall be designed to meet regulations and standards of the City and the Minnesota Pollution Control Agency. Where connection with a central sewer system is feasible, the central sewer facilities shall be utilized.
- G. In subdivisions where municipal water and sewer services are not presently available, the City Council may require that the lots in the subdivision be consistent with the requirements for lots with central sewer, as set forth in Subsection 152.02.22.B, and that the developer convey two (2) or more lots for the purpose of transfer of ownership or building development, and further that any building development be confined to one (1) of the multiple lots conveyed. At the time as municipal sewer service becomes immediately available, and upon connection of the existing building development to same, the undeveloped lots may be conveyed to other persons or entities and building development may be permitted on same.
- H. All utility service lines shall be placed underground and within easements or dedicated rights-of-way. All drainage and other utility installations which traverse privately owned property shall be protected by and subject to proper easements and/or legal agreements.

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### **Part 4      Street Design**

#### **152.02.41 Road System**

- A. Streets shall be designed to comply with the standards set forth in the City's Public Works Design Manual, standard specifications, and details.
- B. Proposed roads shall conform to the state, county and/or city plans as have been prepared, adopted and/or filed as prescribed by law.
- C. Roads shall be logically related to the topography so as to produce usable lots and reasonable grades. Access shall be given to all lots and portions of the tract in the subdivision, and to adjacent unsubdivided territory unless the topography clearly indicates that the connection is not feasible. Reserved strips and land-locked areas shall not be created. Wherever a tract to be subdivided borders an existing half or partial road, the other part of the road shall be platted within the tract.
- D. If adjoining areas are not subdivided, but may be subdivided in the future, the arrangement of streets must make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.
- E. Streets shall not be arranged in a way that will cause undue hardship to owners of adjoining property.
- F. Local roads shall be laid out to discourage their use by through traffic.
- G. Where possible, arterials shall be protected for use by service roads or marginal access roads.

- H. Cul-de-sac streets are discouraged when through streets are practical. Cul-de-sac streets shall be no longer than 500 feet, unless otherwise approved by the City Council at the recommendation of the City Engineer due to topography, water, or other circumstances.
- I. In those instances where a street is terminated pending future extension in conjunction with future subdivision, and there is more than 200 feet or two (2) dwelling units accessed between the dead end and the nearest intersection, a temporary turnaround that meets the following requirements shall be placed at the closed end:
  - 1. The temporary cul-de-sac must be placed inside a temporary roadway easement if it is located outside of street right of way.
  - 2. The temporary cul-de-sac shall be paved with bituminous within one year of construction. Other surfaces may be considered and allowed by the Zoning Administrator on a case by case basis.
  - 3. The developer shall submit a cash escrow in an amount determined by the City Engineer for the removal of the temporary cul-de-sac and restoration of the area, limited to placement of sod and asphalt driveway within the temporary roadway easement.
  - 4. Temporary “dead-end” public streets associated with providing access for future extension to and through adjacent undeveloped property require concrete curb and gutter installation. Temporary dead-end streets that will be extended as part of a future phase of a development shown on an approved preliminary plat do not require concrete curb and gutter along the radius of the cul-de-sac.
- J. In the platting of small tracts of land fronting on limited access highways or arterials where there is no other alternative, a temporary entrance may be granted with an interim use permit. As neighboring land becomes subdivided and more preferable access arrangements become possible, the interim use permit shall become void.
- K. Access of local streets or driveways onto state and county state aid highways shall not be permitted at intervals of less than 500 feet.
- L. Intersections
  - 1. The angle formed by the intersecting of streets shall not be less than 60 degrees with 90-degree intersections preferred.
  - 2. Intersections of more than four (4) corners shall be prohibited.
  - 3. Constructed roadways of street intersections shall be rounded by a radius of not less than 20 feet.
- M. Concrete curb and gutter shall be included as a part of the required street surface improvement and shall be designed for installation along both sides of all roadways.

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## **Part 5      Sidewalk and Trail Design**

### **152.02.51 Sidewalk Design**

- A. Sidewalks are required on at least one (1) side of every local street. Sidewalks are not required along a cul-de-sac but may be required to extend between residential properties at the end to connect to an adjacent neighborhood.
- B. Sidewalks must be placed in public right-of-way or easement in favor of the City.
- C. Sidewalks shall be at least six (6) feet in width and meet specifications set forth by the Public Works Design Manual or City Engineer, including accessibility requirements.

### **152.02.52 Trail Design**

- A. Multi-use trails shall be required on one side of all collector and arterial roadways. Where a sidewalk already exists on a collector or arterial roadway, the City Council shall determine whether a sidewalk or a trail shall be installed.
- B. Multi-use trails shall be placed in public right-of-way or easement in favor of the City.

- C. Multi-use trails shall be at least 10 feet in width and meet specifications set forth by the Public Works Design Manual or City Engineer, including accessibility requirements.

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## **Part 6      Drainage & Erosion Control**

### **152.02.61 Drainage**

- A. A complete and adequate drainage system design may be required for the subdivision and shall include a storm sewer system or a system of open ditches, culverts, pipes and catch basins, or both systems.
- B. Plans for surface water runoff and drainage shall be reviewed by the City Engineer, prior to final plat approval.
- C. The subdivision should be so designed for the drainage system to utilize, to the greatest extent possible, existing natural overland flows, open channel and drainage routes.
- D. The drainage system shall be constructed and operational during the initial phase of construction.
- E. Roads and lots shall be graded to secure proper drainage.
- F. Surface water drainage shall be provided by storm sewers or drainage courses adequate to drain surface water from the subdivision and protect roadway pavements.
- G. Drainage Courses  
Where stormwater from adjacent areas naturally passes through a subdivision, adequate provision shall be included in the subdivision for facilities to safely route the stormwater through the subdivision to its natural outlet or to maintain or replace the natural water course.

### **152.02.62 Soil Erosion and Steep Slopes**

- A. A minimum of four (4) inches of topsoil shall be placed and vegetation shall be re-established to minimize soil erosion.
- B. No construction or grading shall be allowed on slopes greater than 20 percent. The subdivider may dedicate steep slopes to an officially recognized homeowner association or comparable association.
- C. During and after construction, slopes shall be protected from erosion by quick establishment of vegetative cover, benches, terraces, mulches, or other proper protection devices or practices. Stands of existing vegetation adequate to control erosion should be preserved wherever possible.
- D. The City Council may require that a sufficient bond be posted and payable to the City for use in correcting problems on public or private lands caused by erosion and runoff from the development during the construction phase. The bonds shall be maintained until completion of the development or until the City Engineer shall certify that sufficient vegetative cover has been re-established and other measures have been taken to protect the development site to the approximate extent existing before vegetation removal, land shaping, and improvement construction were commenced.

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## **Part 7      Dedications**

### **152.02.71 General Standards**

- A. As authorized by law, the City Council shall require as a condition of subdivision approval for all tracts, lots or parcels created within the jurisdictional boundaries of this Chapter that a reasonable percentage of the final gross area of the subdivision be dedicated to the public for public use as parks, playgrounds, trails and public open space or, at the City Council's discretion, that the subdivider contribute an equivalent amount in cash in lieu of the dedication of land, or combinations thereof. The final form and amount of the dedication or contribution shall be determined solely by the City based upon the conditions outlined below.
- B. In single-family and multiple-family residential subdivisions, the subdivider shall:

1. Pay the City a fee equal to the number of residential units available in the subdivision times the per lot charge set by resolution of the City Council;
  2. Dedicate land selected solely by the City as to its location and configuration, in an amount equal to seven (7) percent of the total gross acreage of the land proposed to be subdivided; or
  3. Any combination of Items 1 and 2 above as determined by City Council.
- C. In nonresidential subdivisions, the subdivider shall dedicate an amount equal to the quotient arrived at by making the following calculations:
1. Divide the total square footage of the non-public portion of the subdivision by the minimum square footage for a standard residential lot within the City as set by ordinance; and
  2. Multiply that amount by the per lot charge referred to in Item A above.
- D. It shall be deemed to be in the public interest to require said contribution for public sites and open space when the Council, after review and recommendation, makes one (1) or more of the following findings of fact:
1. In establishing the reasonable portion of each proposed subdivision to be dedicated to the public for public use as provided above, the City Council may take into consideration the open spaces, parks, recreational or common areas and facilities which the subdivider has proposed for the exclusive use of the residents or occupants of the subdivision.
  2. The contribution is necessary in order to protect adjacent land uses from potential conflicting land uses which could exist on the land to be subdivided.
  3. The increased number of residents to reside or to be employed within the subdivision will increase the recreational demands upon the City.
  4. The contribution is necessary to provide proper surface water runoff generated by the uses proposed within the subdivision.
  5. The land proposed to be subdivided contains or borders upon existing unique topographical features including, but not limited to ponds, lakes, streams, timber stands, water holding areas, hills, steep slopes, drainage areas, or bluffs which should be preserved to prevent foreseeable safety, pollution or erosion hazards.
  6. The contribution furthers the goals policies and programs of the City.
- E. In subdivisions which include outlots, the subdivider shall pay a fee equal to the fee charges for a buildable lot, as described in Item A above. When the outlot is then subsequently subdivided, the charges applicable at the time of subdivision approval shall apply, less the amount earlier tendered.
- F. All monies collected under this section shall be placed in a special fund. The funds may only be used to purchase park property and park infrastructure improvements.
- G. Upon petition by the subdivider, the Council may approve a delay in the actual contribution of the cash required in lieu of land until the time as development occurs on the property being subdivided provided that a proper legal agreement is executed guaranteeing the contribution. Delayed contribution payment shall include eight (8) percent interest per year.
- In such cases where the subdivider is required to dedicate land area, the City shall have the right to determine the geographic location and configuration of the dedication. The suitability of the land proposed to be dedicated shall be determined by reference to the following criteria:
1. Whether the land is reasonably located and suited for its intended use;
  2. Whether land has frontage on public streets;
  3. Size, shape, topography, geology, hydrology, tree cover, access, and location; and
  4. Consistency with the Comprehensive Plan.
- H. As part of the subdivision approval, the applicant shall be responsible for making certain improvements to land dedicated for park, trail, and public open space purposes, including, but not limited to, finish grading, ground cover, construction of trails, and clearly identifying park and trail boundaries with city-approved markers.