

# CHAPTER 10. LAND SPLITS AND PLATTING

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## 📖 Section 1000 – Purpose

**1000.01 Purpose.** The purpose of the regulations specified in this chapter is to administer all divisions and modifications to property boundaries in the City of Hermantown to protect and promote the public health, safety and general welfare; provide for the orderly, economical and safe development of land; promote the availability of housing affordable to persons and families of all income levels; and 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.** “Applicant” means any person commencing proceedings under the terms of this section to effect a division of land or plat of land hereunder for himself, herself, or for another.

**1005.01.2.** “Block” means an area of land within a plat that is entirely bounded by streets, or by streets and the entire boundaries of the plat, or a combination of such streets and plat boundaries with a river or lake, public park, railroad rights-of-way or municipal boundaries.

**1005.01.3.** “Cul-de-sac” means a street with a single means of ingress and egress and having a turnaround at its end for a safe and convenient reversal of traffic.

**1005.01.4.** “Easement” means an interest in land granted by a property owner that entitles the easement holder to a specified use of the land.

**1005.01.5.** “Flag Lot” means a lot containing an area shaped like a “flag” which is the portion of the lot where all structures are to be located and an area shaped like a “pole” which is the portion of the lot where the vehicular access between the flag and its adjoining road shall be located.

**1005.01.6.** “Lot” means a piece, parcel or plat of land occupied or capable of being occupied by one or more structures and intended as a unit for transfer of ownership.

**1005.01.7.** “Lot Line Adjustment” means where platted lots share common boundaries and the common boundaries are redrawn to create new legal description, but no additional lots or parcels are created.

**1005.01.8.** “Outlot” means a lot remnant or parcel of land, which is intended as open space, drainage or other use, for which no private development is immediately planned.

**1005.01.9.** “Plat” means the drawing or map of a subdivision prepared for filing of record pursuant to MSA Ch. 505 and containing all elements and requirements set forth in this chapter.

**1005.01.10.** “Plat, Final” means a drawing or map of a subdivision prepared in the manner required by MSA Ch. 505 and this Chapter, approved by the City Council and in such form as required by St. Louis County for the purpose of recording.

**1005.01.11.** “Plat, Preliminary” means a drawing or map of a subdivision and supporting information prepared in the manner required by MSA Ch. 505 and this Chapter.

**1005.01.12.** “Registered Land Survey” means the drawing or map of a plat prepared by a professional licensed Land Surveyor for filing of record pursuant to Minnesota Statutes, Chapter 508.

**1005.01.13.** “Right-of-Way” means a strip of land occupied or intended to be occupied by a street, trail, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for other special use.

**1005.01.14.** “Street” means the entire width between property lines of a right-of-way or place dedicated, acquired or intended for the purpose of public use for vehicular traffic or access other than an alley.

**1005.01.15.** “Subdivision” means the separation of an area, parcel or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests, where the creation of the leasehold necessitates the creation of streets, roads or alleys, for residential, commercial, industrial or other use, or any combination thereof, except those separations:

- a. Where all resulting parcels, tracts, lots, or interests will be 20 acres larger in size and 500 feet in width for residential uses;
- b. Where all resulting parcels, tracts, lots, or interests will be five acres or larger in size for commercial and industrial uses;
- c. Creating cemetery lots;
- d. Resulting from court orders. Any division of land so decreed which does not meet zoning chapter requirements for lot area, lot width, or which does not have the required frontage on a public right-of-way is not a buildable lot.

**1005.01.16.** “Tax Parcel Combination” means where two or more lots with separate tax or property identification number are combined under one tax property identification number for the purpose of receiving a single-tax statement.

**1005.01.17.** “Tax Parcel Split” means where one or more lots that are combined under one tax or property identification number for the purpose of receiving a single-tax statement are assigned new tax or property identification numbers for two or more of the platted lots.

(Am Ord. 83-04, passed 11-7-1983) (Am. Ord. 2016-56, passed 10-3-16)

## **Section 1010 – Scope of Regulations**

**1010.01 Approval Required.** No person shall divide or split land, convey land, or obtain a building permit without first obtaining approval as required by these regulations.

**1010.02 Exceptions to Required Platting.** The foregoing provisions as referenced in Minnesota Statute 462.358 do not apply to a conveyance of the land described:

**1010.02.1.** Was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, Chapter 287, whichever is later.

**1010.02.2.** Was the subject of a written agreement to convey entered into prior to such time, or

**1010.02.3.** Was a separate parcel of not less than 2-1/2 acres in area and 150 feet in width on January 1, 1966, or

**1010.02.4.** Was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980, or

**1010.02.5.** Is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width, or

**1010.02.6.** Is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.

(Am. Ord. 2005-13, passed 9-19-2005) (Am. Ord. 2016-56, passed 10-3-16)

**1010.03 Administrative Land Splits.** When in the best interest of the City the platting procedures of this Chapter may be waived by the Zoning Officer in accordance with the following:

**1010.03.1.** The Zoning Officer may administratively approve a land split in the following instances provided that each parcel retains minimum lot size and building setbacks required by the zoning district in which the lots are located.

**1010.03.1.1.** A boundary adjustment relocating a property line between adjoining parcels, provided the split does not create a new tax parcel.

**1010.03.1.2.** A lot split of an existing platted lot to accommodate the separate ownership of each unit in a single family attached dwelling.

**1010.03.1.3.** A combination of two or more contiguous tax parcels into one parcel of record.

**1010.04.1.4.** A single family residential lot split, other than the division of a single family attached dwelling that contains not more than three splits where public improvements are not required. This does not include lot splits creating flag lots.

**1010.03.2. Procedure for Filing, Review, and Approval of Administrative Land Splits.**

An application to subdivide property must be submitted to the Zoning Officer on a form provided by the City accompanied by the following:

**1010.03.2.1.** An application fee set by the City Council.

**1010.03.2.2.** A certificate of survey map for abstract land or registered land survey for Torrens land.

**1010.03.2.3.** A full legal description of the existing property and resulting parcels documented by all current land title records.

**1010.04 Flag Lots.** Flag lots may be allowed in the S-1, R-1, and R-3 Zoning Districts provided that:

**1010.04.1.** The resulting lots do not violate any provision of the Hermantown Zoning Regulations, Comprehensive Plan, or any other local ordinance.

**1010.04.2.** The width of the flag lot at the front yard setback line must meet the lot width requirements of the Hermantown Zoning Regulations.

**1010.04.3.** The pole portion of a flag lot shall not exceed 500 feet.

**1010.04.4.** The pole portion of a flag lot must have a minimum width of 30 feet, be of uniform width, be a platted part of the flag lot, and connect to a public street. The driveway shall be set back a minimum of 10 feet from the neighboring property that was not used to create the flag lot and five feet from the mother property.

**1010.04.5.** The pole portion of the flag lot will not be included in calculating the minimum lot area.

**1010.04.6.** Only one flag lot may be created from an existing/mother property.

**1010.04.7.** Must be used exclusively for single family dwelling and accessory uses.

**1010.04.8.** The City must determine that the creation of the flag lot will not interfere with future development of roads or interior lands.

**1010.04.9.** The City must determine that the flag lot provides adequate accessibility of emergency responders.

**1010.04.10.** All flag lots must display an address at their closest point of access to a public street for emergency responders.

**1010.04.11. Procedure for Filing, Review, and Approval of Flag Lots.** An application to create a flag lot must be submitted to the Zoning Officer on a form provided by the City accompanied by the following:

**1010.04.11.1.** An application fee set by the City Council.

**1010.04.11.2.** A certificate of survey map for abstract land or registered land survey for Torrens land.

**1010.04.11.3.** A full legal description of the existing property and resulting parcels documented by all current land title records.

**1010.04.11.4.** Upon receipt of a complete application, the Zoning Officer will set a date for a public hearing before the Planning and Zoning Commission. Not less than ten days before the public hearing, the City will publish a notice in the official newspaper and send notice by mail to the Applicant and to the owners of all property wholly or partially within 350 feet of the

property to be subdivided. The Hermantown Police and Fire Departments will be notified at the same time.

**1010.04.11.5. Decision by Planning and Zoning Commission.** Following the hearing, the Planning and Zoning Commission shall make its decision on an application for a Flag Lot. Action shall be by majority vote of the members present and voting.

**1010.04.11.6. Appeal to Council.** The decision of the Planning and Zoning Commission 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 under Section 355 of this code.

**1010.04.11.7 Review by Council.** The City Council, upon its own motion, may review any action of the Planning and Zoning Commission made under this section. Such review shall be initiated within ten days of the date of the decision by the Planning and Zoning Commission by the majority vote of those Council members present and voting on the matter.

**1010.04.11.8 Procedures.** Upon a review of any such action of the Planning and Zoning Commission, the City Council shall proceed in accordance with the procedures set forth in Section 355 of this code.

**1010.04.11.9 Finality.** A decision by the Planning and Zoning Commission under this section shall not be final until any appeal period specified herein shall have expired. No action shall be taken by any party in reliance on any such decision of the Planning and Zoning Commission until it shall be final.

(Am. Ord. 2020-06, passed 9-21-20)

## **Section 1015 – Procedures for Filing, Review, and Approval**

**1015.01 Pre-application Conference.** Except in the case of an Administrative Land Split or one of the Exceptions to Required Platting, the Applicant shall confer with the Zoning Officer or his/her representative to obtain information and guidance before incurring expenses in the preparation of plans, surveys, and other data. The Applicant is encouraged to prepare a sketch plan to serve as the basis for discussion.

**1015.02 Preliminary Plat.** An application to plat property must be submitted to the Zoning Officer on a form provided by the City accompanied by the following:

**1015.02.1.** An application fee set by the City Council.

**1015.02.2.** A full legal description of the existing property documented by all current land title records.

**1015.02.3.** A statement of the proposed use of all portions of the land to be platted.

**1015.02.4.** Owner's policy of title insurance or owner's encumbrance report. The City Attorney may require the Subdivider to also provide copies of recorded instruments that are referenced in the submitted title evidence.

**1015.02.5.** A boundary and topographic survey of the parcel being subdivided and nearby lands including: lot dimensions, all platted and recorded easements, natural features (lakes, creeks, floodplain, and wetlands), all existing structures and dimensions to show size and location, structure setbacks from all property lines, location of existing driveways, streets, utilities, existing two-foot contours, grade elevations at lot and building corners and lowest floor elevations.

**1015.02.6.** A preliminary plat that includes the proposed plat name, location and dimensions of existing and proposed easements, existing and proposed rights-of-way, and the following information for each lot proposed: lot dimension, lot area, buildable area, and driveways. The application shall submit three 22" x 34", one 11" x 17" and a digital copy.

**1015.02.7.** A drainage, grading and stormwater management plan that meets the requirements of the City of Hermantown stormwater ordinance, Section 1080, Control of Post-Construction Stormwater Runoff.

**1015.02.8.** A street and utility plan that includes the proposed centerline grades of streets, street plans and profiles showing both existing and proposed grade lines, and detailed location and size of all utilities.

**1015.02.9.** A wetland delineation is required if the property includes any wetland areas as determined by the Zoning Officer in consultation with the Technical Evaluation Panel (TEP). The delineation must be staked in the field for city staff and Hermantown TEP verification during the growing season.

**1015.02.10.** In shoreland areas, a line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake, river, or stream; and

**1015.02.11.** A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients or waterways, design of velocity and erosion control measures, design of sediment control measures, and landscaping of the erosion and sediment control system.

**1015.02.12.** Wetlands and wetland fill areas shall be shown on the preliminary and final plat.

**1015.02.13.** Other documents or items as may be required by the Zoning Officer.

**1015.02.2. Undeveloped Outlots.** An Applicant may identify portions of the land to be platted which the Applicant intends to reserve for future development as an undeveloped outlot, rather than showing planned development.

**1015.02.3.** Upon receipt of a complete application, the Zoning Officer will provide a copy of the preliminary plat to the following as appropriate: City Engineer, Superintendent of Schools for Hermantown, Public Utilities Commission of Hermantown, St. Louis County Health Department, St. Louis County Surveyor, St. Louis County Highway Department, Minnesota Department of Transportation, Minnesota Power, gas, telephone and cable company, Hermantown Police Department, Hermantown Fire Department, and Hermantown Technical Evaluation Panel, and the Commission of the Department of Natural Resources if the property is located in a Shoreland Overlay Zone.

**1015.02.4.** Upon receipt of a complete application, the Zoning Officer will set a date for a public hearing before the Planning Commission. Not less than ten days before the public hearing, the City will publish a notice in the official newspaper and send notice by mail to the Applicant and to the owners of all property wholly or partially within 350 feet of the property to be subdivided.

**1015.02.5. Sign Notice.** Sign notice postings shall be required for all platting application. The creation and posting of the signs shall be the responsibility of the applicant.

**1015.02.5.1.** Sign notice means a sign with minimum dimensions of 24 in. by 30 in. posted as close as reasonably possible to each street frontage on the applicant's property with the text between 3 ft. and 5 ft. above grade level, with a title line reading 'Planning and Zoning Commission Notice' in letters at least 3 in. tall and with the remainder of the text in letters at least ½ in. tall. Each sign must be posted at least two weeks before the date of the public hearing and must remain in place and legible through the date of the public hearing as shown on the sign. If the sign will not be legible at the stated height due to snow accumulations it may be placed higher, but at the lowest elevation that will be legible to the public. If snow obscures the sign during the posting period, the snow shall be removed and/or the sign shall be relocated so as to be legible within 24 hours after snowfalls ends. Evidence produced at or before the public hearing that one or more of the required signs were not in place or legible throughout that period shall be grounds for postponement of the public hearing and a requirement to repost the property. Required signs may not be posted in any portion of the public right-of-way.

**1015.02.5.2.** Content of Notice. Each required notice shall include the following information:

**1015.02.5.2.1.** The name of the applicant;

**1015.02.5.2.2.** The address of the property;

**1015.02.5.2.3.** A narrative description of the project including the proposed land uses, size (in square feet) and height (in feet and stories) of any proposed buildings or building expansions;

**1015.02.5.2.4.** The type of permit or approval being sought;



**1015.02.5.2.5.** Contact information where additional information can be obtained from the applicant (which may be an address, telephone number, web site, or e-mail address or other electronic site or method);

**1015.02.5.2.6.** Contact information for the assigned City staff member;

**1015.02.5.2.7.** The date, time and place of the public hearing.

**1015.02.6.** Following the hearing, the Planning Commission must make a recommendation to the City Council. The Planning Commission may recommend that the City Council impose conditions on a preliminary plat approval in order to ensure compliance with this ordinance.

**1015.02.7.** After receipt of the recommendation of the Planning Commission, the City Council must consider the preliminary plat application and may hold whatever hearing it deems advisable. In evaluating the plat, the City Council must consider and adopt finding regarding compliance with this ordinance. The City Council may impose conditions on the preliminary plat approval. The City Council must make a decision within the time period specified in state law.

**1015.02.8.** Preliminary plat approval will be void if: (1) a final application is not received and approved within one calendar year of preliminary plat approval; and (2) the City Council has not received and approved a written application for a time extension within the one calendar year period.

**1015.03 Final Plat.** A final plat application must be submitted to the Zoning Officer on a form provided by the city accompanied by an application fee set by the City Council and shall include the following:

**1015.03.1.** Final plat drawing prepared and certified by a land surveyor who is licensed in the state and presented in accordance with appropriate provisions of state statute and St. Louis County regulations. The applicant shall submit three 22" x 34", one 11" x 17" and a digital copy.

**1015.03.1.1.** Scale not less than one inch to one hundred feet (1"=100') of plat for large scale copies, twenty-two inches by thirty four inches (22"x34"), the scale to be show graphically on a bar scale, date, and north arrow.

**1015.03.2.** The name of the subdivision, which must not duplicate or too closely approximate the name of any existing plat recorded in St. Louis County.

**1015.03.3.** Location by section, township, range, county and state, and including descriptive boundaries of the plat, based on an accurate transverse, giving angular and linear divisions.

**1015.03.4.** The location of monuments must be shown and described on the final plat. Locations of such monuments must be shown in reference to existing official monuments on

the nearest established street lines, including true angles and distances to such reference points or monuments.

**1015.03.5.** Location of lots, outlots, street rights-of-way, public highways, alleys, and parks, trails and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arc of all curves, and with all other information necessary to reproduce the plat on the ground must be shown. Dimensions must be shown from all angle points of curve to lot lines.

**1015.03.6.** Lots must be numbered clearly, block area to be numbered, with number shown clearly in the center of the block.

**1015.03.7.** Total square footage per lot, acreage per block and total acres in plat, to be submitted separately from the plat.

**1015.03.8.** The exact locations, widths and names of all streets to be dedicated.

**1015.03.9.** Location, purpose and width of all easements to be dedicated.

**1015.03.10.** An executed copy of restrictive covenants to be submitted separately from the plat.

**1015.03.11.** Statement dedicating all easements as follows: "Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the designated areas marked 'utility and drainage easements'."

**1015.03.12.** Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: "Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use hereby so dedicated."

**1015.03.2.** Upon receipt of the final plat the Zoning Officer will provide a copy of the final plat to the following as appropriate: City Engineer, Superintendent of Schools for Hermantown, Public Utilities of Hermantown, St. Louis County Health Department, St. Louis County Surveyor, St. Louis County Highway Department, Minnesota Department of Transportation, Minnesota Power, gas, telephone and cable company, and the Commissioner of the Department of Natural Resources if the property is located in a Shoreland Overlay Zone.

**1015.03.3.** Upon receipt of a complete application, the City shall set a date for consideration by the City Council. In evaluating the final plat, the City Council must consider and adopt findings regarding compliance with the preliminary plat approval and with this ordinance. The City Council may impose conditions on the final plat approval, which may include a development agreement. The City Council must make a decision within the time period specified in state law.

**1015.03.4.** Final plat approval will be void if: (1) a final plat is not recorded with St. Louis County within one calendar year of preliminary plat approval; and (2) the City has not received and approved a written request for a time extension within one calendar year of final plat approval.

## **Section 1020 – Design Standards**

### **1020.01 Conformity with Comprehensive Plan and Zoning Regulations.**

**1020.01.1.** The plat must be consistent with the Hermantown Comprehensive Plan.

**1020.01.2.** The land to be platted shall be suited to the purpose for which it is to be platted.

**1020.01.3.** The use of land proposed to be platted and proposed structures shall be consistent with the Hermantown Zoning Code Regulations.

### **1020.02 Lots and Blocks.**

**1020.02.1. Area.** The minimum lot area, width and depth shall not be less than that established by the Hermantown Zoning Regulations in effect at the same time of adoption of the final plat.

**1020.02.2. Frontage.** The entire required 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, except as provided for flag lots and cul-de-sacs.

**1020.02.3. Side Lot Lines.** Side lot lines should be at right angles to street lines, radial to curved street lines or radial to accommodate site specific topographic conditions.

**1020.02.4. Double Frontage.** Lots with double frontage shall not be allowed except where lots back on arterial streets or highways, or where topographic conditions render plats otherwise unreasonable.

**1020.02.5. Water Courses.** Lots abutting upon a water course, drainage way, channel or stream in a DNR designate Shoreland Zone shall be required to abide by the regulations of the Shoreland Overlay Zone provisions of the Hermantown Zoning Regulations.

**1020.02.6. Natural Features.** In the platting of any land, due 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, stability, and sustainability to the proposed development.

**1020.02.7. Lot Remnants.** All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

**1020.02.8.** 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 to an adjoining plat.

**1020.02.9.** 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.

**1020.02.10.** Blocks for commercial and industrial areas may vary from the provisions of this section if the nature of the use requires other treatment.

### **1020.03 Streets.**

**1020.03.1.** The plat must take into consideration access to existing streets and future extension of street where appropriate.

**1020.03.2.** Streets must be designed and located with consideration to existing and planned streets, reasonable circulation patterns, topographical conditions, stormwater runoff, public conveyance safety.

**1020.03.3.** If required by the City Engineer, a traffic study for the plat shall be completed by a qualified professional and shall include traffic generation, traffic distribution of the existing capacity of existing streets, and resulting level of service of existing streets at the plat build out.

**1020.03.4.** Streets must be designed in accordance with standards and specifications as required by the City Engineer.

**1020.03.4.1.** Minimum right-of-way widths for each type of public street or road shall be as follows:

<i>Type of Street</i>	Right-of-Way Width
Alley	20 feet
Collector Street	80 feet
Cul-de-sac	120 feet (60-foot radius)
Marginal Access Street	66 feet
Minor Street	66 feet
Thoroughfare	100 feet

**1020.03.4.2.** The minimum required driving lane width for various types of development shall conform with current City of Hermantown construction standards as provided by the City Engineer.

**1020.03.5.** Street intersections must be at right angles wherever possible.

**1020.03.6.** Street jogs with centerline off-sets must be at least 125 feet in length wherever possible.

**1020.03.7.** Where adjoining areas are not platted, but in the future may be platted, the arrangement of streets in a new plat should make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new plat at appropriate locations. A temporary turn around facility may be required at the closed end, in conformance with standards will be established by the City Engineer.

**1020.03.8.** Where a plat is to be built in phases, the street shall be extended at least 100 feet past the furthest lot in each phase where a platted road is to connect through to the next phase. A temporary turn around facility may be required at the closed end, in conformance with standards will be established by the City Engineer.

**1020.03.9.** When a tract is subdivided into larger than normal building lots or parcels which have the potential for further plat, such lots or parcels should be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.

**1020.03.10.** Dead end streets are prohibited, except as stubs to permit future street extension or when designed as cul-de-sacs.

(Am.. Ord. 2022-04, passed 4-4-22)

#### **1020.04 Cul-de-Sacs.**

**1020.04.1.** Permanent cul-de-sacs shall not exceed a length of 500 feet.

**1020.04.2.** Each cul-de-sac must have a closed end terminus of nearly circular shape with a right-of-way diameter of at least 130 feet.

**1020.04.3.** When a lot completely abuts a cul-de-sac, the required frontage may be measured at the building setback line provided that the frontage at the street line is at least 75% of the required frontage.

**1020.05 Sidewalks.** Sidewalks and boulevards shall be provided in conformance with current City of Hermantown construction standards as provided by the City Engineer.

#### **1020.06 Water Supply.**

**1020.06.1.** When a plat is located within 1,000 feet of a City water main, the plat design shall include water mains not less than eight inches in diameter that are accessible to all lots and tracts in the plat and include shutoff valves and fire hydrants to be installed throughout the entire plat 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 City Engineer.

**1020.06.2.** When a plat is located more than 1,000 feet from a City waterline, consideration should be given by the Applicant to providing a private water supply system within the plat.

## **1020.07 Storm Drainage.**

**1020.07.1.** Surface water drainage shall be provided by storm sewers or drainage courses adequate to drain surface water from the plat 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.

**1020.07.2.** Where storm water from adjacent areas naturally passes through a plat, adequate provision shall be included in the subdivision for facilities to route the storm water through the plat to its natural outlet to maintain or replace the natural watercourse.

**1020.07.3.** All development shall comply with all applicable regulations governing stormwater management, and shall employ best management practices to minimize off-site stormwater runoff, maximize overland flow and flow distances over surfaces covered with vegetation, increase on-site filtration, replicate predevelopment hydrologic conditions as nearly as possible, minimize off-site discharge of pollutants to ground and surface water, and encourage natural filtration function.

## **1020.08 Sewage Disposal.**

**1020.08.1.** When a plat is located within 1,000 feet of a City sewer main, the plat design shall include sanitary sewer mains that are accessible to all lots and tracts in the plat. 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 specifications of the City Engineer.

**1020.08.2.** Storm water drainage shall not be permitted to combine with sanitary sewers nor shall sanitary sewage be permitted in storm water sewers.

**1020.08.3.** When a plat 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.

**1020.08.4.** With respect to any plat 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.

**1020.08.5.** All proposed sewage disposal systems shall comply with all applicable codes and ordinances.

## **1020.09 Easements.**

**1020.09.1.** If required by the City Engineer, utility easements shall be shown on the preliminary and final plat or registered land survey. Where no alleys are provided, utility easements required by the City Engineer shall be not less than five (5) feet on side lot lines and not less than ten (10) feet on rear lot lines or based upon a utility plan approved by the City Engineer 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.

**1020.09.2.** If required by the City Engineer, drainage easements shall be not less than five (5) feet on side lot lines and not less than ten (10) feet on rear lot lines and at least 10 feet wide adjacent to public rights-of-way or based upon a drainage plan approved by the City Engineer. The easements must have continuity of alignment from block to block and lot to lot and at deflection points.

**1020.09.2.1.** Drainage easements must be provided over designated floodplain and wetland areas.

**1020.09.2.2.** Drainage easements must be provided over existing or proposed infrastructure for storm sewer. Such easements must be at least 10 feet in width or twice the depth of the infrastructure, whichever is greater.

**1020.09.2.3.** Where a plat is traversed by a water course, drainage easements must be provided over the water course and such additional area as will be adequate for the drainage of the area.

**1020.09.2.4.** If required, wetland and other conservation easements all be shown on the preliminary and final plat or registered land survey.

**1020.09.2.4.1.** Permanent boundary markers shall be placed to mark preserved wetland boundaries within the plat and GIS coordinates shall be provided to the City.

**1020.10 Solar Access.** The plat shall be designed to give appropriate consideration to protecting and assuring access to direct sunlight for solar energy systems to all lots in the plat.

## **1020.11 Floodplain District.**

**1020.11.1.** All lots in a plat, any part of which is in a Floodplain District, shall contain a building site at or above the regulatory flood protection elevation.

**1020.11.2.** All public utilities and facilities such as gas, electrical and water supply systems in a plat, 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 plats and lots shall have road access to the plat and to the individual building sites no lower than two feet below the regulatory flood protection elevation.

## **Section 1025 – Park Dedication Fees**

**1025.01 Findings.** The City hereby determines that there is an essential nexus between each new residential unit created or each new commercial or industrial development and the City's need to maintain quality of life and a community value through public parks, recreational facilities, playgrounds, trails, or open spaces. Each new unit increases the need for public parks, recreational facilities, playgrounds, trails, wetlands or open spaces as a result of the increased number of residents added to the City, and each new commercial or industrial development increases the density of development within the City, employees, and visitors to the City, which in turn leads to an increased need for public parks, recreational facilities, playgrounds, trails or open spaces.

**1025.02** Pursuant to Minn. Stat. 462.358, Subd. 2b(c) the City may accept a cash fee as set by ordinance from the applicant for some or all of the new lots created.

**1025.03** The City finds that park dedication fees bear a rough proportionality to the need created by the proposed type of development as the fee related to the average population and demand increase created by different types of development relative to the planned needs for parks and trails.

**1025.04** Park dedication fees shall be placed in a dedicated fund. The fund may only be used for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetland or open space based on the approved park systems plan. Cash payments must not be used for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands or open space.

**1025.05** Park dedication fee payments shall be made at the time of final plat or lot split for residentially zoned lots; at the time of approval of zoning permits for commercial, industrial multi-family residential, and final Planned Unit Development; or at a time agreed upon in a development agreement.

**1025.05.1** Park dedication fee payments for bedroom will be made concurrently with the building permit fee.

**1025.06** Park dedication fees shall be set from time to time by the City and shall be incorporated in the annual City Fee Schedule.

**1025.07** The City, upon consideration of the particular type of development, may accept lesser park dedication fees if the City determines that present or future residents would require lesser land for park, trails, and related purposes.

**1025.08** The City may elect to receive a combination of fees, land and/or development of the land for parks, playgrounds, public open space or trails consistent with the City's plans for parks and trails.

(Am. Ord. 2019-03, passed 04-15-19)



## **Section 1030 – Required Improvements**

**1030.01** The Subdivider shall be required to design and install the following improvements per a schedule included in a development agreement that must be agreed to by the City and Applicant prior to the approval of the final plat by the City. The City may enforce these requirements through a development agreement or the requirement of financial security for the required improvements as described in Section 1035 – Financial Security.

**1030.01.1.** All streets, sidewalks, and trails located within the boundaries of the tract being platted or replatted shall be graded to an established grade and surfaced with an approved material, in accordance with standards of the City Engineer.

**1030.01.2.** Storm sewers shall be constructed of sufficient capacity to drain the area in accordance with standards of the City Engineer.

**1030.01.3.** Culverts or bridges shall be built at points on watercourses crossed by streets.

**1030.01.4.** All improvements to streets or public utilities shall be made in accordance with City construction design standards and specifications, and shall be subject to the inspection by and approval of the City Engineer.

**1030.02** All plat boundary corners, block corners, street intersection corners, and a point of tangency and curvature shall be marked with survey monuments consisting of galvanized pipes with caps (minimum 1 ½ inch diameter) or minimum 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, and township and other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

## **Section 1035 – Financial Security**

**1035.01** Prior to installation of any required improvements and prior to approval of the final plat, the Applicant shall enter into a development agreement with the City requiring the Applicant to furnish and construct the improvements at his or her sole cost and in accordance with plans and specifications and usual contract conditions approved by the City.

**1035.02** Prior to installation of any required improvements and prior to approval of the final plat, the Applicant must deposit with the City of letter of credit, cash escrow, or other financial guarantee acceptable to the City Attorney in an amount equal to 125% of an actual bid cost or estimate approved by the City Engineer for constructing the required improvements.

**1035.03** The Applicant will have the time period agreed to in a development agreement to complete the required improvements in such a manner as to allow the City to accept for maintenance. If said construction is not completed in the time allotted, the City may use the full value of the financial guarantee to complete the remaining construction to City standards and

specifications. If the amount of funds recovered is insufficient to cover the cost of actual construction, the Council may assess the remaining cost to the properties within the plat or take other actions per terms of the development agreement.

**1035.04** Any violation or non-conformance with the specifications for required improvements will be grounds for the City to issue a stop-work order on the site. In that event, no further operation with regard to the construction of required improvements within the affected plat will be allowed until the original violation or non-conformance is corrected.

**1035.05** After having completed all of the required construction to the satisfaction of the City Engineer in accordance with the City's standards and specifications, the Applicant must submit the following to the City: a record of all improvements as built in the format designated by the City Engineer, the appropriate inspection fee and all required agreements and documents. After those items have been submitted to the City, the Applicant may request final acceptance of the streets and appurtenances by the City for maintenance. Final acceptance must be evidenced in writing by the City Engineer.

**1035.06** All of the required improvements must be inspected during the course of their construction by the City Engineer or designee. All of the inspection costs must be paid by the Applicant.

## **Section 1040 – Review Costs**

**1040.01** Each person, by filing or submitting an application for approval by the City of a proposed plat or lot split shall have agreed to pay all administrative expenses and attorneys' fees, with interest and costs as provided in this ordinance, incurred by the City in connection with or as a result of reviewing and acting on such application. If more than one person signs an application, all signers shall be jointly and severally liable for such expenses and fees, with interest and costs as provided. The expenses and fees to be paid to the City pursuant to this ordinance shall be payable upon demand made by the City, and if not paid within five days after the demand is made, shall bear interest from the date of demand until paid at a rate equal to the lesser of the highest interest rate allowed by law or two percentage points in excess of the reference rate. The Applicants shall also pay all costs, including attorneys' fees, incurred by the City in collecting the expenses, fees and interest, with interest on such costs of collection from the dates incurred until paid, at the same interest rate as is payable on the expenses and fees.

## **Section 1045 – Variances**

**1045.01** Application for variances from the specific provisions of the chapter for any plat or lot split or flag lot shall be made in accordance with and subject to the provisions of Chapter 6 of the Hermantown Zoning Regulations.

## **Section 1050 – Violations and Enforcement**

**1050.01** Any person who conveys a lot or parcel without the approval required by this ordinance must forfeit and pay to the City a penalty of not less than \$1000 for each lot or parcel conveyed.

**1050.02** No certificate of occupancy, building permit or other City approval will be issued for any land in a plat or lot split or flag lot that is in violation of this ordinance, until the violation has been corrected and appropriate fines and penalties have been paid.

**1050.03** A person who violates this ordinance is guilty of a misdemeanor.

**1050.04** The City may commence proceedings at law or in equity to prevent any violation of this section, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises. Nothing in this section prevents the City from taking other actions permitted by law, and the penalties and remedies provided here and under law are cumulative.

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

(Ord. 2005-12, passed 9-19-2005) (Ord. 2005-13, passed 9-19-2005)

(Am. Ord. 2016-56, passed 10-3-16)