

CHAPTER 13: SUBDIVISION REGULATIONS

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### 13.1.01 General Requirements.

**Subd. 1 Purpose and Intent:** This Ordinance is enacted for the following purposes to:

Protect and provide for the public health, safety, and general welfare of the City;

- A. Establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land;
- B. Prevent piecemeal planning of subdivisions, undesirable, disconnected patchwork of pattern, and poor circulation of traffic;
- C. Implement land subdivision in accordance with the Cloquet Comprehensive Plan and Cloquet Zoning Ordinance;
- D. Secure the rights of the public, with respect to access to public lands and waters;
- E. Protect and conserve the value of land throughout the City, the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
- F. Prevent the pollution of air, streams, and lakes; ensure the adequacy of drainage facilities; protect underground water resources and encourage the wise use and management of natural resources in order to preserve the integrity, stability, and beauty of the City.

**Subd. 2 Legal Authority.** This Ordinance is enacted pursuant to *Minnesota Statutes 1965, Section 462.358*.

**Subd. 3 Title.** This Ordinance shall be known and may be cited and referred to as the Rules and Regulations for the Platting and Subdividing of Land in the City of Cloquet, Minnesota.

**Subd. 4 Short Title.** Subdivision Regulations for the City of Cloquet.

**Subd. 5 Jurisdiction.** The regulations herein governing plats and the subdivision of land shall apply within the corporate limits of the City as determined by plat at the time of application and the unincorporated area within two miles of its limits; provided that where a municipality lies less than four miles from the limits of the City of Cloquet, these regulations shall apply only to a line equidistant from the City of Cloquet and said municipality; and provided further, that the governing body or bodies of unincorporated towns adjacent to the City have not adopted ordinances for the regulation of subdivision of land or platting. Copies of resolutions approving subdivision plats of land outside the City but not subject to Township subdivision regulations shall be filed with the clerk of the town in which the land is situated.

**Subd. 6 Application of Ordinance.** Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this Ordinance, shall be prepared, presented for approval and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract or parcel of land into two or more lots, tracts or other division of land for the purpose of sale or building development, or public dedication, whether immediate or future, including the resubdivision or replatting of land or lots.

**Subd. 7 Conveyance by metes and bounds.** No conveyance of one or more parcels in which the land is described by metes and bounds or by reference to an unapproved registered land survey made after the effective date of the ordinance codified in this chapter shall be recorded if the parcels do not qualify for a lot split according to Section 13.1.04, unless such parcel was a separate parcel of record or was the subject of a written agreement to convey entered into prior to the effective date of the ordinance codified in this chapter.

Whenever any subdivision or plat of land is proposed, before any contract is made for the sale of a portion of property, and prior to an application for a building permit for a structure within a proposed subdivision is granted, the subdivider shall apply for and receive approval of a subdivision in accordance with the procedures of Sections 13.1.04, 13.1.05, 13.1.06 and 13.1.07 of this Ordinance.

**Subd. 8 Right of Building Permit Refusal.** The City Engineer and/or Building Official shall refuse building permits and utility services to any parcel or property conveyed by metes and bounds description in violation of this Ordinance.

**Subd. 9 Public Street Grants.** No grant of a public street to the City by deed shall be filed without the approval of the Council by a resolution to that effect.

**13.1.02 Variances.** The City Council may grant a variance from these regulations following a finding that all of the following conditions exist:

**Subd. 1** There are special circumstances or conditions affecting said property which were not created by the landowner.

**Subd. 2** The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

**Subd. 3** The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

In making this finding the Council shall consider the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. In granting a variance as herein provided the Council shall prescribe only conditions that it deems desirable or necessary to the public interest.

**Subd. 4 Special Application Requirements:** Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning Commission and City Council, stating fully and clearly all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Planning Commission and City Council in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.

**13.1.03 Definitions.**

**Subd. 1 Access.** A way of approaching or entering property without trespassing upon another's property.

**Subd. 2 Access Easement.** A grant by a property owner for the use of a strip of land for the purpose of gaining access over and across a parcel to another's property.

**Subd. 3 Administrative Adjustment.** A line adjustment, simple lot split or lot consolidation. An Administrative Adjustment is not a subdivision under these regulations.

**Subd. 4 Alley.** A public or private thoroughfare which affords only a secondary means of access to abutting property.

**Subd. 5 Arterial Streets and Highways.** Are those designed or utilized primarily for high vehicular speeds and/or for heavy volumes of traffic.

**Subd. 6 Attorney.** Attorney shall mean the City Attorney of the City of Cloquet, Minnesota.

**Subd. 7 Best Management Practices (BMP's).** Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including; construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by federal, state, or designated area-wide planning agencies.

**Subd. 8 Block.** A block is the distance as measured along a street between intersecting streets from center line to center line; and where the context required, it also means the enclosed area within the perimeter of the streets or property lines enclosing it.

**Subd. 9 Bluff.** A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 % over a distance for 50' or more shall not be considered part of the bluff):

- A. Part or all of the feature is located in a shoreland area;
- B. The slope rises at least 25' above the ordinary high water level of the water body;
- C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- D. The slope must drain toward the water body.

**Subd. 10 Boulevard.** Boulevard shall mean the portion of the street right-of-way between the curb lines, or boundaries of the subdivision.

**Subd. 11 Building Line.** A line running parallel with the bluffline, ordinary high water mark or a lot line, whichever is applicable, at the required setback beyond which a structure may not extend.

**Subd. 12 Build-out Plan.** A subdivision or resubdivision concept plan illustrating possible future lot layout, and road networks for oversized lots, outlots, or undeveloped land within or adjoining a preliminary plat.

**Subd. 13 Certificate of Survey.** A document prepared by a registered engineer or registered land surveyor which precisely describes area, dimensions and locations of a parcel or parcels of land.

**Subd. 14 City.** City of Cloquet, Minnesota.

**Subd. 15 City Council.** City Council of the City of Cloquet, Minnesota.

**Subd. 16 Collector Streets.** Collector streets are those designed or utilized to carry intermediate volumes of traffic from minor streets to arterial streets.

**Subd. 17 Commission.** The Planning Commission of the City of Cloquet, Minnesota.

**Subd. 18 Cul-de-sac.** Cul-de-sac shall mean a street with only one outlet and having a turnaround at the end.

**Subd. 19 Dead End Street.** A road that does not connect to another road.

**Subd. 20 Detention Facility.** A natural or manmade structure, including wetlands, used for the temporary storage of runoff and which may contain a permanent pool of water, or may be dry during times of no runoff.

**Subd. 21 Drainage Course.** A drainage course is a water course or indenture for the drainage of surface water.

**Subd. 22 Drainage Easement.** A right to use the land of another for a specific purpose, such as a right-of-way for the movement of water across or under the land surface or the storage of water.

**Subd. 23 Engineer.** A person who is trained in or follows as a profession a branch of engineering.

**Subd. 24 Erosion & Sediment Control Plan (E & S Control Plan).** A written description and/or plan indicating the number, locations, sizes, and other pertinent information about best management practice methods designed to reduce erosion of the land surface and the deposition of sediment within a waterway. An E&S Control Plan is required as part of a Storm Water Management Plan. Both the Storm Water Management Plan and E&S Control Plans are used in developing the State mandated Storm Water Pollution Prevention Plan (SWPPP). An E&S Control Plan may be required for certain projects not requiring a full Storm Water Management Plan, as outlined in this ordinance or determined necessary by the City Engineer.

**Subd. 25 Final Plat.** A drawing or map of a subdivision, meeting all of the requirements of the City and Minnesota State Statutes regarding the platting of land and in a form that is recordable with the County Recorder's office.

**Subd. 26 Financial Guarantee.** A financial security posted with the City, guaranteeing compliance with the approved final plat, construction plans, and conditions of approval set forth by the City.

**Subd. 27 ISTS.** Individual sewage treatment system.

**Subd. 28 Lake Level.** Lake level is defined as the mean vertical elevation of the lake or water course into which a property does or will drain.

**Subd. 29 Land Development.** Any land disturbance activity that changes the site's runoff characteristics in conjunction with residential, commercial, industrial or institutional construction or alteration.

**Subd. 30 Local Streets.** Are those which are used or will be used primarily for access to abutting properties and which carry limited volumes of traffic.

**Subd. 31 Lot.** Land occupied or to be occupied by a principal use and its accessory buildings, together with such open spaces as are required under Chapter 17 of the City Code and having its required frontage upon a street or right-of-way or easement shown on a plat of survey which has been submitted, approved and officially recorded in the manner required by this Chapter.

**Subd. 32 Lot Area.** The total area within the lot lines of a lot.

**Subd. 33 Lot Consolidation.** The combining of two or more tax parcels into one tax parcel.

**Subd. 34 Lot Depth.** The mean horizontal distance between the front lot line and rear lot line.

**Subd. 35 Lot Frontage.** The portion or side of a lot that abuts public right of way.

**Subd. 36 Lot Line.** A property boundary line of any land parcel.

**Subd. 37 Lot Line Adjustment.** The relocation of a lot line between two existing tax parcels.

**Subd. 38 Lot, Corner.** A lot abutting upon two intersecting streets. The greater frontage of a corner lot shall be the lot depth and the lesser frontage is the lot width.

**Subd. 39 Lot, Double Frontage.** A lot having frontage on two separate streets.

**Subd. 40 Lot Line, Front.** A lot line abutting a public right of way.

**Subd. 41 Lot Line, Rear.** The lot line opposite and most distant from the front lot line.

**Subd. 42 Lot Line, Side.** Any lot line other than a front or rear lot line.

**Subd. 43 Lot of Record.** A parcel of land whose legal description was established in the Carlton County property records by plat, subdivision, or as otherwise permitted by law.

**Subd. 44 Lot Remnant.** An irregular parcel of land that serves no purpose and is not in conformance with City ordinances. Remnants of a lot pattern should not be called "outlots" merely because they are less than minimum lot size. Any lot remnant must be attached to the adjoining lot.

**Subd. 45 Lot Width.** The maximum horizontal distance between the side lot lines or a lot measured at the minimum required front setback line.

**Subd. 46 Map.** A drawing showing one or more parcels of land.

**Subd. 47 Metes and Bounds Description.** A method of property description described by the direction and distance from an identifiable point of beginning.

**Subd. 48 MN/DNR.** Minnesota Department of Natural Resources

**Subd. 49 MN/DOT.** Minnesota Department of Transportation

**Subd. 50 MPCA.** Minnesota Pollution Control Agency

**Subd. 51 Minor Street.** Minor street shall mean a street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

**Subd. 52 National Pollution Discharge Elimination System (NPDES) Stormwater Permit.** Any permit or requirement enforced pursuant to the Clean Water Act as amended for the purposes of regulating Storm Water discharge.

**Subd. 53 Official Map.** A map which designates certain existing and proposed alignment and right-of-way streets, alleys, other public ways, streams, storm water drainage channels and sewers and sanitary sewers, and site of parks, schools and other public grounds. Such map shall have been adopted by Ordinance following public hearing procedures and is intended to guide future development in the City as it is related to thoroughfares and community facilities.

**Subd. 54 Outlot.** A parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example - Outlot A.) Outlots are used to designate one of the following:

- A. land that is part of the subdivision but is to be subdivided into lots and blocks at a later date;
- B. land that is to be used for a specific purpose as designated in a developer's agreement, or
- C. other agreement between the City and the subdivider; or for a public purpose.

**Subd. 55 Owner.** Owner is an individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land.

**Subd. 56 Parks.** Parks are areas of public land developed and maintained primarily as pleasurable landscaped areas providing for both active and passive recreational pursuits, including tot-lots, playgrounds, neighborhood parks, playfields and special purpose areas.

**Subd. 57 Pedestrian/Bicycle Trail.** A public or private sidewalk or path and associated right of way across a lot or lots to provide access for pedestrians, and non-motorized vehicles and which may be used for the installation of utilities.

**Subd. 58 Percentage of Grade.** The distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance on street centerline.

**Subd. 59 Person.** Person is any individual, firm, association, syndicate or partnership, corporation, trust, or any legal entity as recognized by laws of the State of Minnesota.

**Subd. 60 Planning Commission.** The Cloquet Planning Commission.

**Subd. 61 Plat.** A map showing a plan for the subdivision of land which is submitted for approval and is intended in final form for recording.

**Subd. 62 Private Street.** Private street is a purported street, way or strip of land reserved for the use of a limited number of persons or purposes as distinguished from a publicly dedicated street.

**Subd. 63 Protective Covenants.** A restriction of the use placed upon the property by a present or former owner and recorded in the County Recorder or the Registrar of Titles offices. The City is not a responsible authority for the enforcement of private protective covenants.

**Subd. 64 Public Improvement.** Any drainage facility, road, parkway, park, lot improvement or other facility for which the City or any other government agency may ultimately assume the responsibility for maintenance and operation.

**Subd. 65 Public Walkway.** Public walkway is a public way designated for the use of pedestrian traffic.



**Subd. 66 Registered Land Survey (RLS).** A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of Registered Land Survey Number.

**Subd. 67 Resubdivision.** A change in an approved or recorded subdivision plat if the change affects any street layout, area reserved for public use, or any lot line on the plat; or if it affects any map, or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

**Subd. 68 Right of Way.** A strip of land occupied or intended to be occupied by a road, street, railroad, pedestrian/bicycle trails and utilities as authorized by the City Council, State or Federal law. Right of way intended for streets, water main, sanitary sewers, storm drains, pedestrian/bicycle trails or any other use involving maintenance by a public agency shall be dedicated to public use by the recording of the plat on which the right of way is established.

**Subd. 69 Road.** An improved corridor and associated drainage ways affording primary access to abutting properties for vehicles and pedestrians, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, place or however otherwise designated.

**Subd 70 Road Right of Way Width.** The horizontal distance between the outside edges of a road right of way.

**Subd. 71 Sanitary Sewer.** Sanitary sewer is a constructed conduit connected with a sewer system for the carrying of liquids and solids other than storm sewer waters to a sanitary treatment facility.

**Subd. 72 Service Drive/Frontage Road.** Minor streets which are parallel and adjacent to higher classified thoroughfares and which serve to reduce the number of access points to those thoroughfares and thereby increase traffic safety.

**Subd. 73 Setback.** Setback is the building setback distance of a line as measured from the nearest street, road, or water shoreline or property boundary line.

**Subd. 74 Sketch Plan.** A drawing that shows the conceptual subdivision of property.

**Subd. 75 Street.** A public thoroughfare which affords principal means of access to abutting property.

**Subd. 76 Storm Sewer.** Storm sewer is a constructed conduit for carrying surface waters to a drainage course.

**Subd. 77 Subdivider.** Is any person, individual, firm, associations, syndicate, co-partnership, corporation, trust or other legal entity commencing proceedings under this Ordinance to effect a subdivision of land.

**Subd. 78 Subdivision.** The "division" of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, by platting, conveyance, registered land survey or other means, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership; provided, however, that the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; also,

The division of land, regardless of area, if such division or plat provides for the granting or dedication of a public street; also,

The resubdivision of land heretofore divided or platted into lots, sites or parcels, where the total area of land being resubdivided is one acre or more. The division or allocation of land as open space for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

**Subd. 79 Surveyor.** Surveyor is a duly Registered Land Surveyor employed by the subdivider for the preparation of subdivision surveys or plats as required by this Ordinance and State Statute, and in accordance with City Ordinance and State Law.

**Subd. 80 Traditional Neighborhood Design.** A compact, mixed use neighborhood where residential, commercial and civic buildings are within close proximity to each other. The variety of uses permits educational facilities, civic buildings and commercial establishments to be located within walking distance of private homes. A traditional neighborhood development is served by a network of paths, streets and lanes designed for pedestrian as well as vehicles.

**Subd. 81 Transportation Plan.** The part of the Comprehensive Plan, now or here-after adopted which includes a major street and highway plan and sets forth the location, alignment, dimension, identification and classification of existing and proposed streets, highways and other thoroughfares.

**Subd. 82 Utility Easement.** An easement granted by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, and gas lines.

**Subd. 83 Zoning Administrator.** The Cloquet City Planner/Zoning Administrator or authorized representative.

**Subd. 84 Zoning Ordinance.** City Code of Ordinances, Chapter 17, including the official Zoning Map which divides the local political jurisdiction into districts with regulations, requirements and procedures for the establishment of land use controls.

#### 13.1.04 Administrative Adjustments and Minor Subdivisions.

**Subd. 1 General Requirements.** The provisions of this Section shall only apply to those subdivisions classified as Administrative Adjustments (Line Adjustment/Simple Lot Split/Lot Consolidation) and Minor Subdivisions as described as follows.

- A. The following shall be considered an Administrative Adjustments (Line Adjustment/Simple Lot Split/Lot Consolidation):
  - 1) A Line Adjustment including the exchange of abutting land between owners, and/or the relocation of the boundary line between two abutting, existing parcels of property, provided that:
    - a. the exchange, addition or relocation does not create an additional lot, and
    - b. the resulting lot(s) comply with all provisions of the Cloquet Zoning Ordinance and the provisions of Carlton County Ordinance – Individual Sewage Treatment Systems if applicable.
  - 2) A Simple Lot Split resulting in no more than two (2) lots, provided all of the following conditions are met:

- a. all lots have frontage on an existing public road for the minimum lot width required in the Cloquet Zoning Ordinance,
  - b. the minimum lot size and frontage requirements for lots created in all zoning districts shall meet the minimum dimensional standards prescribed in the Cloquet Zoning Ordinance, and
  - c. the subdivision complies with all other requirements of the Cloquet Zoning Ordinance.
- 3) Lot Consolidation involving a consolidation of property(s) into one tax parcel.
- B. A subdivision qualifies as a Minor Subdivision provided all of the following conditions are met:
- 1) The subdivision is for residential development with a maximum of eight (8) lots.
  - 2) The minimum lot dimensions and area shall be consistent with the requirements of the zoning district in which the lots are located.
  - 3) The proposed lots shall have frontage on an existing public road for the minimum lot width required in the Cloquet Zoning Ordinance.
  - 4) There shall be no new road or utility extensions involved in a Minor Subdivision.
  - 5) The subdivision complies with all other requirements of the Cloquet Zoning Ordinance.

Any subdivision regulated by this Ordinance that is not an Administrative Adjustment or Minor Subdivision as specifically described in Subd. 1 above shall be considered a Major Subdivision and proceed with a Sketch Plan, Preliminary and Final Plat as spelled out later in this chapter.

Lots within a Minor Subdivision may be described by recorded plat or registered land survey, lots within an Administrative Adjustment may be described by metes and bounds.

Shared driveway access on major thoroughfares are encouraged to enhance highway safety and may be required to meet highway access spacing guidelines. Shared driveway access is accommodated by creating private easements on one or more parcels that allow private access to one or more parcels. Shared access easements may be located on common lot lines or may be located exclusively on one parcel. Easement dimensions shall be sufficient in area to contain the driveway improvements, including drainage and snow storage areas. Easements shall be in a form approved by the City and recorded against the encumbered properties.

The purpose of the Administrative Adjustment and Minor Subdivisions is to allow relatively simple and timely procedures for the subdivision of single parcels of land. The provisions in this Section are not intended for the subdivision of land that results in the creation of undeveloped parcels or remnants that may be further subdivided nor are these provisions intended to replace Major Subdivision requirements for larger parcels.

**Subd. 2 Administrative Adjustment Procedure** The applicant shall submit an application for approval of an Administrative Adjustment to the City Planner/Zoning Administrator that includes the following:

- A. A completed application on a form provided by the Planning and Zoning Office, and documents demonstrating the subdivider has sufficient interest in the property to apply for an Administrative Adjustment.
- B. Two (2) copies of a survey and a pdf, prepared by a registered land surveyor, containing the following information:
  - 1) The original property description and the proposed legal descriptions of the proposed lots.
  - 2) Proposed new property lines with the dimensions noted.
  - 3) Proposed use and driveway locations on the lots.
  - 4) Location of all structures and distance from existing and proposed lot lines.
  - 5) Location and provisions for individual water supply and sewage disposal that meets the requirements of Carlton County Ordinance – Individual Sewage Treatment Systems.
  - 6) Name and address, including telephone number, of the property owner, the subdivider, and surveyor.
  - 7) A fee established by resolution of the City Council, and as provided in the City Fee Schedule.
  - 8) Any other information as required by the City Planner/Zoning Administrator.

The City Planner/Zoning Administrator may refer the documents to the City Engineer for review and comment. The City Planner/Zoning Administrator may approve the Administrative Adjustment when the applicant complies with the recommendations of the City Engineer, if any, and is consistent with the Cloquet Zoning Ordinance, and any other official controls of the City.

The City Planner/Zoning Administrator shall act on the Administrative Adjustment within sixty (60) days of submittal of a complete application, unless an extension is agreed to by the subdivider in writing or is otherwise allowed by statute.

The City Planner/Zoning Administrator shall approve or deny the application in writing, providing the reasons therefore to the Applicant by U.S. mail postmarked within 60 days of submission of the completed application by Applicant, or within any allowed period of extension as provided for above.

**Subd. 3 Minor Subdivision Procedure** Prior to subdividing the property, the subdivider shall file an application for approval of a Minor Subdivision including the following:

- A. A completed application on a form provided by the Planning and Zoning Office, and documents demonstrating the subdivider has sufficient interest in the property to apply for a Minor Subdivision.
- B. Fifteen (15) paper copies and one pdf and AutoCAD drawing of a Minor Subdivision Plat, prepared by a registered land surveyor containing the following information:

- 1) The original property description and the proposed legal descriptions of the proposed lots.
  - 2) Proposed new property lines with the dimensions noted.
  - 3) All contiguous property and all roads and their proper names.
  - 4) Proposed use and driveway locations on the lots within the subdivision.
  - 5) Location of all structures and distance from existing and proposed lot lines.
  - 6) General location of any existing tile lines, individual sewage treatment systems, existing and abandoned wells, water courses, drainageways, lakes and delineated wetlands under the Wetland Conservation Act, the ordinary high water level and 100 year flood elevations (if available or required by the City Planner/Zoning Administrator), and the toe and top of any bluff.
  - 7) Location and provisions for individual water supply and sewage disposal for each lot that meets the requirements of Carlton County Ordinance – Individual Sewage Treatment Systems.
- C. Name and address, including telephone number, of the property owner, the subdivider, and surveyor.
- D. A fee established by resolution of the City Council, and as provided in the City Fee Schedule.
- E. The City Planner/Zoning Administrator shall determine whether the Minor Subdivision conforms to the design standards established within this Ordinance, the Zoning Ordinance and the City Comprehensive Plan or is otherwise determined to be incomplete.

The City Planner/Zoning Administrator shall provide written notice to the subdivider by U.S. mail postmarked within 7 business days of receipt of the application if the application is found incomplete, and shall identify the items required to complete the submittal.

**Subd. 4 Minor Subdivision Distribution.** The City Planner/Zoning Administrator shall distribute copies of the complete application to the following agencies prior to consideration by the Planning Commission and City Council:

- A. Mn/DOT, if abutting a state or federal highway, or access is requested from a state or federal highway.
- B. County Highway Engineer and Surveyor, if abutting a county road, or access is requested from a county road.
- C. The City Engineer.
- D. The Commissioner of the MN/DNR, if the property is located within any shoreland or floodplain district as defined by Minnesota Statutes (2013), Sections 105.485 and 104.02, respectively, and any amendments thereto or renumbering thereof.

- E. Any other agency, such as the Soil and Water Conservation District, Cloquet Area Fire District (CAFD) and watershed districts, deemed appropriate by the City Planner/Zoning Administrator.

**Subd. 5 Planning Commission Consideration and Action on a Minor Subdivision:**

- A. The City Planner/Zoning Administrator will publish a notice in the legal newspaper and provide a notice to property owners within 350 feet of the proposed Minor Subdivision of a public hearing to be held before the Planning Commission a minimum of 10 days prior to the public hearing.
- B. The subdivider shall appear before the Planning Commission at the public hearing to answer questions pertaining to the application.
- C. The Planning Commission shall review the determination of the City Planner/Zoning Administrator as to whether the Minor Subdivision conforms to the design standards established within this Ordinance, the Zoning Ordinance and the City Comprehensive Plan.
- D. The Planning Commission shall recommend that the City Council approve, approve with modifications, or deny the Minor Subdivision. If approval is not recommended to the City Council, the applicant shall be notified of the reason for recommendation of denial. The recommendation shall be forwarded to the City Council for consideration.

**Subd. 6 City Council Consideration and Action:**

- A. The City Council shall act on the Minor Subdivision within 60 days of submittal of a complete application, unless an extension is agreed to in writing by the applicant, or is otherwise allowed by statute.
- B. The City Council shall approve, approve with modifications or deny the Minor Subdivision, and shall include findings of fact pertaining to the Minor Subdivision as part of the proceedings of the City Council.
- C. If denied, the City Council shall provide reasons for denial on the record at the time of denial, and in writing to the Applicant or as soon thereafter as is reasonable, which written reasons must be adopted by the City Council at the same or next meeting of the City Council. Reasons for denial must explain the nonconformity of the application with the design standards of the Subdivision Ordinance, the Zoning Ordinance and the City Comprehensive Plan.

**Subd. 7 Recording:**

- A. The applicant shall file the minor subdivision plat or registered land survey with the County Recorder's Office within six (6) months of the City Council's approval.
- B. The applicant shall provide to the City the following:
  - 1) One 17" x 24" Reduced Cloth (hardshell) marked "Copy"
  - 2) One digital copy in AutoCAD (.dwg format), using North American Datum (NAD 83) Carlton County coordinates.

- 3) One GIS shapefile (.shp format).
- C. No building permits shall be issued unless the applicant has furnished evidence that the minor subdivision plat or registered land survey have been filed with the County Recorder's Office.

#### 13.1.05 Major Subdivisions, Sketch Plan Review.

**Subd. 1** Prior to the filing of the preliminary plat, the subdivider shall submit a sketch plan depicting the proposed subdivision for review with the City Planner/Zoning Administrator.

**Subd. 2** The following information shall be submitted on the sketch plan:

- A. The proposed lot layouts and size, intended land use, general street layout, and generalized natural features.
- B. Any required zoning changes.

**Subd. 3** The sketch plan and accompanying information shall serve as the basis for informal discussion between the subdivider and staff. Submission of a sketch plan shall not constitute formal filing of a subdivision plat with the City. The City Planner/Zoning Administrator will informally advise the subdivider of the extent to which the proposed subdivision conforms to the standards of City Ordinances and will discuss possible plan modifications as necessary to ensure conformance with this Ordinance.

**Subd. 4** The City Planner/Zoning Administrator shall review the sketch plan to determine if environmental review documents must be completed in accordance with Minnesota Rules 4410.0200 – 4410.7800. If environmental review is required, the City Planner/Zoning Administrator shall notify the subdivider of this requirement.

#### 13.1.06 Major Subdivision, Preliminary Plat.

**Subd. 1 Preliminary Plat Required.** Before submission of a Final Plat the subdivider shall prepare and submit to the City Planner/Zoning Administrator Preliminary Plats of the land he proposes to develop as described in *Subd. 2, below*. The Preliminary Plat shall be submitted only after the Sketch Plan Review with the City Staff and prior to the making of any street improvements or the installation of any utilities.

**Subd. 2 Preliminary Plat Procedures.**

- A. Application Requirements: Following Sketch Plan Review, the subdivider shall submit the following to the City Planner/Zoning Administrator:
  - 1) A completed application on a form provided by the Planning and Zoning Office, and documents demonstrating the subdivider has sufficient interest in the property to apply for a subdivision.
  - 2) Fifteen (15) copies of the preliminary plan including an 11" x 17" reproducible copy, PDF copy and AutoCAD copy, and supporting documentation of the proposed subdivision containing information required in Subdivision 3 of this Section, together with protective covenants or restrictions, if any.
  - 3) A subdivision fee established by resolution of the City Council, and as provided in the City Fee Schedule.

- 4) Completed environmental review documents as required by law. The subdivider shall comply with the regulations and follow the procedures for environmental review.
  - 5) The City Planner/Zoning Administrator shall provide written notice to the subdivider by U.S. mail postmarked within 7 business days of receipt of the application if the application is found incomplete and shall identify the items required to complete the submittal.
- B. The City Planner/Zoning Administrator shall distribute copies of the complete application and preliminary plat to the following agencies for review and comment at least ten (10) days prior to consideration by the Planning Commission and City Council:
- 1) MN/DOT, if abutting a state or federal highway, or access is requested from a state or federal highway.
  - 2) Carlton County Engineer if abutting a County Road.
  - 3) City Engineer and/or Assistant City Engineer.
  - 4) Cloquet Area Fire District (CAFD).
  - 5) The Commissioner of the MN/DNR, if the subdivision is located within any floodplain district as defined by Minnesota Statutes, Sections 105.485 and 104.02, respectively, and
  - 6) Any other agency as deemed appropriate by the City Planner/Zoning Administrator.
- C. Public Hearing Required.
- 1) The City Planner/Zoning Administrator shall set a date for a public hearing on the plat and submit the complete application, preliminary plat and comments from any agency listed above to the Planning Commission.  
  
Notice of the public hearing stating the date, time, and location of the hearing before the Planning Commission; a description of the request to be heard; and the address or location of the property to be subdivided shall be:
    - a. published in the official newspaper of the City, a minimum of ten (10) days prior to the hearing.
    - b. written notice of the public hearing shall be mailed to property owners within 350 feet of the property to be subdivided, a minimum of ten (10) days prior to the hearing.
- D. Planning Commission Hearing and Action.
- 1) The subdivider shall appear before the Planning Commission to answer questions pertaining to the application and preliminary plat.



- 2) The Planning Commission may request the subdivider to submit additional information to properly consider the plan before or after the hearing.
- 3) The Planning Commission may seek professional advice, to be paid by the subdivider, concerning the preliminary plat.
- 4) The Planning Commission shall determine whether the preliminary plat conforms to the standards established within this Ordinance, the Cloquet Zoning Ordinance and the Cloquet Comprehensive Plan.
- 5) The Planning Commission shall recommend that the City Council approve, approve with modifications or deny the preliminary plat. If approval is not recommended to the City Council, the subdivider shall be notified of the reason for denial. The recommendation shall be forwarded to the City Council for consideration.

E. City Council Consideration and Action.

- 1) The City Council shall act on the preliminary plat within 120 days of submittal of a complete application, unless a delay is agreed to by the subdivider in writing.
- 2) The City Council shall approve, approve with modifications or deny the preliminary plat, and shall include findings of fact pertaining to the preliminary plat as part of the proceedings of the City Council.
- 3) If the City Council approves the preliminary plat, the subdivider shall proceed to complete a final plat in accordance with the requirements of this Ordinance.
- 4) If the final plat has not been submitted by the subdivider for approval by the City Council within one year of preliminary plat approval, the preliminary plat shall be void, unless a request for a time extension is submitted by the subdivider and approved by the City Council.

**Subd. 3 Preliminary Plat Data.** The Preliminary Plat shall meet the standards of design as set forth in *Section 13.1.08* and shall show the following information:

A. Identification and Description.

- 1) The proposed name of the subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any other plat recorded in the County.
- 2) Legal description of the property.
- 3) Names and addresses of the property owners, the subdivider, and surveyor, engineer or designer of the plat.
- 4) A north arrow and a graphic scale that is not less than 1" to 100', except that a smaller scale for large subdivisions may be permitted, if authorized by the City Planner/Zoning Administrator.
- 5) Vicinity map of area showing geographical points for orientation within a ¼ mile radius of the property.

- 6) Date of preliminary plat preparation.
- B. Existing Features and Conditions.
- 1) The outside boundary line survey and legal description of the property to be subdivided.
  - 2) Existing zoning classification and land use for the property and abutting properties including floodplain districts.
  - 3) The total acreage of the property to be subdivided.
  - 4) Location, right of way width and names of existing or platted streets or other public roadways; parks and other public lands; permanent buildings and structures including utility poles; public and private easements or other encumbrances and their purpose; and property boundaries including the names and addresses of the owners, section lines and municipal or township boundaries within the property to be subdivided and adjacent properties up to 100' beyond the outside boundary of the property to be subdivided.
  - 5) All contiguous land owned or controlled by the owner of the property to be subdivided.
  - 6) Topographic data showing contour intervals of not more than two (2) feet within the boundaries of the property to be subdivided.
  - 7) Water courses, drainage ways, lakes and wetlands delineated in accordance with the Wetland Conservation Act, the ordinary high water level and 100 year flood elevations (if available or required by the City Planner/Zoning Administrator); the toe and top of any bluffs; wooded areas and significant features.
  - 8) Location, size and capacity of existing and abandoned drainage, stormwater and agricultural tiles; ISTS, wells and utilities including poles and corridors located on the property to a distance 100' beyond the outside boundary of the property to be subdivided.
  - 9) Soils map showing soil types, rock outcrops, and other information from the Natural Resource Conservation Service. Soil test results demonstrating the adequacy of the property for the intended development in terms of ground water level, load bearing capacity and ability to meet *Carlton County Ordinance – Individual Sewage Treatment Systems*.
  - 10) Other information as required by the City Planner/Zoning Administrator.
- C. Proposed Features and Conditions.
- 1) Proposed lot and block layout, lot lines and dimensions including acreage or square footage, and lot and block numbers of all new lots.
  - 2) Proposed uses and densities of all lots within the subdivision including public areas, drainage areas and common open space.

- 3) The minimum setbacks, including any floodplain setbacks, from the exterior lot lines, public right of way, ordinary high water levels or bluff areas.
  - 4) The location and general design of individual access from lots within the subdivision to public roads.
  - 5) Location, right of way, grade and width of all proposed roads and pedestrian/bicycle trails. A description of planned short and long-term road maintenance responsibility.
  - 6) Location, right of way and width of road extensions to adjacent properties, as required by the City Planner/Zoning Administrator or City Engineer.
  - 7) Location and width of proposed easements.
  - 8) Street profiles (may be on separate map) including drainage facilities when required by the City Engineer.
  - 9) Grading plans showing how the site will be graded and showing the final contours of the property, drainage facilities, and erosion control measures to prevent erosion and sedimentation both during and after development.
  - 10) Location and provisions for individual water supply and sewage disposal (if applicable) including the location of two suitable sites for ISTS for each lot that meets the requirements of *Carlton County Ordinance – Individual Sewage Treatment Systems* if applicable.
  - 11) Location and design of any public sanitary sewer and water lines, if applicable, and drainage facilities.
  - 12) If the entire property will not be developed, a sketch showing how the remaining property can be subdivided and how access will be provided.
  - 13) The City Planner/Zoning Administrator or the Planning Commission may require the applicant to submit a sketch plan demonstrating how the proposed subdivision will relate to the layout, land use and access of the existing and potential subdivisions of adjacent properties.
  - 14) A copy of all proposed private restrictions or covenants, and establishment of homeowners associations for the proposed subdivision.
  - 15) Other information as required by the City Planner/Zoning Administrator or Planning Commission
- D. Stormwater Pollution Prevention Plan (SWPPP) Requirements. Any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a subdivision of land, a subdivision plat, or any type of construction project that results in a land disturbing activity involving 1 acre or more within the City, must submit to the City a Storm Water Pollution Prevention Plan (SWPPP) for review and approval, unless an exemption waiver is provided in accordance with this Section.

- 1) The SWPPP shall contain and be prepared in accordance with the City of Cloquet's "Storm Water Pollution Prevention Plan Criteria and Requirements" document on file with the City Engineer's office. In addition, any further requirements of the MPCA's NPDES permit program must be followed. These requirements shall include a drawing or drawings delineating the features incorporated into the SWPPP, including details of perimeter protection, construction phasing, storm drain inlet protection, erosion control measures, temporary and final stabilization measures, drainage easements and storm water management facilities, including all BMP's to be utilized. In addition any construction specifications for the project shall contain technical provisions describing erosion, sedimentation, and water control measures to be utilized during and after construction as well as to define the entities responsible for the installation and maintenance of the BMP's. The project SWPPP must be incorporated into the construction project's specification documents.
- 2) The SWPPP developed for all projects, including all plans, drawings, specifications, and computations for storm water management facilities, shall be prepared, reviewed and signed by a Professional Engineer registered in the State of Minnesota, except in the following cases:
  - a. All residential or non-commercial/industrial projects that include less than five acres of impervious surface.
  - b. All residential development projects with an ultimate planned density of less than one-half (0.5) units per acre.
- 3) The provisions of this Section shall also apply to any project site that is part of a larger Common Plan of Development or Sale that will disturb greater than or equal to one acre.
- 4) Subdivision Plat Approval and Subdivision Registration Process. No subdivision approval, plat approval or building permit shall be issued, nor shall any land be disturbed until the SWPPP has been approved by the City and a copy of a State issued NPDES permit for the project has been provided to the City. Upon the sale of individual lots, the new owners shall be required to file a Subdivision Registration Form with the MPCA, which allows the original permittee to transfer the responsibilities of the project NPDES permit for a portion of the site to another party without reapplying for permit coverage. Each new owner must complete this form and submit it to the MPCA and provide the assigned registration number to the City.
- 5) For sites or projects that are less than one acre, but are within 100 feet of Special Waters or Protected Waters such as Otter Creek, Fond du Lac Creek, any protected wetlands, or are within an existing subdivision or development with documented flooding problems associated with storm water runoff, a SWPPP shall be provided to the City in compliance with the provisions of this Section to preserve or protect the water quality of downstream resources. In addition, a Grading permit must be obtained for all grading projects in accordance with the Minnesota State Building Code, as adopted by the City of Cloquet.
- 6) Erosion and Sediment Control. Erosion and sediment control, at a minimum, shall meet the requirements and provisions defined in the most current MPCA NPDES General Storm Water Permit for Construction Activities, also referred to as the NPDES Construction Permit.

- 7) Storm Water Detention/Retention/Treatment Facilities. Storm Water Detention, Retention or Treatment facilities proposed to be constructed in the Storm Water Management Plan shall be designed and maintained according to the most current practices as reflected in the Nationwide Urban Runoff Program study and in accordance with the MPCA's NPDES Permit requirements. All above ground Storm Water Detention, Retention or Treatment Facilities shall have a minimum setback from all property lines as established by the Cloquet Zoning Ordinance.
- 8) Regional Ponds. Regional ponds may be used provided they are constructed ponds, (not a natural wetland or water body) and designed in accordance with the NPDES permit program requirements for all water from impervious surfaces that reach the pond. Permittees shall not construct regional ponds in wetlands, regardless of their condition, quality or designation, unless such wetlands are mitigated in accordance with applicable rules. The owner must obtain written authorization from the City or private entity that owns and maintains the regional pond. If the City is the owner of the regional pond, the City may apply a System Charge or Assessment that would cover a prorated share of the pond's construction and operation and maintenance costs.
- 9) Adequacy of Outlets. The adequacy of any Outlet used as a discharge point for proposed Storm Water Management Systems must be assessed and documented to the satisfaction of the City Engineer. To the extent practicable, hydraulic capacities of downstream natural channels, storm sewer systems, or streets shall be evaluated to determine if they have sufficient conveyance capacity to receive and accommodate post-development runoff discharges and volumes. In addition, projected velocities in downstream natural or manmade channels shall not exceed that which is reasonably anticipated to cause erosion.
- 10) Storm Water Discharges to Trunk Highway Right-of-Way. For development projects which lie adjacent to trunk highway right-of-ways and include Storm Water Management Systems that will discharge storm water onto highway right-of-way, a drainage permit must first be obtained from the Minnesota Department of Transportation (Mn/DOT) prior to the City approving any SWPPP for the project.
- 11) Drainage Easements and Discharges to Adjacent Property. No constructed Storm Water Management Systems or Permanent Facilities, proposed as part of the SWPPP for a development, may discharge storm water onto adjacent property unless a drainage easement is in place or the peak design flow rate for the Permanent Facilities maintains the pre-development existing flow rates and hydrologic conditions for the 2-year, 10-year, and 100-year rainfall events.
- 12) Maintenance Agreements for Privately Owned Storm Water Management Facilities. For storm water management facilities that are on private property or owned by an entity other than the City and discharge within the City, a plan for maintenance and inspections of the system must be submitted to and approved by the City as part of any SWPPP.
- 13) Exemptions. Exemptions to the SWPPP requirements of this section include:

- a. An individual SWPPP is generally not required for individual lots or properties located within a subdivision or plat for which a SWPPP has already been approved. All construction, however, must be in accordance with the previously permitted SWPPP for the subdivision, including the NPDES Permit requirements and Subdivision Agreement. (See No. 4 above)
- b. A parcel for which a building permit has been approved on/or before the effective date of this Chapter and an NPDES permit was not required.
- c. Any land disturbance activity not associated with building construction that will affect less than 1 acre of undeveloped land.
- d. Emergency work to protect life, limb, or property.

### 13.1.07 Major Subdivision, Final Plat

**Subd 1. Final Plat Required.** Before submission of a Final Plat, the subdivider must meet the following:

- A. The final plat shall be in substantial compliance with the preliminary plat and shall incorporate all of the conditions of the City Council approval of the preliminary plat. The final plat may include only a portion of the approved preliminary plat that the subdivider proposes to develop to record and develop at the time, provided that the portion included in the final plat conforms to all requirements of this Ordinance.
- B. The subdivider shall file the final plat no later than one (1) year from the date of approval of the preliminary plat by the City Council or all, or the remaining portion of, the preliminary plat shall become void unless a request for a time extension is submitted by the applicant and approved by the City Council.
- C. If the final plat is for a portion of the preliminary plat, the remainder of the preliminary plat excluded within the final plat must be submitted as a final plat within three (3) years from the date of preliminary plat approval by the City Council or the preliminary plat shall become void unless a request for a time extension is submitted by the subdivider and approved by the City Council.

**Subd. 2 Application Requirements:** The subdivider shall submit the following to the City Planner/Zoning Administrator:

- A. A complete application on a form obtained from the Planning and Zoning Office.
- B. Fifteen (15) copies and an 11" x 17" reproducible copy, PDF copy and AutoCAD copy, of the final plat that meets the requirements of subpart 5 of this Subdivision.
- C. An up-to-date Abstract of Title or a Certificate of Title and a title opinion prepared by the subdivider's attorney.
- D. A fee for final plat review established by resolution of the City Council.

- E. The City Planner/Zoning Administrator shall provide written notice to the subdivider by U.S. mail postmarked within 7 business days of receipt of the application if the submission is found incomplete and shall identify the items required to complete the submittal.

**Subd. 3 Final Plat Review**

- A. The City Planner/Zoning Administrator shall distribute copies of the complete application including the final plat to the following agencies to obtain comments and requirements prior to consideration by the Planning Commission and City Council:
  - 1) County Surveyor to determine compliance with the Minnesota Land Surveyors Association Plat Manual of Minnesota Guidelines and Minnesota Statutes.
  - 2) City Engineer.

**Subd. 4 Planning Commission Review.**

- A. The Zoning Administrator shall submit the application, final plat and requirements and comments of the City staff to the Planning Commission.
- B. The Planning Commission shall review the final plat and all supporting documentation for compliance with the preliminary plat approval by the City Council. A report of the Planning Commission recommendation shall be provided to the City Council.

**Subd. 5 City Council Action.**

- A. The City Council shall act on the Final Plat within sixty (60) days of the date the City Planner/Zoning Administrator has determined the application, including the final plat and supporting documentation is complete and meets the requirements of this Ordinance.
- B. The City Council shall consider conformance of the final plat to the preliminary plat approval, the design standards of this Ordinance, the comments and recommendations of the City staff, the Planning Commission recommendation, and Minnesota State Statutes. The City Council shall approve or deny the final plat and shall include findings of fact supporting the motion that shall be entered into the proceedings of the City Council and transmitted to the subdivider in writing, and authorization for the Mayor and City Administrator to sign the plat.
- C. Upon approval by the City Council, the subdivider shall submit a reproducible mylar print or other permanent prints suitable for recording and meeting the requirements of Chapter 505 of Minnesota State Statutes for signature by the Mayor and City Administrator.
- D. If denied, the City Council shall provide reasons for denial on the record at the time of denial, and in writing to the Applicant or as soon thereafter as is reasonable, which written reasons must be adopted by the City Council at the same or next meeting of the City Council. Reasons for denial must explain the nonconformity of the application with the design standards of the Subdivision Ordinance, the Zoning Ordinance and the City Comprehensive Plan.

**Subd. 6 Final Plat Recording**

- A. Within six (6) months of the City Council's approval of the final plat, the subdivider shall submit to the County Recorder one (1) reproducible mylar print and three (3) permanent prints (hardshells) as required by the City signed by the Mayor and City Administrator for recording.
- B. The applicant shall provide to the City the following:
  - 1) One 17" x 24" Reduced Cloth (hardshell) marked "Copy"
  - 2) One digital copy in AutoCAD (.dwg format), using North American Datum (NAD 83) Carlton county coordinates.
  - 3) One GIS shapefile (.shp format).
- C. Immediately upon recording, the subdivider shall furnish the Community Development Department Office with one (1) print of the final plat showing evidence of the recording. No zoning permits shall be issued unless the subdivider has furnished evidence that the plat has been filed with the County Recorder's Office.

**Subd. 7 Final Plat Data and Requirements.**

- A. The form and content of the final plat shall conform to the *Minnesota Land Surveyors Association Plat Manual* of Minnesota Guidelines and Chapter 505 of Minnesota State Statutes.
- B. Other data, certificates, affidavits, and endorsements that may be required by the City staff, the Planning Commission or by the City Council.
- C. Accompanying the final plat shall be a final plan of all improvements installed or to be installed by the applicant, with grades, profiles and other details for the improvements recommended by the City Engineer and approved by the City Council.
- D. Any financial guarantees required for improvements as approved by the City Council shall be submitted to the Community Development Department Office in a form satisfactory to the City Attorney. The time period required for the completion of public improvements shall be specified in the resolution approving the final plat and shall be incorporated into the financial guarantee.
- E. Name and right-of-way width of each street, highway, easement, or other rights of way as required by State Law.
- F. Lot numbers, lot lines, and dimensions.
- G. Purpose for which sites, other than residential lots, are dedicated or reserved.
- H. Location of rivers, streams, creeks, lakes, ponds, wetlands as required by State Law.
- I. Location and description of monuments as required by State Law.
- J. Names and location of adjoining subdivision, streets and unplatted properties.



- K. Certification on plat of title showing that the applicant is the owner and a statement by such owner dedicating streets, rights-of-way, and any other sites for public use.
- L. Certification on plat by surveyor as to the accuracy of survey and plat.
- M. Certification on plat by the City Clerk/City Administrator that the plat has been approved for recording in the office of the County Register of Deeds.
- N. Certification that the subdivider has complied with one of the following alternatives shall be submitted with the Final Plat;
  - 1) All the improvements have been installed in accordance with the requirements of these regulations, or
  - 2) A financial guarantee has been posted with the City which is in an amount determined by the Council to be sufficient to complete the improvements and installations in compliance with these regulations, is with a surety satisfactory to the Council, and which specifies the time for the completion of the improvements and installations.
- O. Cross-sections, profiles and grades of streets, curbs, gutters and sidewalks showing locations of in-street utilities, and drawn to standard scales and elevations shall be submitted with the Final Plat.
- P. Protective covenants, if any, shall be submitted with the Final Plat.
- Q. Letters of approval of highway access points and service roads from the Commissioner of Highways and the County Engineer, as applicable, shall be submitted with the Final Plat.

**13.1.08 Minimum Improvements Required.** The developer shall provide the following improvements before approval of a plat; and shall provide the necessary funds in escrow; or shall provide a financial guarantee in an amount necessary to insure compliance with the installation of improvements as herein required plus 25%. A Development Agreement must also be signed per the requirements of Section 13.1.20. Provided, however, that the City Council may also accept petitions for said improvements to be installed on a special assessment basis. All of the improvements required in this section shall be constructed only after the plans and specifications thereof have been approved by the City.

No areas platted after the date of this Ordinance outside the City of Cloquet or properties subdivided by metes and bounds description after date of this Ordinance will be accepted for annexation unless it shall substantially conform or can be made to substantially conform to the minimum standards herein.

**Subd. 1 General.** The plat shall conform to the Official Map and other parts of the adopted Comprehensive Plan of the City of Cloquet.

**Subd. 2 Official Map.** Whenever a tract to be subdivided embraces any part of an arterial or collector street or highway, so designated on the Official Map, such part shall be platted for dedication to the City by the subdivider in the location and at the width indicated on said plan.

**Subd. 3 Land Subject to Poor Drainage.** The right is reserved to disapprove any subdivision which is subject to poor drainage. However, if the subdivider agrees to make such improvements as will make the area safe for residential occupancy, the subdivision may be approved, subject, however, to the approval of the Engineer.

**Subd. 4 Community Assets.** In all subdivisions, due regard shall be shown for natural features such as trees, unusual rock formations, and water courses; for sites which have historical significance; and for similar assets which, if preserved, will add attractiveness and value to the subdivision and to the community. The Planning Commission may prepare a list of all such features within its area of subdivision jurisdiction which it deems worthy of preservation.

**Subd. 5 Monuments and Stakes.** All subdivision boundary corners, block and lot corners, street intersection corners, and points of tangency and curvature shall be marked with survey monuments consisting of minimum 5/8" steel rods 24" in length. Inscribed on the monument or cap, according to State Statute, shall be the registration number of the land surveyor making the survey. All U.S., State, County and other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

**13.1.09 Public Sites and Open Spaces.** The following requirements are applicable to all subdivisions within the jurisdiction of these regulations:

**Subd. 1** In subdividing land or resubdividing an existing plat, due consideration shall be given by the subdivider, and by the Planning Commission upon review, to dedication or reservation of suitable sites for schools, conservation areas or other public or semi-public recreational areas, or open spaces and parks.

- A. Where a proposed public park, recreation area or open space, as determined by the Comprehensive Plan, Planning Commission and/or City Council, is located in whole or in part within a subdivision, the subdivider shall make available such lands to the City of Cloquet, provided, however, that the total dedication (exclusive of public streets, alleys and pedestrian ways and exclusive of all other purchased sites such as fire and police stations, water towers and treatment plants and sewer lift stations) shall not exceed ten percent of the total gross acreage owned or controlled by the subdivider in the case of proposed subdivision of five lots or more, and five percent of the total acreage in the case of proposed subdivisions of four lots or less.
- B. Where an area that is specifically designated by the Comprehensive Plan or City Council for public park, recreation area or open space exceeds the percentage of the total acreage controlled by the subdivider as stipulated in *Subd. 1, A* above, the entire area shall be reserved for such use on all subdivision plans and plats; and the acquisition of such additional area shall then be secured by the City of Cloquet, or arrangements made for its acquisition, within a period not to exceed one year from the date of approval of the preliminary plan. The value of the subject land at the time of subdivision but before improvements shall be established by three qualified appraisers, one of whom shall be appointed by the City Council, one by the subdivider, and one of whom shall be mutually agreed upon by the other two parties.
- C. Where less than the five or ten percent of the total gross area being subdivided, as stipulated in *Subd. 1, A* above, is proposed for public parks, recreation areas or open spaces as designated by the Comprehensive Plan, the Planning Commission or City Council, the subdivider shall dedicate such area that is less than the required percentage, and in addition, pay to the City of Cloquet a sum of money so that either or both the dedicated and the payment equal the required percentage of the land before it is subdivided.
- D. The entire sum of money equal to the appraised value of land comprising an area equivalent to the required percentage of the total area of the tract, shall be paid by the owner or subdivider to the City of Cloquet in the event that there are no public parks, recreation areas or open spaces required by the Planning Commission and City Council or offered for dedication by the subdivider.

**Subd. 2** Sums of money so received by the City of Cloquet shall be placed in a special account to be known as the Park Dedication Fund, and allocated by the City Council solely for acquisition of land for public parks, recreation areas or open spaces, development of existing parks and recreation areas, or debt retirement in connection with lands previously acquired for parks, recreation areas or open spaces.

**Subd. 3** In residential subdivisions, the subdivider may at the City's option, in lieu of the dedication of land for public use, contribute an equivalent amount in cash as determined in "A" above.

**13.1.10 Street and Block Layout.** The following requirements are applicable to all subdivision within the City of Cloquet.

**Subd. 1** The Subdivision shall be so designed as to be in harmony with adjacent subdivisions and provide for the continuation or existing streets. Provisions shall be made for streets through the subdivision for the platting of contiguous property. No strip of unplatted land or portion of street or artifice shall be used or retained by the subdivider to impede the platting of adjacent parcels.

**Subd. 2** The street layout shall provide access adequate for emergency and public service vehicles to all lots and parcels of land within the subdivision.

**Subd. 3** Where appropriate to the design, streets shall be established to avoid jogs at intersections and to promote continuity of local streets and those of higher classifications. Street jogs with centerline offsets of less than one hundred and fifty (150) feet shall be discouraged.

**Subd. 4** Streets shall be established to take advantage of the contour of the land so as to produce usable lots, cause a minimum of cutting and filing, and to produce streets with reasonable grades as defined in *Section 13.1.13*.

**Subd. 5** Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to provide for adequate circulation of traffic within the vicinity for adjacent but as yet undeveloped or platted land tracts.

**Subd. 6** Streets shall intersect other streets as near to a 90 degree angle as topography and other factors permit. Intersections of streets with arterial or collector streets shall be limited to a minimum angle of 70 degrees unless specifically approved by the Commission.

**Subd. 7** Whenever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision which conforms to the Official Map, the remainder of the street or alley shall be platted to the prescribed width within the proposed subdivision.

**Subd. 8** Half-width streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations. Where an existing, half-width street adjoins a portion of the boundary of a proposed subdivision, street dedication in a width needed to make this a full-width street may be required.

**Subd. 9** Street right-of-way widths shall conform to those indicated in the Transportation Plan. Where such widths are not prescribed therein, the widths shall not be less than the minimums stated in *Section 13.1.11*.

**Subd. 10** Alleys may be platted in the rear of all lots to be used for commercial or industrial purposes. Alleys will not be approved in single family residential areas, unless required by unusual topography or other exceptional conditions, or unless designed as part of a Traditional Neighborhood Design.

**Subd. 11** Land abutting arterial or collector streets shall be platted with the view of making the lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic on such traffic ways; and with the view also of minimizing interference with traffic on such traffic ways as well as the accident hazard. This may be accomplished in several ways:

- A. By platting the lots abutting such traffic ways at very generous depth, with setbacks or front yards at least ten (10) feet greater or deeper than otherwise required; and providing vehicular access to them by means of frontage access roads next to the traffic way, connected therewith at infrequent intervals;
- B. By not fronting the lots on the highway or thoroughfare but on a parallel local street at a distance of a generous lot depth, in which case private driveways shall connect with such local street;
- C. By a collector street platted more or less parallel with the highway or thoroughfare, six hundred (600) to one thousand (1000) feet distance therefrom, from which loop streets or dead end streets would extend toward the highway, the ends of which provide access to the lots abutting the highway to their rear.

**Subd. 12** Dead end streets will be approved if limited to five hundred (500) feet in length, provided a permanently designed turn around area having a minimum diameter to the edge of the finished street or curb line of not less than eighty (80) feet and a minimum right of way diameter of one hundred (100) feet, is constructed.

**Subd. 13** Closed subdivisions (with only one exit) shall not be permitted. Unique circumstances may allow this with the approval of a variance.

**Subd. 14** Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, unless, in the opinion of the Commission, prevented by unusual topography or other physical conditions.

**Subd. 15** The lengths, widths, and shapes of blocks, and lots within blocks, shall be determined with due regard to:

- A. Provision of adequate building sites suitable to the special needs of the principal and all required accessory uses.
- B. Zoning requirements as to lot sizes and dimensions, and provisions regulating off-street parking and loading spaces.
- C. Needs for convenient access, circulation, control and safety of street traffic.
- D. Limitations and opportunities of topography.
- E. Generally, blocks shall not exceed thirteen hundred twenty (1320) feet nor less than five hundred (500) feet in length measured along the greatest dimension of the block.

**Subd. 16** Residential blocks shall normally be of sufficient width for two tiers of lots. Block lengths shall be determined by circulation and other needs. Where residential blocks with lots deeper than two hundred (200) feet are proposed, a reservation for a future street through the middle of the block, longitudinally, may be required.

**Subd. 17** Pedestrian crosswalks, 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. 18** The number of intersecting streets along arterial and collector streets shall be held to a minimum, and where practicable, blocks along such traffic ways shall not be less than eight hundred (800) feet in length.

**13.1.11 Minimum Widths for Streets and Alley Right-of Way.** For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets and thoroughfares shall be shown in the Comprehensive Plan and where not shown therein, the minimum right-of-way width for streets, arterial highways or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

Classification	Desirable	Acceptable
Principal Arterial Highways	104 feet	80 feet
Minor Arterial Highway	80 feet	80 feet
Collector Streets	80 feet	80 feet
Local Streets	66 feet	66 feet
Service Drives	60 feet	32 feet
Alley		20 feet
Pedestrian Way	20 feet	12 feet

Where existing or anticipated traffic on principal and minor arterial highways warrants greater widths of rights-of-way, these shall be required.

**13.1.12 Minimum Pavement Widths and Surface Types.** The following requirements are applicable to all subdivisions within the jurisdiction of these regulations:

**Subd. 1** Pavements widths for arterial and collector streets will be designated in the Transportation Plan. Where required to be provided as part of the subdivision the subdivider will be responsible for thirty-three (33) feet. The difference, if any, between the cost of the portion to be provided at the expense of the subdivider including the cost of curb and gutter, if any, and that of the total width designated in the Transportation Plan shall be borne by the City of Cloquet, the County of Carlton or by the Minnesota Highway Department where applicable, unless it is determined by the City Council that such greater width will benefit the subdivider in proportion to its cost.

**Subd. 2** Local streets and dead end streets shall have minimum paved widths of thirty-three (33) feet. Where curb and gutter is required the total width, face to face of curb, shall be thirty-three (33) feet. Curb and gutter is required on all urban streets (streets with both sewer and water). The pavement of a turning circle at the end of a dead end street shall have a minimum finished outside diameter of eighty (80) feet.

**Subd. 3** Alleys shall have minimum paved widths of twenty (20) feet.

**Subd. 4** Alleys, where permitted, will be constructed with a concrete pavement of a minimum thickness of six (6) inches or of asphaltic concrete of a minimum thickness of two (2) inches mat and eight (8) inches base. This requirement may be varied by the City Council if, in their opinion, the requirement imposes too severe a restriction when related to the projected use of the alley.

**Subd. 5** The subdivider shall perform all initial grading of all streets from property line to property line, including temporary approved ditching and the supply and installation of culverts where necessary for over the ground drainage until curb and gutter is installed, to within one (1) foot below the final approved grade prior to installation of water and sewer facilities. Centerline street grades are to be established by the subdivider subject to approval of the City Engineer.

**Subd. 6** After the subdivider has performed the initial street grading and after sewer and water mains are in, a minimum of six (6) inch compacted gravel street 33 feet in width shall be constructed in accordance with current City policy established by resolution of the City Council.

**Subd. 7** Upon receipt of a valid petition therefore, and/or in accordance with current City policy established by resolution of the City Council, streets shall be graded full width and fully constructed with a concrete pavement or of asphaltic concrete for a seven-ton axle weight capacity in residential areas and a nine-ton axle weight capacity in commercial and industrial areas, unless otherwise required by the City Council. If the classification of the street justifies the construction of a thicker section, the additional cost thereof may be borne by the City of Cloquet, the County of Carlton, or the Minnesota Department of Transportation, depending upon the agency having jurisdiction.

**Subd. 8** Concrete curb and gutter is the standard for all paved streets, unless the City Council determines that a rural street section is appropriate.

**13.1.13 Street Grades, Curves and Sight Distances.** The following requirements are applicable to all subdivisions within the jurisdiction of the City of Cloquet:

**Subd. 1** The grades of any street or alley shall not be less than four-tenths (0.4) percent. (Where specifically approved by the City Engineer, alleys may be redesigned with a 0.25 grade when constructed with concrete pavements).

**Subd. 2 Street Grades:** The grades in all streets, arterial highways, collector streets, minor streets and alleys in any subdivision shall not be greater than the maximum grades for each classification as follows:

Principal Arterial Highway	6 percent
Minor Arterial Highway	6 percent
Collector Street	6 percent
Local Street	8 percent
Alley	8 percent
Pedestrian Way	20 percent (May be increased if steps of an acceptable design are provided)

**Subd. 3** All changes in street grade of one (1) percent or more shall be connected by vertical curves. The length of the vertical curve will be determined on the basis of providing stopping sight distances for each road classification where design speed for arterial and collector streets is forty (40) mph and local streets is twenty-five (25) mph. In no case shall the length of the required vertical curve be less than fifteen (15) times the algebraic difference in rate of grades for arterial and collector streets or one-half (1/2) of this minimum for all other streets.

**Subd. 4** The radius of curvature on the center line of the street shall not be less than that required to produce stopping sight distance as defined in *Subd. 3* above. In no case, however, shall the radius of curvature for arterial and collector streets be less than three hundred (300) feet or for local streets, service drives and alleys be less than one hundred (100) feet.

**13.1.14 Intersections.** The following requirements are applicable to all subdivisions within the jurisdiction of the City of Cloquet:

**Subd. 1** At a street intersection, the street curb intersection shall be rounded by a radius of at least fifteen (15) feet.

**Subd. 2** Where, in the opinion of the Engineer, the center line profiles of streets presented as part of the Preliminary Plat do not clearly indicate that adequate intersection design will be accomplished, the Commission may request an intersection detail at a scale not to exceed one (1) inch equals twenty (20) feet, which detail will clearly represent the construction details for said intersection.

**Subd. 3** Intersections shall be designed so as to avoid abrupt changes in longitudinal or transverse slope.

**13.1.15 Lots.** The following requirements are applicable to all subdivisions within the jurisdiction of the City of Cloquet:

**Subd. 1** The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated. Lot dimensions shall conform to the requirements of the Zoning Ordinance.

**Subd. 2** Excessive depth in relation to widths shall be avoided. A proportion of not more than three (3) to one (1) normally shall be considered appropriate.

**Subd. 3** Every lot shall abut on a street. Lots for residential purposes shall meet the size requirements of the Zoning Ordinance and also the requirements relative to building setback and side yard requirements.

**Subd. 4** Corner lots for residential use shall be platted at least ten (10) feet wider than interior lots in order to permit conformance with the setback required by the Zoning Ordinance on the side streets.

**Subd. 5** Residential lots fronting on arterial or collector streets should have extra depths to permit deep setbacks for the buildings.

**Subd. 6** Double frontage lots and reversed frontage lots shall not be platted except as hereinbefore permitted under *Section 13.1.10*, et. Al.

**Subd. 7** Side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot fronts.

**Subd. 8** Narrow, triangular lots, unusual shapes and lots not permitting at least a 26 foot width house with side yards and driveway, rear yards and front yards are prohibited. No plat will be accepted that contains lots undesirable for building, property subject to recurrent flooding, property at grades greater than 8 percent or other factors that may cause such properties to be marginal in building operations and cause such property to be returned for property taxes.

**Subd. 9** Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.

**13.1.16 Utilities and Drainage.** The following requirements are applicable to all subdivisions within the jurisdiction of these regulations:

**Subd. 1 Water Lines:** Where approved public water supply is within reasonable access to the subdivision as determined by the number of lots, distance from and capacity of existing mains, water lines shall be placed within the right-of-way of each street. Water lines shall have a minimum diameter of eight inches (8"). Fire hydrants shall be installed at intervals of not less than four hundred (400) feet. The minimum size water main shall be eight inches (8") in diameter and all water mains shall be looped so that water is available from two directions to any point. Water main, fire hydrants, gate valves and appurtenances shall be installed in accordance with acceptable engineering practice. In general, in new residential areas, water main services with a shutoff shall be installed to appropriate public recreational areas in conjunction with the water main construction.

**Subd. 2 Sanitary Sewers:** Sanitary sewers shall be constructed in accordance with the standards of the City of Cloquet and each lot shall be provided with a connection to a sanitary sewer. The City may accept an area for platting where such service cannot be provided when the lots are of sufficient size and the soil is suitable for private disposal systems in accordance with City and State Health Department recommendations. No such private disposal systems shall be interconnected or run to a common private or public drain. The minimum size public sanitary sewer shall be eight (8) inches in diameter. Manholes shall be installed at intervals of not more than every 400 feet. In general in new residential areas sanitary sewer services shall be installed to appropriate public recreational areas in conjunction with the sewer construction.

Sewage lift stations will be constructed if necessary to serve an area, provided a lift station will be constructed on an assessment basis to serve an area only if at least 50 percent of the cost is immediately assessable. The lift station cost beyond the 50 percent and the prorata immediately assessable will be held for future assessment to the future area to be served.

**Subd. 3 Storm Drainage:** All necessary facilities including underground pipe, manholes, inlets, catch basins and other appurtenances necessary to provide adequate drainage for the property or to maintain any natural drainage course shall be the responsibility of the developer.

Open drainage ditches will not be allowed unless specifically directed by the City Engineer.

Platting of property is prohibited unless it is possible to drain the property by gravity drainage to the natural drainage course for the area (*Refer to Chapter 18: Stormwater Management Regulations to verify compliance*). As a minimum, no property plat will be accepted unless street grades are at least five feet above lake level and lots are of such elevation as to drain into the streets. The meeting of this minimum requirement does not obligate the City Council to accept the plat if there are substantial obstructions to the drainage of the property contained therein, and the City Council may require that the subdivider install pumping facilities for storm drainage prior to plat acceptance if such facilities are necessary.

**Subd. 4 Extensions Not in Platted Area:** In some cases the proposed area to be platted will not be served at its borders by water mains or sanitary sewer. The City Council may require a petition for the creation of an assessment district to extend the facilities to the platted area; or may require the subdivider to pay the cost of such extension; or may accept the plat with a separate water or sewer system; or may pay the cost thereof and hold the amount for future assessment; or may refuse acceptance of the plat.

**Subd. 5 Building Permit:** No building permit shall be issued in the platted area until sewer and water mains are designed, approved and the contract for installation awarded with a satisfactory completion date. No building shall be occupied in the platted area until provided with sanitary sewer and water service and until the street is graveled and such graveled accepted as adequate by the City Engineer to serve the building. The occupancy of a building in violation of this section shall not relieve the subdivider of any responsibility for street improvement. The transfer of property in the plat from the original subdivider to other parties shall not relieve the subdivider of his responsibility for initial street work as defined herein.



**Subd. 6 Design of Improvements:** The City Engineer will design only the improvements to be installed by the City. A subdivider desiring to contract and install his own improvements shall do so in accordance with City specifications and practice. The City Engineer will approve or disapprove all plans, specifications and installations in the public street and for improvements installed by the subdivider shall furnish a written statement to the subdivider of City acceptance of the improvement prior to the City accepting maintenance of the improvement or street as a part of the City system.

**13.1.17 Other Requirements.** The following requirements are applicable to all subdivisions within the jurisdiction of these regulations:

**Subd. 1 Sidewalks:** Sidewalks shall be constructed at a minimum on one side of all streets being dedicated for public use, both sides if it is a collector street or higher classification. The sidewalks shall be a minimum of five (5) feet wide, constructed of concrete pavement with a minimum thickness of four (4) inches.

**Subd. 2 Driveways:** The subdivider shall install driveways, driveway approaches and curb returns for each connection to the street

**Subd. 3 Screen Planting:** The installation of trees and shrubs to form a tight screen effective at all times shall be required along the rear line of any lot in any subdivisions which back onto an arterial or collector street.

**Subd. 4 Street Names:** All streets are to be named. A proposed street which is in alignment with and which joins an existing and named street shall be given the name of the existing street. The name of a proposed street shall not duplicate the name of an existing street to which it does not connect or with which it is not in alignment.

**Subd. 5 Street Name Signs:** Reflectorized street name signs shall be provided at all street intersections or where a change of direction of a street requires a change of street name. The signs shall be of the size and type approved for use by the City of Cloquet. Normally, one sign will be required at each residential intersection; however, more may be required dependent upon the character and/or width of the streets.

**Subd. 6 Easements:** The following standards and requirements shall apply for all plats where easements are necessary:

- A. An easement for utilities, at least ten (10) feet wide, shall be provided along each side of a side line of lots and/or the rear line of lots where necessary to form a continuous right-of-way, at least twenty (20) feet in width. Such easements are to be dedicated and provide for utility service from street to street. The intent of such easements is to furnish overhead wire utility service from the rear of the lots to buildings. If necessary for the extension of main water or sewer lines, electrical transformer pads or similar utilities, easements of greater width may be required along lot lines or across lots. A ten (10) foot wide drainage and utility easement is also required adjacent to all front property lines.
- B. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council, by Ordinance, upon the recommendation of the Planning Commission.
- C. Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along side lot lines.

- D. Where a subdivision is transversed by a water course, drainage way, channel or stream, a storm water easement, drainage right-of-way or park dedication, whichever the Planning Commission may deem the most adequate, conforming substantially with the lines of such water course shall be provided, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. The width of such easements shall be determined by the Planning Commission.
- E. Where a connection to a trail system is feasible, easements for a connection to the trail system may be allowed in lieu of sidewalk requirements as stated in *Subd. 1* of this Section.

### 13.1.18 Public Utilities

**Subd. 1** All new electric distribution lines (excluding main line feeders and high voltage transmission lines), telephone service lines, Cable TV, and any other services constructed within the confines of and providing service to customers in a newly platted residential area shall be buried underground; unless the Council specifically shall find, after study and recommendation by the Planning Commission, that:

- A. The placing of utilities underground would not be compatible with the development planned;
- B. The additional cost of burying such utilities would create an undue financial hardship; or
- C. Topographical, soil, or any other conditions make the underground installation unreasonable or impractical.

**Subd. 2** All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles. The Planning Commission may recommend, and the City Council require, that the type of overhead pole used be of a quality and durability aesthetically in conformance with the nature of the residential development.

**Subd. 3** Where telephone, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such a manner so as not to conflict with other underground services.

**Subd. 4** All drainage and other underground utility installations which traverse privately owned property shall be protected by easements.

**Subd. 5** The subdivider is responsible for complying with the requirements of this Section, and shall submit to the Planning Commission a written record from the utilities showing that the necessary arrangements with the utility involved for the installation of said facilities have been made.

**Subd. 6** All meters used to measure consumption of users must be attached or in close proximity (within 3 feet) of the principal structure.

**13.1.19 Public Improvement Installation.** Public improvements associated with the subdivision shall be installed in accordance with one of the following methods.

**Subd. 1 Private Installation.**

- A. Prior to the installation of any required improvements by the applicant and prior to approval of the final plat, the applicant shall enter into a development agreement in writing with the City requiring the applicant/developer to furnish and construct said improvements at their sole cost and in accordance with approved plans and specifications and usual agreement conditions. This shall include provisions for inspection of the construction of the public improvements by the City Engineer and other City staff.
- B. The development agreement shall require the applicant to post a financial guarantee consisting of an escrow deposit, irrevocable letter of credit, or a certified check with the City, guaranteeing performance in accordance with the terms of the development agreement. The type and conditions of the financial security must be reviewed and approved by the City Attorney. The amount of the security is to be based on the project's estimate of the total cost of the improvements to be furnished under the agreement, including but not limited to, sanitary sewer, water main, on-site storm sewer, streets, grading, drainage, wetland mitigation, erosion control, street and traffic signs, street lights, sidewalks, trails, monumentation, engineering, surveying, planning, City administration and legal cost. The project cost must be reviewed by City staff. The security amount shall equal one hundred twenty-five (125) percent of the project estimate.
- C. If evidence is presented that the described work and improvements have been paid for, the amount of the deposit or financial guarantee may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat.
- D. The schedule for completion of the work described in the final plat and the development agreement shall be determined by the City Council, upon recommendation of the engineer after consultation with the applicant. It shall be reasonable with relation to the work to be done, the seasons of the year, and proper coordination with construction activities in the plat and subdivision.
- E. Improvements shall be constructed only in platted real estate.
- F. No applicant/developer shall be permitted to start work on any subdivision improvements without entering into a development agreement and posting a City approved financial security.

**Subd. 2 City Installation.**

- A. Any person desiring to have utility and street improvements installed may request the City to install them, if such request is accompanied by a petition of one hundred (100) percent of the land owners and a waiver of assessment appeal, subject to the following conditions to the approval and authorization thereof by the City Council and as authorized by State law.

- B. If so approved by the City Council, the person requesting the installation of said utility and street improvements shall supply a security approved by the city running to the city guaranteeing payment for the installation of the improvements in an amount based on the City Engineer's estimate of the total cost of the improvements to be installed. The security amount shall equal five (5) years special assessments held until fifty (50) percent of the project special assessments have been paid. At such time, the City may reduce the amount of security required of the developer in amounts equivalent to subsequent assessments for which payment has been made.
- C. Improvements shall be constructed only in platted real estate.
- D. No applicant/developer shall be permitted to start work on any subdivision improvements without entering into a development agreement and posting a City approved financial security.

**13.1.20 Development Agreement.** Prior to installation of any required improvements and prior to or concurrently with the approval of the final plat, the developer shall enter into a development agreement in writing with the city requiring the developer to furnish and construct said improvements in accordance with plans and specifications and usual agreement conditions and/or pay appropriate cost for improvements or other cost associated with the plat. Further, the agreement shall provide for the development of any restrictions, covenants, easements, signage, park or open space requirements, or other conditions of the approved preliminary plat and provide for the proper execution, recording or other action required. In addition, the development agreement shall include such other terms and conditions as required by the City. Approval of the development agreement shall be by City Council resolution.

- A. The signed development agreement shall be recorded with the final plat and shall be binding upon the developer, his or their heirs, personal representative, and assigns stipulating:
  - 1) All improvements called for in the plat, or in any supplementary agreements, to be completed within the time specified by the City.
  - 2) Unless approved by the City Council, no private construction shall be constructed on any lots in the plat or filing of applications for building permits for said construction on said lots, until all improvements required under the City regulations for the proposed subdivision have been made or arranged in a manner provided for in this section.
- B. The development agreement shall include provisions for construction work inspected by the City and assurance that the developer will conform with current testing requirements and quality control procedures of the City of Cloquet. The developer shall provide documentation from a qualified testing laboratory and/or registered professional engineer that all improvements have been constructed in accordance with the requirements of the approved plans and specifications.
- C. The development agreement shall require the developer to provide a financial guarantee to ensure payment of fees related to the subdivision and completion of all improvements as required in this Ordinance.
- D. A time schedule for completion of the work shall be determined by the City upon recommendation of the City Engineer after consultation with the developer and shall be reasonable in relation to the work to be done, the seasons of the year, and proper coordination with construction activity in the subdivision.

- E. The development agreement shall include action remedies in the event of default including:
- 1) The City may complete the improvements by contract or force and obtain reimbursement of its cost from the posted security deposit.
  - 2) The City reserves the right to withhold building permits for violation of any terms of the development agreement.

**13.1.21 Construction Plans.** Construction plans for the required improvements shall conform in all respects with all applicable ordinances and standards of the City. Construction documents shall be prepared, at the expense of the developer, by a licensed professional who is registered in the State of Minnesota, and said plans shall contain his certification. Such plans, together with the quantities of construction items, shall be submitted to the City Engineer for his approval and for his estimate of the total cost of the required improvements. Upon approval, they shall become a part of the development agreement. A minimum of four (4) copies of the construction plans shall be furnished to the City for the City Engineer review and approval. Additional copies may be required by the City.

**13.1.22 Maintenance of Improvements.** The developer shall be required to maintain all improvements in the subdivision or on the individual subdivided lots and provide for snow removal and maintenance of streets, if required, until acceptance of said improvements by the City Council in coordination with the development agreement.

#### **13.1.23 Modifications and Exceptions**

**Subd. 1 Major Subdivisions:** The general principle of design and minimum requirements for the layout of subdivisions, set forth in *Section 13.1.06*, may be varied by the City Council in the case of a subdivision large enough to constitute a more or less self-contained neighborhood which is to be developed in accordance with a comprehensive plan safeguarded by the appropriate restrictions, and which, in the judgment of the City Council, makes adequate provisions for all essential community requirements; provided, however, that no modification shall be granted by the Council which would conflict with the purposes of the official Map or with the other features of the Comprehensive Plan of Cloquet, or with the intent and purposes of said general principle of design and minimum requirements.

**Subd. 2 Unusual, Physical Conditions:** In any particular case where the subdivider can show that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this ordinance would cause unusual difficulty or exceptional and undue hardship, the City Council may relax such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship, provided that such relief may be granted without detriment to the public good and without impairing the intent and purposes of these regulations or the desirable general development of the neighborhood and the community in accordance with the Comprehensive Plan and the Zoning Ordinance of the City of Cloquet. Any modifications thus granted shall be entered in the minutes of the City Council setting forth the reasons which, in the opinion of the Council, justified the modification.

**13.1.24 Enforcement.** If a subdivision, construction, reconstruction, or use occurs in violation of this Chapter, the City Planner/Zoning Administrator may, in addition to other remedies, institute any proper criminal action or proceedings in the name of the City of Cloquet, and hereby shall have the powers of a police officer to prevent such unlawful subdivision, construction, reconstruction, or use, to restrain or correct such violations, to prevent the occupancy of said property, or to prevent any illegal act, conduct, business or use in or about said premises.

**13.1.25 Penalty.** Any person who violates a provision of this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be fined and / or penalized not more than the maximum levels established by the State of Minnesota for misdemeanor offenses.

**13.1.26 Schedule of Fees, Charges and Expenses.** The schedule of fees shall be available at the City Offices and may be altered or amended only by the City Council. No plat shall be reviewed until all fees have been paid in full.

**13.1.27 Separability.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or void, said division shall not affect the validity of the remaining portions of this ordinance.

**13.1.28 Repeal of Conflicting Ordinances.** All ordinances of the City of Cloquet, all amendments thereof or supplementary thereto, and all other ordinances of the City inconsistent herewith and to the extent of such inconsistency and no further, are hereby repealed.