

CHAPTER 15. SUBDIVISION

SECTION 1500 - SUBDIVISION

1500.01 Purpose. To provide for orderly, economic and safe development of land and urban services and facilities, and to promote the public health, safety, morals and general welfare, and to include minimum physical standards and design requirements as to such urban services and facilities, and procedures for plat approval, including a procedure for appeals from actions of the platting authority.

1500.02 Jurisdiction. In accordance with the provisions of Minn. Stat. S 462.358, this Section is adopted by the City, governing the subdivision of all lands within the corporate limits.

1500.03 Definitions. Unless the context otherwise indicates, the following terms have the meanings stated. Words in the present tense shall include the future, the singular number shall include the plural and the plural the singular; the word shall is mandatory and the word may is permissive.

Subd. 1 Arterial Streets and Highways. Major thoroughfares which are used primarily for a fast or a heavy volume of traffic.

Subd. 2 Block. An area of land within a subdivision that is entirely bounded by streets or highways, and/or the exterior boundaries of the subdivision.

Subd. 3 Building Line. Building lines shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by this Code. Such building lines shall not be less than required by the zoning Sections. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.

Subd. 4 Commission. The Planning Commission, City of Circle Pines, Minnesota.

Subd. 5 Collector Streets. Those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within

such a development.

Subd. 6 Cul-de-Sac. A short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.

Subd. 7 Easement. A grant by the property owner of the use for a specific purpose, of a described portion of real property by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.

Subd. 8 Land Surveyor. A registered land surveyor preparing the plat for the subdivision.

Subd. 9 Lot. A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.

Subd. 10 Marginal Access Street. A street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic.

Subd. 11 Minor Street. A street used primarily for access to the abutting properties.

Subd. 12 Plat. A map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends in final form to record.

Subd. 13 Roadway. That portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.

Subd. 14 Subdivision. A subdivision is the division of land into two (2) or more lots for the purpose, whether immediate or future, of transfer of ownership or building development; or, any change in existing street lines or public easement. The term when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, or, the resubdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved, any division of land.

1500.04 Procedures and Data Required.

Subd. 1 Pre-Application. The subdivider or his agent may call at the office of the Commission in advance of the presentation of the preliminary plan in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plan. Data submitted shall include a sketch plan, a description of the proposed development, and any other information which may be pertinent to the development plan. Within thirty (30) days the Commission shall inform the subdivider in writing expressing any reasons why the plans and data do not meet the requirements.

Subd. 2 Preliminary Plan Requirements.

(a) Number of copies and scale. The subdivider shall submit four (4) copies of the preliminary plan to the Commission for review. The scale of the map shall be one (1) inch equals fifty (50) feet, unless otherwise approved by the Commission.

(b) Contents of Preliminary Plan.

(1) Name of subdivision, date, point of compass, scale and official description of the property being platted.

(2) Name and address of recorded owner and of developer.

(3) Name and address of Engineer, Land Surveyor and/or Planner.

(4) Existing buildings, railroads, underground utilities and other rights-of-way.

(5) Location, names and widths of all existing and proposed roads, alleys, and street and highways in or adjoining the area being subdivided.

(6) Location and names of adjoining subdivisions, and the names of the owners of adjoining acreage parcels.

(7) Proposed lot lines with approximate dimensions and the square foot area of non-rectangular lots.

(8) Areas dedicated for public use, such as schools, parks and playgrounds.

(9) Contour lines at intervals of not more than five (5) feet.

(10) Building setback lines.

(11) Boundaries of the proposed subdivision shall be indicated by a heavy line.

(12) Zoning classification of the area.

(13) Proposed utility service including source of water supply and provision for sewage disposal and drainage.

(14) A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.

(15) Lot numbers.

(16) Easements for public utilities showing width and use intended.

(c) Accompanying Material.

(1) An attorney's opinion, in duplicate, showing that the fee title to the subdivision land is in the owner as shown on the plat and showing any encumbrances that may exist against said land.

(2) Certificate of the Land Surveyor preparing the boundary survey plat.

(d) Commission - Council.

(1) The subdivider shall submit the required number of preliminary copies of the plat and other required documents to the Commission.

(2) The Commission shall carefully examine the plat for compliance with all Sections and regulations. The Subdivider shall obtain recommendations from all public and private agencies concerned or interested in local development.

(3) Before approval of the preliminary plat the Commission shall hold a public hearing on the preliminary plat. Notice of the hearing shall be given ten (10) days in advance of the hearing by publication in a local newspaper of general distribution or by sending notices to affected property owners by mail. The hearing shall be held within thirty (30) days of plat filing.

(4) The Commission shall approve or reject the plat within one hundred twenty (120) days after filing with the Commission. The subdivider shall be notified about the decision.

(5) If the Commission does not act within one hundred twenty (120) days, the preliminary plat shall be deemed to be approved, provided, however, that the subdivider may agree to a time extension not to exceed one hundred twenty (120) days.

(6) The approval of the preliminary plat by the Commission shall be null and void unless the final plat is submitted to the Council within one hundred eighty (180) days after date of approval of the preliminary plat.

Subd. 3 Final Plan Requirements. Final plats shall be submitted in accordance with requirements of the Anoka County Surveyor, including the following:

(a) Number of Copies and Scale. Upon approval of the preliminary plan the subdivider shall submit seven (7) copies of the final plat to the Commission for review. The scale of the map shall be one (1) inch equals fifty (50) feet unless otherwise approved by the Commission.

(b) Contents of Final Plan.

(1) Name of subdivision.

(2) Scale.

(3) Compass Point.

(4) Curve data including delta angle, length of arc, degree of curve, tangent.

(5) Boundary lines of subdivided area with accurate distances, bearings, and boundary angles.

(6) Exact name, location, width, lot designation, and centerline of all streets within the subdivision.

(7) Easements for public utilities showing width and use intended.

(8) Building setback lines with dimensions.

(9) official legal description of the property being subdivided.

(10) Lot numbers.

(11) Certification of Registered Land Surveyor.

(12) Ties to original government corners, and the description and location of all permanent monuments set in the subdivision.

(c) Accompanying Material.

(1) Plans and profiles of all streets and alleys at a fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles shall show location, size and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of East and West Streets shall be drawn so that the West end of the profile shall be at the left side of the drawing. Profiles of North and South streets shall be drawn so that the south end of the profile shall be at the left side of the drawing.

(2) Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.

(3) A deed to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use.

(4) The following certificates:

(a) By the owner and his/her spouse, if any, that the subdivision is with the free consent and is in accordance with the desire of the owners - this certificate must be signed and acknowledged by owner and spouse

before some officer authorized to take the acknowledgments of deeds.

(b) From the County Treasurer that the subdivision land is free from taxes.

(c) From the Clerks of the State and Federal District Courts, that the subdivision land is free from all judgments, attachments, mechanics or other liens of record in his/her office.

(d) Performance bond.

(e) Easements - an easement is hereby granted to Circle Pines, Minnesota to locate, construct, and maintain or authorize the location, construction, maintenance and use of conduits for all and any purpose, water, sanitary sewer, storm drainage, gas, poles and wires or all or any of them over, under and along the strips marked for easements.

(f) Streets - streets shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

(d) Commission - Council.

(1) Within 180 days after preliminary plat approval by the Commission the final plat and accompanying materials shall be submitted to the Council for final approval.

(2) The Council shall hold a public hearing on the final plat prior to granting approval. Notice of the hearing shall be given by publication in a local newspaper of general distribution and by sending notices to affected property owners by mail within 10 days prior to public hearing or in accordance with any other legal requirements. Such hearing shall be held within 30 days of plat filing.

(3) The Council shall take final action upon the final plat within 60 days of the submission of the final plat to the Council. The subdivider shall be notified about the decision.

(4) Before the Council approves the final plat all improvements shall be constructed and accepted by formal resolution of the Council. Evidence shall be provided that all improvements meet all City specifications, regulations of this Code and other requirements, and agreements with the subdivider.

(5) The requirements for the acceptance of improvements may be waived if the subdivider will post a bond, or other security acceptable to the City, for improvements. If posted, however, final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed.

(6) The Council may waive the requirements for construction and installation of some or all of the improvements in cases of resubdivisions where no new streets are required; also in cases of dedication of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivisions, and is desired by a public agency in lieu of a purchase or condemnation proceeding.

(e) Recording the Plat.

1) One approved copy shall be retained in the files of the Commission.

(2) One approved copy shall be retained for file by the City Clerk.

(3) One approved copy with accompanying resolution by the Council approving and accepting the plat shall be filed with the appropriate county officers by the subdivider.

1500.05 Subdivision Design Standards. These standards have been established so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. In the design and development of a plat the subdivider should use standards consistent with the site conditions to assure an economical, pleasant and durable neighborhood.

Subd. 1 Streets.

(a) All streets shall conform to the Comprehensive Plan. Where such is not shown in the Comprehensive Plan, the arrangements of streets in a subdivision shall either: provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

(b) Minor streets shall be so laid out that their use by through traffic will be discouraged.

(c) Where a subdivision abuts on or contains an existing or proposed arterial street, the City may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(d) Where a subdivision borders on highway right of-way, the commission may require a street approximately parallel to such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall consider the requirements of approach grades and future grade separations.

(e) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the City under conditions approved by the City.

(f) Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

(g) A tangent at least one hundred (100) feet long shall be introduced between curves on arterial and collector streets.

(h) When connecting street lines deflect from each other at any one point by more than ten (10)

degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than 300 feet for minor and collector streets, and of such greater radii as the Commission shall determine for special cases.

(i) Streets shall intersect as nearly as possible at right angles.

(j) Street right-of-way widths shall not be less than as follows:

<u>Street Type</u>	<u>Right-of-Way Feet</u>	<u>Street Type</u>	<u>Right-of-Way Feet</u>
Arterial	100	Minor	60
Collector	80	Marginal Access	40

(k) Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations.

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Where the City deems it necessary it may require the dedication of the other half street if there exists a dedicated or platted half street or alley adjacent to a tract to be subdivided.

(l) Dead-end streets, designed to be so permanently, shall not be longer than four hundred (400) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet, and a street property line diameter of at least one hundred twenty (120) feet.

(m) Street names which will duplicate or be confused with the names of existing streets, shall not be used. Street names shall be subject to the approval of the City.

(n) Street grades, wherever necessary, shall not exceed the following, with due allowance for reasonable vertical curves:

<u>Street Type</u>	<u>Percent Grade</u>	<u>Street Type</u>	<u>Percent Grade</u>
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Arterial	5%	Minor	5%
Collector	5%	Marginal Access	5%

(o) No street grade shall be less than 0.5%.

Subd. 2 Alleys.

(a) Alleys may be required in commercial and industrial districts to provide for service access.

(b) The minimum width of any alley shall be 20 feet.

(c) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the City.

Subd. 3 Easements.

(a) Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary and shall be at least ten (10) feet wide for telephone or power line easements and twenty (20) feet wide for drainage, sewer or water easements. Underground utility installation may be required, especially along lot lines bordering on parks, schools, drainage basins, open marshlands or other public grounds or natural features.

(b) Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

(c) The subdivider shall provide any and all other easements required by the City.

Subd. 4 Blocks.

(a) The arrangement of blocks shall be determined with due regard to the provision of adequate building sites, zoning requirements, street traffic, and topography.

(b) Block lengths shall not exceed one thousand, three hundred and twenty (1,320) 1,320 feet, or be less than six hundred (600) feet.

(c) Pedestrian walks, not less than ten (10) feet wide, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

Subd. 5 Lots.

(a) The lot dimensions, shape, and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision, for the type of development and use contemplated, and shall conform to the requirements of this Chapter's zoning sections. Lot area requirements shall be as follows:

Minimum Lot Area Requirements

Single Family Residential (Low Density)	12,000 square ft.
(High Density)	10,000 square ft.
Multi-Family Residential (Two-Family)	7,000 square ft.
(Multi-Family)	2,500 square ft.

(b) Corner lots for residential use shall have extra width to permit appropriate building setback from both streets.

(c) The subdivision of land shall be such as to provide each lot with satisfactory access to an existing public street.

(d) Double frontage and reverse frontage lots, shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet and across which there shall be no right of access shall be provided along the line of lots abutting such traffic artery or other disadvantageous use.

(e) Side lot lines shall be substantially at right angles or radial to street lines.

(f) In accordance with State and County requirements, error of all surveys shall be not more than one (1) in seven thousand, five hundred (7,500).

Subd. 6 Public Sites and Open Spaces.

(a) Dedication for Public Use. Where a proposed park, playground, school or other public use shown in a Comprehensive Plan of the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of such area within the subdivision in those cases in which the City deems such requirement to be reasonable.

(b) Parkland dedication requirements.

(1) Upon consideration of the particular type of development proposed in the subdivision, and where recommended by the Commission and approved by the Council, a reasonable portion of the proposed subdivision shall be dedicated to the public or preserved for public use as parks, playgrounds, trails or open space. The land to be dedicated or preserved shall be in addition to any land required to be dedicated or preserved pursuant to Subdivision 6(a). It is hereby found and declared that, as a general rule, it is reasonable to require that an amount of land equal to ten (10) percent of the land in the proposed subdivision be dedicated or preserved as parks, playgrounds, trails or open space.

(2) The City may accept from the subdivider, as an alternative to requiring all or part of the dedication or preservation required by this Section, an amount of cash that is equivalent to the fair market value of the portion of the proposed subdivision that would otherwise have been required to be dedicated or preserved. This amount shall be paid no later than at the time of final approval. Any cash payments received pursuant to this paragraph shall be placed in a special fund used only for park, playground, trail open space purposes, and any other park system improvements or equipment.

(3) In determining the reasonable portion to be dedicated or preserved, or the amount to be paid in lieu of dedication or preservation, the City may consider and give credit for the open space, park, recreational or common areas and facilities that the subdivider proposes to reserve for the subdivision.

(4) As a prerequisite to requiring dedication or preservation of a portion of a proposed subdivision for use as parks, playgrounds, trails or open space, the City shall determine that the City will need to acquire that portion of land for such purposes as a result of approval of the subdivision.

1500.06 Improvements. All improvements shall be made in accordance with plans and specifications as approved by the Commission and the Council. Prior to the approval of any final plat of a subdivision, the subdivider shall:

Subd. 1 Grading. Grade all streets, alleys and other public lands and easements. Grade all park and public areas in accordance with the contours proposed on the preliminary plat. Grading for park facilities is not required, but wherever feasible, filled, excavated, or otherwise disturbed slopes in park or public areas shall be cleared of debris and left in a neat, presentable condition with disturbed areas covered by a minimum of (four) 4 inches of top soil and seeded.

Subd. 2 Street Surfacing. Surface all streets with a bituminous surface.

Subd. 3 Street Signs. Erect street intersection signs.

Subd. 4 Surface Drainage. Provide adequately for the drainage of surface waters.

Subd. 5 Water and Sewer. Install domestic water and sanitary sewerage system.

Subd. 6 Sidewalks. Install sidewalks on officially arterial streets and on one side of collector streets, and walkways to schools; such collector streets and walkways to be determined by the Commission and approved by the Council.

Subd. 7 Bond for Improvements. In lieu of the completion of any of such improvements, or any other act

required hereunder prior to the final approval of a plat of a subdivision the Council may accept a bond, in such amount, with such surety, conditions and time limitations as the Council deems necessary to secure to the City the construction or installation costs of such construction or installation.

1500.07 Fees. All applications for subdivision approval under the provisions of this Section shall be accompanied by a fee in the amount set forth in Section 350 of this Code. In addition to the application fee and any other fees required by this Section, applicants may be required to pay all or part of the actual planning, legal and engineering expenses incurred and fees paid to consultants and other professionals by the City for their review of the application and the costs of printing, mailing, and supplies. The amount of this review fee shall be an estimate provided by the City when the application is submitted. If any application under this Section results in actions under Minn. Stat. Chap. 116D, the applicant shall pay all costs incurred by the City if the City is designated as the responsible agency" in any proceedings governed by said statutes.

1500.08 Variations and Exceptions. Whenever the tract proposed to be subdivided is of such unusual topography, size, or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustices, the Council, upon recommendation of the commission, may vary or modify such requirements so that the subdivider is allowed to develop his/her property in a reasonable manner; but so, at the same time, the public welfare and interest of the City and surrounding area is protected and the general intent and spirit of these regulations is preserved.

1500.09 Enforcement.

Subd. 1 Approval. No plat or any subdivision shall be filed with the real property records of the County or have any validity until it has been approved in the manner prescribed herein.

Subd. 2 City Funds. The Council shall not permit any public improvements over which it has control to be made from City funds, or any City money expended for improvements or maintenance on any street in any area that has been subdivided after September 24, 1970 unless such subdivision and streets have been approved in accordance with the provisions contained herein and accepted by the Council as a public street.