



# **SUBDIVISION ORDINANCE #28**

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**Ordinance Number 28**  
**Subdivision Ordinance of Carlton County**

**March 1, 2005**

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## **Subdivision Ordinance of Carlton County, Minnesota**

An ordinance establishing regulations for the subdivision and platting of land within the unincorporated areas of Carlton County.

### **Section 1 General Provisions.**

#### **Subdivision A. Short Title.**

This Ordinance shall be known as the “Subdivision Ordinance of Carlton County, Ordinance No. 28,” and will be referred to hereafter as “this Ordinance”.

#### **Subdivision B. Purposes and Intent.**

This Ordinance is enacted for the following purposes to:

1. Protect and provide for the public health, safety, and general welfare of the County;
2. 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;
3. Prevent piecemeal planning of subdivisions, undesirable, disconnected patchwork or pattern, and poor circulation of traffic;
4. Implement land subdivisions in accordance with the *Carlton County Community-Based Comprehensive Plan* and *Carlton County Zoning Ordinance*;
5. Secure the rights of the public, with respect to access to public lands and waters;
6. Protect and conserve the value of land throughout the County, the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
7. Guiding development in order to provide adequate transportation, sewer, water and other public services;
8. Establish subdivision development at standards compatible with affected municipalities and jurisdictions within the County; and
9. 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 County.

#### **Subdivision C. Authority.**

The County Board shall serve as the platting authority of the unincorporated areas of the County in accordance with Minnesota Statute Chapters 394 and 505, as may be amended. No plat or replat, or subdivision of land shall be filed or accepted for filing by the County Recorder or Registrar of Titles office unless adopted by the affirmative vote of the majority of the County

Board approving the plat or replat, except as provided in this Ordinance.

Subdivision D. Jurisdiction.

The provisions of this Ordinance shall apply to all plats and subdivisions of land, including registered land surveys and conveyances by metes and bounds, within the unincorporated areas the County as allowed by law, except within any orderly annexation area or other areas where there is an agreement between the township, the city and the County for the subdivision of land.

Subdivision E. Compliance.

No subdivision or plat shall be recorded in the County Recorder's office or have any validity unless the subdivision has been prepared, approved, and acknowledged in accordance with the provisions of this Ordinance.

Subdivision F. Zoning Permits and Improvements.

No zoning permits shall be issued by the County for the construction of any building, structure or improvement to the land or to any lot in a subdivision or plat until all requirements of this Ordinance have been complied with. The County shall not allow any improvements to be installed unless the preliminary plat is approved, and shall expend no public money for road and utility maintenance services until approval of the final plat.

Subdivision G. Minimum Requirements and conflict.

The requirements listed in this Ordinance shall be construed as minimum requirements and the County Board shall have the authority to impose additional, reasonable standards to protect the public's health, safety and general welfare. Whenever there is a difference between the minimum standards or dimensions specified herein and those contained in other official controls, regulations, or ordinances, the most restrictive standard shall apply.

## **Section 2    General Subdivision Procedures.**

### **Subdivision A.    Platting Required.**

1. Except for divisions of property resulting in parcels no less than twenty acres in area and described by standard rectangular division, or except for divisions of property as provided in Section 4, all subdivisions of land regulated by this Ordinance shall be platted in accordance with the procedures of Section 5 of this Ordinance.
2. 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 zoning 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 4 and 5 of this Ordinance.

### **Subdivision B.    Resubdivision of Land.**

Whenever a property is subdivided and the subdivision plat shows that one or more lots may eventually be resubdivided in accordance with the zoning of the property and/or the *Carlton County Community-Based Comprehensive Plan*, the County Board may require that the land be platted to allow for the future openings of roads and the ultimate extension of roads. The County Board may require the dedication of easements for future opening and extension of roads as part of the subdivision approval.

### **Subdivision C.    Variances (Amendment 28 - A and D)**

1. A plat or subdivision shall not be approved where a variance will subsequently be required in order to use the lots for their intended use.
2. The Board of Adjustment may consider a variance from any of the provisions of this Ordinance where it is found that practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be serviced to a greater extent by an alternative proposal.
3. The Board of Adjustment may approve variances from this Ordinance, provided the variances will not have the effect of nullifying the intent and purpose of this Ordinance, the *Carlton County Zoning Ordinance*, or the *Carlton County Community-Based Comprehensive Plan*.

Further, the Board of Adjustment shall not approve or disapprove variances unless it makes findings based upon the evidence presented in each specific case that:

- a. The property owner is proposing to use the property in a reasonable manner not permitted by this ordinance.
- b. The practical difficulty upon which the request for variance is based is unique to the property for which the variance is requested and is not created by the property owner or prior property owners.
- c. Economic considerations alone do not constitute a practical difficulty if a reasonable use of the property exists under the terms of this ordinance.

- d. The variance, if granted, will not alter the essential character of the locality.
- e. In granting any variance, the Board of Adjustment may impose conditions that it finds necessary or desirable to affect the purposes of this Ordinance and to protect the public interest.

If the variance is after-the-fact, the Board of Adjustment should consider the additional following factors:

- f. Why did the applicant fail to obtain a variance, and did the applicant act in good faith;
- g. Did the applicant attempt to comply with the law by obtaining permits;
- h. Did the applicant obtain a permit from another entity that violated the law;
- i. Did the applicant make a substantial improvement in the property;
- j. Did the applicant complete repairs, or undertake construction before the applicant was informed of the impropriety;
- k. Is the nature of the property residential/recreational and not commercial;
- l. Are there similar structures in place in the locality;
- m. Would the benefits to the public be outweighed by the detriments to the applicant if regulations were enforced?

4. Application Required.

a. A completed application for a variance from this Ordinance shall be submitted by the applicant on a form provided by the Zoning and Environmental Services Office at the time when the preliminary plat application is submitted for consideration to the County. The application shall be complete when the applicant has complied with the following requirements:

- 1.) A written and/or graphic description of the variance request including an explanation of the reason the variance is required, the practical difficulty involved, why it is unique to this property, potential impact on development and surrounding property and compliance with the *Carlton County Community-Based Comprehensive Plan* and the *Carlton County Zoning Ordinance*.
- 2.) Supporting information required by the Zoning Administrator including, but not limited to, covenants, deed restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.
- 3.) A fee established by resolution of the County Board.

b. The Zoning Administrator shall notify the applicant within fifteen (15) business days of submittal if the application is incomplete.

c. The notice, review and public hearing of the variance request shall follow the same procedures as a preliminary plat found in Section 5, Subdivision B of this Ordinance.

5. Any work allowed under a variance issued under this section must be permitted with the applicable zoning application within one year of issuance of the variance or the variance

shall automatically be deemed null and void. The Zoning Administrator is authorized to extend that period of time for good cause shown.

### **Section 3 Rules and Definitions.**

#### **Subdivision A. Rules.**

For the purpose of this Ordinance, certain terms and words are defined, as follows.

1. The present tense includes the future tense;
2. The singular number shall include the plural and the plural the singular; and
3. The word shall is mandatory, and the word may is permissive.

#### **Subdivision B. Definitions.**

For the purpose of this Ordinance, certain words and terms are defined as follows:

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

**Alley** – A public road and associated right of way used as a service access to the rear or side of the property that is not intended for general traffic circulation.

**Block** – An area of land within a subdivision that is entirely bounded by right of way, or by right of way and the exterior boundary or boundaries of the subdivision, a public park, or a combination of the above with a river, stream or lake.

**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.

**Bluff, red clay area.** – Part of the St. Louis and Nemadji River basins, the slope rises at least 10' above the ordinary high water level of the water body and the grade of the slope from the toe of the bluff to a point 10' or more above the ordinary high water level averages 14% or greater.

**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.

**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.

**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.

Comprehensive Plan – A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development of the County which has been adopted by the Carlton County Board as the *Carlton County Community-Based Comprehensive Plan*.

County – Carlton County, Minnesota.

County Board – The Carlton County Board of Commissioners.

County Functional Roadway Classification Map – A map adopted by the County that depicts the functional classification of roadways within the County. This map may be amended from time to time and is submitted to Mn/DOT on a periodic basis for State aid funding purposes.

Cul-de-sac – A road with only one outlet that contains an area at the end to allow vehicles to turn around.

Design Standards – Minimum requirements for the preparation and layout of plats and associated required improvements.

Easement – The right to use the land of another owner for a specified use, such as the construction and maintenance of utilities, roadways, parks and pedestrian trails, individual sewage treatment systems, drainage, driveway, or other uses.

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

Financial Guarantee – A financial security posted with the County with the approval of a final plat of development contract, guaranteeing compliance with the approved final plat, construction plans, and conditions of approval set forth by the County.

Lot – A parcel or area of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means, and separated from other parcels by its description; a numbered parcel in the lot and block description of platted property.

Lot Area – The total area within the lot lines of a lot.

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.

Lot Depth – The mean horizontal distance between the front lot line and rear lot line.

Lot, Double Frontage – A lot having frontage on two non-intersecting streets.

Lot Frontage – The portion or side of a lot that abuts public right of way

Lot Line – A property boundary line of any lot, except any portion of the lot that extends into the abutting street or alley.

Lot Line, Front – A lot line abutting a public right of way.

Lot Line, Rear – The lot line opposite and most distant from the front lot line.

Lot Line, Side – Any lot line other than a front or rear lot line.

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 prior to September 12, 1967 and which contains identical lot lines as were present on September 12, 1967.

Lot Remnant – An irregular parcel of land that serves no purpose and is not in conformance with County 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.

Lot Width –The shortest distance between lot lines as measured at the midpoint of the building setback line and also measured at the road; and ordinary high water level for riparian lots; and for nonriparian lots the width as measured on the lot line that fronts to a road and also measured at the midpoint of the building setback line. The minimum lot width dimension beyond the building setback line shall not be less than 50% of the required lot width.

Metes and Bounds – A method of property description prepared by a land surveyor registered in the State of Minnesota described by the direction and distance from an identifiable point of beginning.

Mn/DNR – Minnesota Department of Natural Resources

Mn/DOT – Minnesota Department of Transportation

MPCA – Minnesota Pollution Control Agency

Ordinary High Water Level – The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

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 Township or County and the subdivider; or for a public purpose.

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.

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.

Person – A firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

Planning Commission – The Carlton County Planning Commission

Plat – The drawing or map of a subdivision prepared for filing of record in accordance with Minnesota Statute Chapter 505 and containing all elements and requirements in this Ordinance pursuant to Minnesota Statute Chapters 394 and 505.

Preliminary Plat – A drawing or map of a proposed subdivision meeting the requirements of this Ordinance.

Private Road – A road providing access to two or more lots which is not dedicated to or maintained by the public.

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 County will not be responsible to enforce private protective covenants.

Public Improvement – Any drainage facility, road, parkway, park, lot improvement or other facility for which the County or any other local government may ultimately assume the responsibility for maintenance and operation.

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.

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.

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 County Board or State 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.

Road – An improved corridor and associated drainageways 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.

Road, Collector – State and County roads that provide connections between cities and minor business concentrations within the County, as designated on the County Functional Roadway Classification map, as may be amended. Mobility and land access are equally

important.

Road, Expressway Arterial – The primary function of these roadways is to provide mobility between smaller communities and the rest of the state. In some cases, these roadways provide access to properties when a supporting roadway network is lacking. These roadways are designated on the County Functional Roadway Classification map, as may be amended.

Road, Local – County and township roads that serve the shortest trips and providing access to adjacent property.

Road, Minor Arterial – State roadways that serve medium to short trips as designated on the County Functional Roadway Classification map, as may be amended. Minor arterials interconnect concentrations of commercial or industrial land uses and cities and townships within the region to each other and to similar places outside the region. The emphasis is on mobility rather than land access.

Road, Principal Arterial – Roads, which include all interstate freeways and other roadways, which provide for the longest trips, as designated on the County Functional Roadway Classification map, as may be amended. The emphasis is on mobility rather than land access.

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

Sketch Plan – A drawing that shows the conceptual subdivision of property.

SSTS – Subsurface sewage treatment system.

Standard Rectangular Division – A process of dividing land without the use of points, measurements or bearings. Example: the location and acreage of the land is in such terms as N1/2 (North one-half), SE1/4 (Southeast one-quarter); eighty (80) acres.

Subdivider – An owner, agent or person, individual firm, association, syndicate, copartnership, corporation, trust or other legal entity having sufficient proprietary interest to subdivide the land under this Ordinance.

Subdivision – The division of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new public road is involved, any division of a parcel of land.

Zoning Administrator – The Carlton County Zoning and Environmental Services Administrator or authorized representative.

Zoning Ordinance – The *Carlton County Zoning Ordinance*, as may be amended.

## **Section 4 Administrative Subdivisions and Minor Subdivisions.**

### **Subdivision A. General Requirements.**

1. The provisions of this Section shall only apply to those subdivisions classified as Administrative Subdivisions and Minor Subdivisions as described as follows.
  - a. The following shall be considered an Administrative Subdivision:
    - 1.) The exchange of abutting land between owners, the addition of land to an existing lot 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 *Carlton County Zoning Ordinance* and the provisions of *Ordinance 30 – Subsurface Sewage Treatment Systems*.
    - 2.) A division of property resulting in no more than four (4) 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 *Carlton County Zoning Ordinance*,
      - b.) a maximum of four (4) lots per quarter-quarter section shall front on an existing public road,
      - c.) the lot size for parcels created in the A-1 Zoning District is no less than twenty (20) acres; or, in the case of a cluster subdivision, no less than two (2) acres and no greater than five (5) acres,
      - d.) the minimum lot size for parcels created in the A-2 Zoning District is two and one-half (2.5) acres,
      - e.) the minimum lot size and frontage requirements for lots created in all other zoning districts shall meet the minimum dimensional standards prescribed in the *Carlton County Zoning Ordinance*, and
      - f.) the subdivision complies with all other requirements of the *Carlton County Zoning Ordinance*.
  - 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 lot size for parcels created in the A-1 Zoning District is no less than twenty (20) acres; or, in the case of a cluster subdivision, no less than two (2) acres and no greater than five (5) acres.
    - 3.) The minimum lot dimensions shall be consistent with the requirements of the zoning district in which the lots are located.

- 4.) The minimum lot size for parcels created in the A-2 Zoning District is two and one-half (2.5) acres.
  - 5.) The proposed lots shall have frontage on an existing public road for the minimum lot width required in the *Carlton County Zoning Ordinance*, or may be served by a new public or private road subject to the design standards Section 6 and construction requirements in Section 7. Approved roads shall meet the following additional requirements:
    - a.) Permanent cul-de-sac roads shall not exceed 1,500 feet in length, except when topography, water features, existing land use or other conditions warrant longer cul-de-sacs, as determined by the County Board.
    - b.) Easements shall be legally described for all private roads and recorded against all affected properties.
    - c.) A perpetual maintenance agreement shall be required for all private roads serving two (2) or more properties, in a form approved by the County Attorney, and shall be recorded against all affected properties.
  - 6.) A maximum of four (4) lots per quarter-quarter section shall front on an existing public road.
  - 7.) The minimum lot size and frontage requirements for lots created in the R-1 Zoning District shall meet the minimum dimensional standards prescribed in the *Carlton County Zoning Ordinance*.
  - 8.) The subdivision complies with all other requirements of the *Carlton County Zoning Ordinance*.
2. Any subdivision regulated by this Ordinance that is not an Administrative Subdivision or Minor Subdivision as specifically described in subpart 1 above shall be considered a Major Subdivision.
  3. Lots within a Minor Subdivision or Administrative Subdivision may be described by Federal Subdivision, recorded plat, registered land survey, or by metes and bounds.
  4. Shared driveway access on existing public roads is encouraged to enhance highway safety and may be required to meet County 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 County and recorded against the encumbered properties.
  5. The purpose of the Administrative 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 may be further subdivided in succession in order to avoid Minor Subdivision or Major Subdivision requirements for larger parcels. (Amendment 28 – A)
  6. The purpose of the 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 may be further subdivided in succession in order to avoid Major Subdivision requirements for larger parcels. There shall be no subsequent subdivision of any parcels of land in contiguous ownership, any of which have been included in a Minor Subdivision, within a period of three (3) years of the date any such subdivision of land was recorded as part of an earlier Minor Subdivision. (Amendment 28 – A)

7. In a Minor Subdivision resulting in three (3) or fewer lots on a private road, the requirements for design and certifications by a registered professional engineer, as specified in Section 7 Installation and Maintenance of Basic Improvements, may be waived provided the following conditions are met:
  - a. The road is constructed in substantial compliance with the standards and specifications required in Section 7, except as may be modified by the County.
  - b. The subdivider and road contractor shall certify in writing that the road has been constructed in substantial compliance with the requirements in Section 7, except as may be modified by the County, and the road will support year-round use by emergency response vehicles.
  - c. The subdivider executes the perpetual road maintenance agreement required for private roads. (Amendment 28 – A)

#### Subdivision B. Administrative Subdivision Procedure

1. The applicant shall submit an application for approval of an Administrative Subdivision to the Zoning Administrator that includes the following:
  - a. A completed application on a form provided by the Zoning and Environmental Services Office, and documents demonstrating the subdivider has sufficient interest in the property to apply for an Administrative Subdivision.
  - b. Two (2) copies of a survey map prepared by a registered land surveyor. The survey map shall contain 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.) Location of monuments required under Section 7, Subd. A, 2.
    - 4.) Proposed use and driveway locations on the lots.
    - 5.) Location of all structures and distance from existing and proposed lot lines.
    - 6.) Location and provisions for individual water supply and sewage disposal that meets the requirements of *Ordinance 30 – Subsurface 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 County Board.
  - e. Any other information as required by the Zoning Administrator.

2. The Zoning Administrator may refer the documents to the County Surveyor and the township in which the subdivision is located for review and comment. The Zoning Administrator may approve the Administrative Subdivision when the applicant complies with the recommendations of the County Surveyor, if any, and is consistent with the *Carlton County Community-Based Comprehensive Plan*, the *Carlton County Zoning Ordinance*, and any other official controls of the County.
3. The Zoning Administrator shall act on the Administrative Subdivision within sixty (60) days of submittal of a complete application unless a delay is agreed to by the subdivider in writing.
4. The applicant shall file the deeds of the lots or registered land survey and any associated documents with the County Recorder's Office within six (6) months or the approval shall automatically be deemed null and void. The Zoning Administrator is authorized to extend that period of time for good cause shown.

#### Subdivision C. Minor Subdivision Procedure

1. 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 Zoning and Environmental Services Office, and documents demonstrating the subdivider has sufficient interest in the property to apply for a Minor Subdivision.
  - b. Eight copies of a map, prepared by a registered land surveyor, containing the following information (Amendment 28 – B):
    - 1.) The original property description and the proposed legal descriptions of the proposed lots.
    - 2.) Proposed new property lines with the dimensions noted.
    - 3.) Location of monuments required under Section 7, Subd. A, 2.
    - 4.) All contiguous property and all roads and their proper names.
    - 5.) Proposed use and driveway locations on the lots within the subdivision.
    - 6.) Location of all structures and distance from existing and proposed lot lines.
    - 7.) 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 Zoning Administrator), and the toe and top of any bluff or red clay bluff.
    - 8.) Location and provisions for individual water supply and sewage disposal for each lot that meets the requirements of *Ordinance 30 – Subsurface 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 County Board.
2. The Zoning Administrator shall notify the subdivider if the application is found incomplete

and shall identify the items required to complete the submittal.

3. The Zoning Administrator shall distribute copies of the complete application to the following agencies prior to consideration by the Planning Commission and County Board:
  - 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.
  - c. The affected Board of Township Supervisors.
  - d. Any municipality within two (2) miles of the affected property.
  - e. The Commissioner of the DNR, if the property is located within any shoreland or floodplain district as defined by Minnesota Statutes, Sections 105.485 and 104.02, respectively.
  - f. Any other agency, such as the Soil and Water Conservation District and watershed districts, deemed appropriate by the Zoning Administrator.
4. Planning Commission Consideration and Action:
  - a. The Zoning Administrator may provide a courtesy notice to property owners abutting the proposed Minor Subdivision prior to action by the Planning Commission.
  - b. The subdivider shall appear before the Planning Commission to answer questions pertaining to the application.
  - c. The Planning Commission shall determine whether the Minor Subdivision conforms to the design standards established within this Ordinance, the *Carlton County Zoning Ordinance* and the *Carlton County Community-Based Comprehensive Plan*.
  - d. The Planning Commission shall recommend that the County Board approve, approve with modifications, or deny the Minor Subdivision. If approval is not recommended to the County Board, the applicant shall be notified of the reason for denial. The recommendation shall be forwarded to the County Board for consideration.
5. County Board Consideration and Action
  - a. The County Board shall act on the Minor Subdivision within 120 days of submittal of a complete application, unless a delay is agreed to in writing by the applicant.
  - b. The County Board 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 County Board.
6. Recording
  - a. The applicant shall file the deeds of the lots or registered land survey with the County Recorder's Office within six (6) months of the County Board's approval or the approval shall automatically be deemed null and void. The Zoning Administrator is authorized to extend that period of time for good cause shown.
  - b. No zoning permits shall be issued unless the applicant has furnished evidence that the deeds of the lots or registered land survey have been filed with the County Recorder's Office.

## **Section 5    Platting Procedure.**

### **Subdivision A.    Sketch Plan Review.**

1. Prior to the filing of the preliminary plat, the subdivider shall submit a sketch plan depicting the proposed subdivision for review with the Zoning Administrator.
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
3. The sketch plan and accompanying information shall serve as the basis for informal discussion between the subdivider and the staff. Submission of a sketch plan shall not constitute formal filing of a subdivision plat with the County. The Zoning Administrator will informally advise the subdivider of the extent to which the proposed subdivision conforms to the standards of County Ordinances and will discuss possible plan modifications as necessary to ensure conformance with this Ordinance.
4. The 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 Zoning Administrator shall notify the subdivider of this requirement.

### **Subdivision B.    Preliminary Plat.**

1. Application Requirements: Following Sketch Plan Review, the subdivider shall submit the following to the Zoning Administrator,
  - a. A completed application on a form provided by the Zoning and Environmental Services Office, and documents demonstrating the subdivider has sufficient interest in the property to apply for a subdivision.
  - b. Ten (10) copies of the preliminary plan including an 8 ½” x 11” reproducible copy, and supporting documentation of the proposed subdivision containing information required in Subdivision C of this Section, together with protective covenants or restrictions, if any.
  - c. A subdivision fee established by resolution of the County Board.
  - d. Completed environmental review documents as required by law. The subdivider shall comply with the regulations and follow the procedures for environmental review established in Section 7, Article 3 of the *Carlton County Zoning Ordinance*.
  - e. The Zoning Administrator shall notify the subdivider if the application is found incomplete and shall identify the items required to complete the submittal.
2. The Zoning Administrator shall distribute copies of the complete application and preliminary plat to the following agencies for review and comment at least thirty (30) days prior to consideration by the Planning Commission and County Board:
  - a. Mn/DOT, if abutting a state or federal highway, or access is requested from a state or federal highway.

- b. County Engineer, County Surveyor, and County Recorder.
  - c. The affected Board of Township Supervisors.
  - d. Any municipality within two miles of the affected property,
  - e. The Commissioner of the DNR, if the subdivision is located within any shoreland or floodplain district as defined by Minnesota Statutes, Sections 105.485 and 104.02, respectively, and
  - f. Any other agency, such as the Soil and Water Conservation District and watershed districts, deemed appropriate by the Zoning Administrator.
3. Public Hearing Required.
- a. The 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.
  - b. 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:
    - 1.) published in the official newspaper of the County, a minimum of ten (10) days prior to the hearing.
    - 2.) mailed to the township boards and municipalities within two miles of the property to be subdivided, a minimum of ten (10) days prior to the hearing.
    - 3.) written notice of the public hearing shall be mailed to property owners within ½ mile of the property to be subdivided, a minimum of ten (10) days prior to the hearing.
4. Planning Commission Hearing and Action.
- a. The subdivider shall appear before the Planning Commission to answer questions pertaining to the application and preliminary plat.
  - b. The Planning Commission may request the subdivider to submit additional information to properly consider the plan before or after the hearing.
  - c. The Planning Commission may seek professional advice, to be paid by the subdivider, concerning the preliminary plat.
  - d. The Planning Commission shall determine whether the preliminary plat conforms to the standards established within this Ordinance, the *Carlton County Zoning Ordinance* and the *Carlton County Community-Based Comprehensive Plan*.
  - e. The Planning Commission shall recommend that the County Board approve, approve with modifications or deny the preliminary plat. If approval is not recommended to the County Board, the subdivider shall be notified of the reason for denial. The recommendation shall be forwarded to the County Board for consideration.
5. County Board Consideration and Action.
- a. The County Board 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.
  - b. The County Board 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 County Board.

- c. If the County Board approves the preliminary plat, the subdivider shall proceed to complete a final plat in accordance with the requirements of this Ordinance.
- d. If the final plat has not been approved by the County Board 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 County Board.

#### Subdivision C. Preliminary Plat Requirements.

The preliminary plat shall contain or have attached the following information:

##### 1. Identification and Description.

- a. 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.
- b. Legal description of the property.
- c. Names and addresses of the property owners, the subdivider, and surveyor, engineer or designer of the plat.
- d. 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 Zoning Administrator.
- e. Vicinity map of area showing geographical points for orientation within a ½ mile radius of the property.
- f. Date of preliminary plat preparation.

##### 2. Existing Features and Conditions.

- a. The outside boundary line survey and legal description of the property to be subdivided.
- b. Existing zoning classification and land use for the property and abutting properties including floodplain and shoreland overlay districts.
- c. The total acreage of the property to be subdivided.
- d. 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.
- e. All contiguous land owned or controlled by the owner of the property to be subdivided.
- f. Topographic data showing contour intervals of not more than ten (10) feet within the boundaries of the property to be subdivided.
- g. Water courses, drainageways, 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 Zoning Administrator); the toe and top of any bluffs/red clay bluffs; wooded areas and significant features.

- h. Location, size and capacity of existing and abandoned drainage, stormwater and agricultural tiles; SSTS, 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.
- i. 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 *Ordinance No. 30 – Subsurface Sewage Treatment Systems (Amendment 28 – C)*.
- j. Other information as required by the Zoning Administrator.

3. Proposed Features and Conditions.

- a. Proposed lot and block layout, lot lines and dimensions including acreage, and lot and block numbers of all new lots.
- b. Proposed uses and densities of all lots within the subdivision including public areas, drainage areas and common open space.
- c. The minimum setbacks, including any shoreland and floodplain setbacks, from the exterior lot lines, public right of way, ordinary high water levels or bluff/red clay bluff areas.
- d. The location and general design of individual access from lots within the subdivision to public roads.
- e. 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.
- f. Location, right of way and width of road extensions to adjacent properties, as required by the Zoning Administrator or County Engineer.
- g. Location and width of proposed easements.
- h. Street profiles (may be on separate map) including drainage facilities when required by the County Engineer.
- i. 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
- j. Location and provisions for individual water supply and sewage disposal including the location of two suitable sites for SSTS for each lot that meets the requirements of *Ordinance 30 – Subsurface Sewage Treatment Systems (Amendment 28 – C)*.
- k. Location and design of any public sanitary sewer and water lines, if applicable, and drainage facilities.
- l. If the entire property will not be developed, a sketch showing how the remaining property can be subdivided and how access will be provided.
- m. The 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.

- n. A copy of all proposed private restrictions or covenants, and establishment of homeowners associations for the proposed subdivision.
- o. Other information as required by the Zoning Administrator or Planning Commission.

Subdivision D. Final Plat.

1. The final plat shall be in substantial compliance with the preliminary plat and shall incorporate all of the conditions of the County Board 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.
2. The subdivider shall file the final plat no later than one (1) year from the date of approval of the preliminary plat by the County Board 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 County Board.
3. 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 County Board or the preliminary plat shall become void unless a request for a time extension is submitted by the subdivider and approved by the County Board.
4. Application Requirements: The subdivider shall submit the following to the Zoning Administrator:
  - a. A complete application on a form obtained from the Zoning and Environmental Services Office.
  - b. Ten paper prints and an 8 ½" x 11" transparency and paper print 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 County Board.
  - e. The Zoning Administrator shall notify the subdivider if the submission is found incomplete and shall identify the items required to complete the submittal.
5. Final Plat Review
  - a. The Zoning Administrator shall distribute copies of the complete application and final plat to the following agencies to obtain comments and requirements prior to consideration by the Planning Commission and County Board:
    - 1.) County Surveyor to determine compliance with the Minnesota Land Surveyors Association Plat Manual of Minnesota Guidelines and Minnesota Statutes.
    - 2.) County Engineer.
    - 3.) County Auditor, Assessor and Recorder.
    - 4.) County Attorney, including a copy of the up-to-date Abstract of Title or

Certificate of Title; title opinion; and any deed restrictions, restrictive covenants, maintenance agreements or homeowners association documents, all of which are in a recordable form.

- 5.) The affected Board of Township Supervisors
- b. Planning Commission Review.
  - 1.) The Zoning Administrator shall submit the application, final plat and requirements and comments of the County staff and the affected Board of Township Supervisors to the Planning Commission.
  - 2.) The Planning Commission shall review the final plat and all supporting documentation for compliance with the preliminary plat approval by the County Board. A report of the Planning Commission recommendation shall be provided to the County Board.
- c. County Board Action.
  - 1.) The County Board shall act on the Final Plat within sixty (60) days of the date the Zoning Administrator has determined the application, final plat and supporting documentation is complete and meets the requirements of this Ordinance.
  - 2.) The County Board shall consider conformance of the final plat to the preliminary plat approval, the design standards of this Ordinance, the comments and recommendations of the County staff, the Planning Commission recommendation, and Minnesota State Statutes. The County Attorney shall approve the plat for form and execution. The County Board 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 County Board and transmitted to the subdivider in writing, and authorization for the County Board Chair to sign the plat.
  - 3.) Upon approval by the Board, 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 County Board Chair.

## 6. Final Plat Recording

- a. Within six (6) months of the County Board's approval of the final plat, the subdivider shall submit to the County Recorder two (2) reproducible mylar prints as required by the County signed by the County Board Chair for recording. The subdivider shall also submit the plat in an electronic data format, as required by the County.
- b. Immediately upon recording, the subdivider shall furnish the Zoning and Environmental Services 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.

## 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 County staff, the Planning Commission or by the County Board.
- 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 County Engineer and approved by the County Board.
- d. Any financial guarantees required for improvements as approved by the County Board shall be submitted to the Zoning and Environmental Services Office in a form satisfactory to the County 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.

## **Section 6     Design Standards**

### **Subdivision A.     Land Requirements.**

1. No subdivision shall be approved by the County Board if the property is not suitable for the proposed land uses of the plat because of potential flooding, topography, inaccessibility, adverse soil conditions, rock formations or protected waters or wetlands.
2. Land that is subject to life, health, or property hazards shall not be subdivided for residential purposes until all hazards have been eliminated or unless adequate safeguards against such hazards are provided in the subdivision plan.
3. Proposed subdivisions shall be designed to take into account the surrounding properties, natural features, environmental conditions and public access to allow for coordinated, attractive and efficient development within the County.
4. Proposed land uses and development shall conform to the *Carlton County Community-Based Comprehensive Plan* and *Carlton County Zoning Ordinance*.

### **Subdivision B.     Lots.**

1. The density, lot area, lot width, lot depth, and lot combination requirements shall be consistent with the *Carlton County Zoning Ordinance*, when applicable, in effect at the time of the adoption of the final plat by the County Board.
2. A maximum of four (4) lots per quarter-quarter section shall front on an existing public road. Shared driveway access shall be required when necessary to meet minimum County highway access spacing guidelines.
3. Lot size and arrangement shall be designed to meet the requirements of *Ordinance No. 30 – Subsurface Sewage Treatment Systems*.
4. Corner lots on subdivisions within residential zoning districts shall be of sufficient width to meet the required front yard building setbacks from each road as required by the *Carlton County Zoning Ordinance*.
5. Side lot lines shall be approximately at right angles to street lines or radial to curved streets unless environmental or topographic conditions require different dimensions.
6. Double frontage lots shall be avoided except where lots abut principal, expressway or minor arterial roadways or where environmental or topographic conditions render such subdividing unreasonable.
7. Every lot must have the minimum required frontage on a public road or approved private road and have adequate access to a public road or approved private road. The County may modify the minimum required frontage on cul-de-sacs. (Amendment 28 – A)
8. Setback or building lines including setbacks from the Ordinary High Water Level and bluffs/red clay bluffs shall not be less than the setback required by the *Carlton County Zoning Ordinance*. All remnants of lots below the minimum lot size shown within the property to be subdivided shall be added to adjacent lots, unless a plan for the use of the

remnant is approved by the County Board.

9. Outlots may be platted within a subdivision to delineate future development phases or commonly owned open space. No zoning permits shall be issued for outlots unless approval has been obtained by the County Board.
10. No lot within a subdivision shall extend over a political boundary.

#### Subdivision C. Blocks.

1. 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 accommodate the principal and accessory uses of the zoning district.
  - b. The minimum zoning requirements for lot dimensions, off-street parking and loading space provisions.
  - c. Needs for convenient access, circulation, control and safety of street traffic.
  - d. Limitations and opportunities of topography.
2. Blocks within residential zoning districts shall be of sufficient depth for two tiers of lots except when abutting a water body, railroad, or major roadways, or because of low density or topographic conditions.
  - a. Blocks intended for business or industrial use shall be of a width suitable for their respective use, including adequate space for off-street parking and deliveries.
  - b. Pedestrian/bicycle trails, not less than ten (10) feet wide, shall be required to schools, playgrounds, shopping centers, transportation and other community facilities where deemed necessary by the County Board to provide non-vehicular access and circulation.

#### Subdivision D. Roads

1. The arrangement and function of roads designed within a subdivision shall conform to the *Carlton County Community-Based Comprehensive Plan* and *Carlton County Zoning Ordinance*.
2. Except for approved cul-de-sacs, roads shall be designed to connect with existing or planned roads in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided properties.
3. The arrangement of roads shall include consideration to the reasonable circulation of traffic within the subdivision and adjacent existing and future supporting road networks, topographic and environmental conditions, storm water drainage, to public convenience and safety, and the proposed uses of the area to be served.
4. Cul-de-sacs are permitted when designed to permit future road extensions into adjoining properties or where topography, environmental, land use or existing conditions justify their use as approved by the County Board.
  - a. The road right of way for a temporary cul-de-sac shall be continued to the property

- line to permit future extension to the adjoining property. Right of way for a temporary turnaround shall be provided at an appropriate location near the adjacent property.
- b. The land included for a temporary turnaround that is no longer needed for right of way when the road is extended to adjacent property shall revert to the abutting property owners.
  - c. Permanent cul-de-sac roads shall not exceed 1,500 feet in length, except when topography, water features, existing land use or other conditions warrant longer cul-de-sacs, as determined by the County Board.
  - d. The right of way turn-around radius of the end of the cul-de-sac shall not be less than sixty-six (66) feet.
5. Where the subdivision includes only part of the property owned or intended for development by the subdivider or owner, a build out plan illustrating the proposed future road system for the unsubdivided portion shall be prepared and submitted by the subdivider or owner.
  6. When a lot within a subdivision is large enough to be further subdivided according to the zoning district the property is located within, the lot shall be arranged to permit the logical location and openings of future roads and appropriate resubdivision.
  7. Roads shall be designed to intersect at approximately right angles, except where topography, environmental or other conditions justify variations.
    - a. The minimum angle of intersection of roads shall be eighty (80) degrees.
    - b. Road intersection jogs with an offset of less than 330 feet shall be avoided.
  8. Wherever the proposed subdivision includes or is adjacent to the right of way of a principal, expressway or minor arterial road, provision shall be made for a frontage or backage road in a location to be approved by the County Board. The distance of the frontage/backage road intersection from the arterial roadway shall be based upon the function of the intersecting roads, existing and future traffic volumes, land use, lot depths, and other factors that contribute to the design of safe and convenient access.
  9. Alleys may be provided in commercial and industrial districts as required by the County Engineer, provided that service access, such as on-site loading, unloading and parking is available consistent with and adequate for the proposed uses. Alleys shall be a minimum of twenty (20) feet in width. Dead-end alleys shall be avoided unless the County Board finds there is no reasonable alternative. If approved, dead-end alleys shall be designed with adequate turn-around facilities at the end of the alley.
  10. Dedication of substandard width right of way and roads may be approved where:
    - a. the proposed right of way is adjacent to a platted right of way and, combined, the rights of way meet the requirements of this Ordinance,
    - b. the County Board finds that such dedication will allow for reasonable access and circulation when the adjoining property is subdivided, or
    - c. where it becomes necessary to acquire the remaining portion by condemnation for public purposes.
  11. The minimum right of way widths for roads shall be as follows except where existing or

anticipated traffic on the roadway warrants greater right of way widths as determined by Mn/DOT and/or the County Engineer and as allowed by law:

Type of Road	Right of Way Width
Principal Arterial Road	As determined by Mn/DOT
Expressway Arterial Road	As determined by Mn/DOT
Minor Arterial Road	150 feet
Major Collector Road	100 feet
Minor Collector Road	100 feet
Local Road	66 feet
Cul-de-sac turn-around	132 feet
Alley	20 feet

12. Subdivision road access spacing shall be as follows unless modified by the roadway authority:

Type of Road	Right of Way Width
Principal Arterial Road	Not Allowed
Expressway Arterial Road	1 mile
Minor Arterial Road	½ mile
Major Collector Road	½ mile
Minor Collector Road	¼ mile
Local Road	600 feet

13. All street connections to expressway or minor arterials and major collector roads shall be located to provide adequate intersection sight distance, as provided in Appendix A.

14. No public street connection shall be located within a turn lane to another public street or a private driveway.

15. On undivided roadways, street connections on opposing sides of expressway or minor arterials and major collector roads shall be aligned with one another to the extent practicable.

16. All rights of way and roads within a subdivision shall be dedicated for public use, unless private roads have been approved by the County Board and meet the following requirements:

- a. Any private road serving more than one lot in separate ownership shall be constructed to public road standards established in this Ordinance, unless otherwise specifically approved by the County Board.

- b. A roadway easement of at least sixty-six (66) feet in width or a greater width as determined by the County Board shall be dedicated over the private roadway with maintenance responsibilities assigned to the subdivider or property owners receiving benefit of the easement.
  - c. The maximum length of a private road shall not exceed 1500 feet in length, unless approved by the County Board.
  - d. No private road shall be approved unless a road maintenance agreement or similar document is approved by the County Board and/or Township Board of Supervisors.
17. Road names shall be approved by the County Sheriff and shall not be similar to any other roadway within the County.
18. In any proposed subdivision in which access to the subdivision is provided by an existing substandard roadway, the County Board may require the subdivider to bring the existing substandard roadway up to the public road standards of this Ordinance as a condition of subdivision approval.

Subdivision E. Lot Access (Driveways).

1. Every lot must have adequate access to a public road or approved private road. Reserve strips and land-locked areas shall not be created.
2. All lots within the subdivision and adjacent properties shall be provided access from the subdivision roadway unless no road has been designed within the subdivision or the County Board finds that topography, environmental conditions or existing development prohibits access from the subdivision roadway.
  - a. A maximum of one access to an expressway, minor arterial, or major collector road shall be permitted.
  - b. More than one access may be allowed to a minor collector or local road if approved by the County Engineer.
  - c. A maximum of four (4) lots per quarter-quarter section shall front on an existing public road. Shared driveway access shall be required when necessary to meet minimum County highway access spacing guidelines.
  - d. The access shall be located on the property to provide adequate intersection sight distance as provided in Appendix A.
3. No private access connection shall be located within a turn lane to a public road or another private driveway.
4. The minimum spacing between commercial lot accesses, or between a commercial lot access and a public road, shall meet the stopping sight distance requirements provided in Appendix A. If lot frontage is inadequate to meet this requirement, access via a shared entrance or cross-access easement with adjacent property shall be required.
5. To maintain minimum safe spacing between commercial entrances as development occurs, a commercial access may be required to serve existing or future adjacent lots by means of a shared access located on the common lot line or a cross access easement. When required to provide a shared entrance or cross access easement, the subdivider shall record:

- a. an easement to allow cross access to and from the lots served by the joint use driveway and cross access or service drive, and
- a. a joint maintenance agreement defining the maintenance responsibilities of the property owners.
6. On undivided roads, access connections on opposing sides of the road shall be aligned with one another or separated to the extent practicable to be consistent with this Ordinance.
7. Turn lanes shall be provided as required by the County Engineer or Mn/DOT to improve safety.
8. Turning movements to and from the access may be restricted at the time of construction or at a future date based upon existing or anticipated roadway conditions.
9. The access may be approved as an interim access to be phased out at a future time or condition.

#### Subdivision F. Easements.

1. Utility easements shall be provided in accordance with the following:
  - a. Utility easements at least ten (10) feet wide shall be provided along the side, front and/or rear line of lots, unless a greater width is required by the County Engineer, or waived by the County Board.
  - b. Utility easements shall connect with easements established in adjoining properties, to the extent possible.
2. On State and County roads, additional right of way shall be dedicated as required by Mn/DOT and/or the County Engineer.
3. The County Board may require the dedication of easements for pedestrian/bicycle trails when necessary to provide access to parks, schools, commercial areas and public facilities.
4. Easements shall be shown or accompany the final plat and dedicated for the intended use.
5. Approved private road access must be legally described in all property subdivisions and recorded with the County Recorder.

#### Subdivision G. Open Space and Park Provision

The subdivider is encouraged to set aside land within each subdivision that may be used as common open space and private park land, provided a mechanism is in place to preserve the land in a natural state or include any necessary maintenance provisions in a homeowners' association agreement. Any public land dedication or cash in lieu of land dedication must be agreed upon by the Township Board of Supervisors in which the subdivision is located and the County Board.

## **Section 7 Installation and Maintenance of Basic Improvements.**

### **Subdivision A. General.**

1. All improvements required by this Ordinance shall be designed by the subdivider's registered professional engineer and installed at the expense of the subdivider. All plans shall be submitted for review of compliance with this Ordinance by the County Engineer.
2. All subdivision boundary corners, blocks and lot corners, road intersection corners and points of tangency and curvature shall be marked with survey monuments meeting the requirements of State law. All federal, state, County and other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in their precise position unless a relocation is approved by the responsible agency.
3. Development Contract for Public Improvements. Following preliminary plat approval but prior to final plat approval and the installation of any required public improvements, the subdivider shall enter into a contract in writing with the County requiring the subdivider to furnish and construct all required improvements at his/her sole cost and in accordance with plans and specifications of the County and/or Township, as appropriate. The contract shall:
  - a. Require the preparation of construction plans by a registered professional engineer.
  - b. Include provisions for the review and approval of the plans by the County Engineer upon consultation.
  - c. Require a certification from the subdivider's registered professional engineer, upon completion of the public improvements, that the improvements have been constructed in accordance with the requirements of this Ordinance.
  - d. Require the subdivider to make a financial guarantee in an amount determined by the County Board and/or Township, as appropriate, and in a form approved by the County Attorney. The surety shall not exceed 150 percent of the cost of the improvements, including any inspections.
  - e. Include remedies for failure of the subdivider to install the improvements in accordance with the provisions of the Development Agreement, construction plans and the requirements of this Ordinance.
4. Construction Plans
  - a. Construction plans for the required public improvements shall conform to the standards of this Ordinance and shall be prepared at the subdivider's expense by a registered professional engineer.
  - b. Construction plans accompanied with the quantities of construction items and an estimate of the total costs of the required improvement shall be submitted to the County Engineer for review of compliance with this Ordinance. Upon approval, the plans shall become a part of the development contract.
  - c. Drawings showing all public improvements, as built, and a certification from the subdivider's registered professional engineer that the improvements have been constructed in accordance with the requirements of this Ordinance shall be filed with the County Engineer following the installation of improvements.

## 5. Completed Improvements

- a. Improvements within a subdivision that are completed after preliminary plat approval by the County Board but prior to final plat approval or execution of the development contract may be accepted as the required improvements, subject to the review and approval by the County Engineer.
  - b. The financial guarantee for the public improvements shall not be released until:
    - 1.) The County Engineer has certified that all required improvements have been satisfactorily completed.
    - 2.) The subdivider's registered professional engineer has certified to the County Engineer and has submitted as-built construction plans, that verify all public improvements:
      - a.) comply with the approved construction plans for the subdivision,
      - b.) are completed and ready for acceptance by the County Board and/or Township, as appropriate, and
      - c.) are free and clear of any and all liens and encumbrances.
    - 3.) Upon review and recommendation by the County Engineer, the County Board and/or Township, as appropriate, accepts the improvements for dedication.
  - c. The financial guarantee may be reduced if the public improvement is accepted by the County Board and/or Township, as appropriate, and by a ratio that the cost of the dedicated public improvement bears to the total cost of public improvements for the plat.
6. Maintenance of Improvements. The subdivider is 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 the public improvements by the County Board and/or Township, as appropriate.

### Subdivision B. Required Improvements.

1. Roadways. See Appendix C for an outline of minimum design standards and construction specifications.
  - a. The right of way shall be graded, including the subgrade of the driving surface and shoulders, in accordance with the Typical Section illustrated in Appendix B, unless modified by the County Board and/or Township, as appropriate.
  - b. All new roads shall include minimum driving surfaces (gravel or paved) of twenty-two (22) feet and shoulders at least three (3) feet in width, unless modified by the County Board and/or Township, as appropriate. Roads with curb and gutter sections shall be at least twenty-eight (28) feet in width (curb face to curb face), unless modified by the County Board and/or Township, as appropriate.
  - c. All roads shall meet the following design specifications:
    - 1.) The gradient of local roads shall not exceed ten percent (10 %), unless modified by the County Board and/or Township, as appropriate. The gradient shall not exceed two percent (2 %) within one hundred (100) feet of an intersection.

- 2.) The horizontal curves on local roads shall be designed for thirty (30) to forty (40) miles per hour speed, unless modified by the County Board and/or Township, as appropriate.
  - 3.) The crown of the driving surface of all roads shall be designed and constructed at a finished grade of two percent (2%) for paved roads and four percent (4%) for gravel roads.
  - 4.) Sub-grades shall be cut to depths based upon soil conditions and as recommended by the subdivider's registered professional engineer and back-filled with compacted granular material, or as recommended by a geotechnical engineer, and approved by the County Engineer.
  - 5.) All roads shall be constructed with minimum depths of Class 5 material, based upon subgrade conditions and as recommended by the County Engineer. Paved roads shall have a minimum depth of three (3) inches of bituminous. The County Board may require the paving of roadways within a subdivision if any of the following conditions exist:
    - a.) Township policy requires paving.
    - b.) The subdivision will serve more than 20 lots.
    - c.) Topographic, soil or environmental conditions that would be best served by a paved surface as recommended by the County Engineer.
  - d. Right turn lanes, left turn lanes, and/or bypass lanes shall be required on County or State roads providing access to a subdivision where Mn/DOT traffic counts, traffic speeds, turning movements and/or other considerations warrant such improvements to protect public safety.
  - e. Road signs shall be provided and installed by the subdivider in accordance with the "Minnesota Manual on Traffic Control Devices" and approved by the appropriate roadway jurisdiction.
  - f. Nothing in this subdivision shall prohibit a Township from establishing more restrictive road standards on roads that are intended to be dedicated and maintained by a Township or maintained privately.
2. Stormwater Drainage and Erosion/Sedimentation Control.
- a. Culverts, storm water inlets, and other drainage facilities shall be designed and installed to insure adequate stormwater drainage for the subdivision. The minimum culvert size shall be determined by the County Engineer.
  - b. The subdivider shall include plans for controlling erosion and sedimentation during construction and until surface restoration is completed. The plans shall include remedies for cleanup and restoration in the event erosion and sedimentation control devices fail.
3. Sanitary Sewer and Water.
- a. Where public trunk line sanitary sewer facilities are available, the subdivider shall install sanitary sewers and connect such sanitary sewers to trunk line sewers according to the specifications and requirements of the sanitary sewer supplier as recommended by the County Engineer and approved by the County Board.

- b. Private sanitary sewer shall be installed to meet the requirements of *Ordinance 30– Subsurface Sewage Treatment Systems* and any other requirements of the MPCA.
  - c. Where connection with a public water system is feasible as determined by the County Engineer and approved by the County Board, the public water facilities shall be utilized. All connections shall meet the requirements of the public water supplier, the Minnesota Department of Health and any other State agency.
  - d. Private wells shall be installed where a public water supply is unavailable and shall meet all requirements of the Minnesota Department of Health and County requirements.
  - e. Community water and sewer systems may be utilized if approved by the County Board, provided the following are met:
    - 1.) All on-site community sewage treatment systems conform to the performance standards of the MPCA and *Ordinance 30 – Subsurface Sewage Treatment Systems*.
    - 2.) The community sewage treatment system includes an operating, financing, and management plan that is controlled by an entity with taxing or levying authority to insure proper maintenance, management, and financing that is approved by the County.
    - 3.) Subdivisions with communal sewage treatment systems reserve land area for a replacement system that meets the requirements of the MPCA and *Ordinance 30 – Subsurface Sewage Treatment Systems*.
    - 4.) Community water systems shall conform to the requirements of the Minnesota Department of Health.
4. Other Public Utilities.
- a. All utility lines for telephone, cable and electric service shall be placed in rear line easements when carried on overhead poles whenever possible.
  - b. Where telephone, electric, cable and/or gas service lines are to be placed underground, the lines shall be placed within easements or dedicated public ways, so as not to conflict with other underground services. All drainage and other underground utility installations, which traverse privately owned property, shall be protected by easements.
5. Miscellaneous Improvements. The County Board may require the subdivider to provide and install landscaping, berming, fencing, traffic control signs, pedestrian ways, and other improvements to affect the purpose of this Ordinance.

## **Section 8    Violations and Penalties**

### **Subdivision A.    Sale of Lots from Unrecorded Plats.**

It shall be unlawful to sell, trade, or offer to sell, trade, or otherwise convey any lot or parcel of land within any subdivision unless the subdivision has been recorded in the County Recorder's Office.

### **Subdivision B.    Receiving and Recording Unapproved Plats.**

It shall be unlawful to receive or record in any public office any subdivision of land unless it has been approved by the Zoning Administrator or the County Board.

### **Subdivision C.    Misrepresentations Pertaining to Improvements.**

It shall be unlawful for any person owning an addition or subdivision of land within the County to represent that any improvements within the addition or subdivision have been supervised, inspected, or constructed according to the approved plans when such actions have not occurred.

### **Subdivision D.    Penalties.**

Any person, firm, or corporation who violates any of the provisions of this Ordinance, fails to comply with any of the Ordinance provisions, or makes or submits any false statements in the required submittals, shall be guilty of a misdemeanor and, upon conviction, be punished by a fine of an amount not to exceed that allowed by law and/or by imprisonment as allowed by law. Each day that a violation continues shall constitute a separate offense.

### **Subdivision E.    Validity.**

If any section, subdivision or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

### **Subdivision F.    Repeal of Existing Ordinance.**

The "Subdivision Ordinance of Carlton County, Ordinance #8" adopted May 11, 1982, and any subsequent amendments are repealed upon effectuation of this Ordinance.

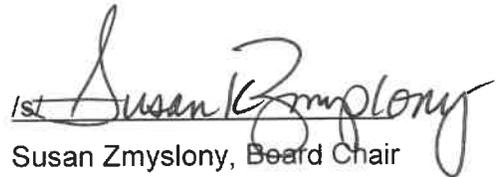
All subdivisions having received preliminary approval under the previous regulations or that will receive preliminary approval within thirty (30) days of effectuation may continue under the requirements set forth under the prior existing regulations provided application for final plat approval is received within one year of effectuation of this Ordinance.

**Section 9 Effective Date**

This Ordinance shall be in full force and effect on March 1, 2005, after its passage and publication according to law.

Approved and adopted this 24th day of January, 2005.

This ordinance went before the Carlton County Commissioners for amendments on April 9, 2024, and was adopted on the same date. The amendments included incorporating Amendments 28-A through 28-D as well as clarifying definitions. Legal notice for these amendments was published March 21, 2024, in the Star Gazette. Legal notice for these amendments was published March 22, 2024, in the Pine Knot. The public hearing was held April 3, 2024, by the Planning Commission. These amendments shall be in full force and effect on April 19, 2024, after its approval and publication as provided by law.

  
Susan Zmyslony, Board Chair

ATTEST:

  
/s/ Kevin DeVriendt

Kevin DeVriendt, County Auditor

## Appendix A

### Stopping and Intersection Sight Distance

Posted Speed (mph)	Stopping Sight Distance (ft) *	Intersection Sight Distance (ft) **	
		Right-turning vehicles	Left-turning vehicles
25	155	240	280
30	200	290	335
35	250	335	390
40	305	385	445
45	360	430	500
50	425	480	555
55	495	530	610

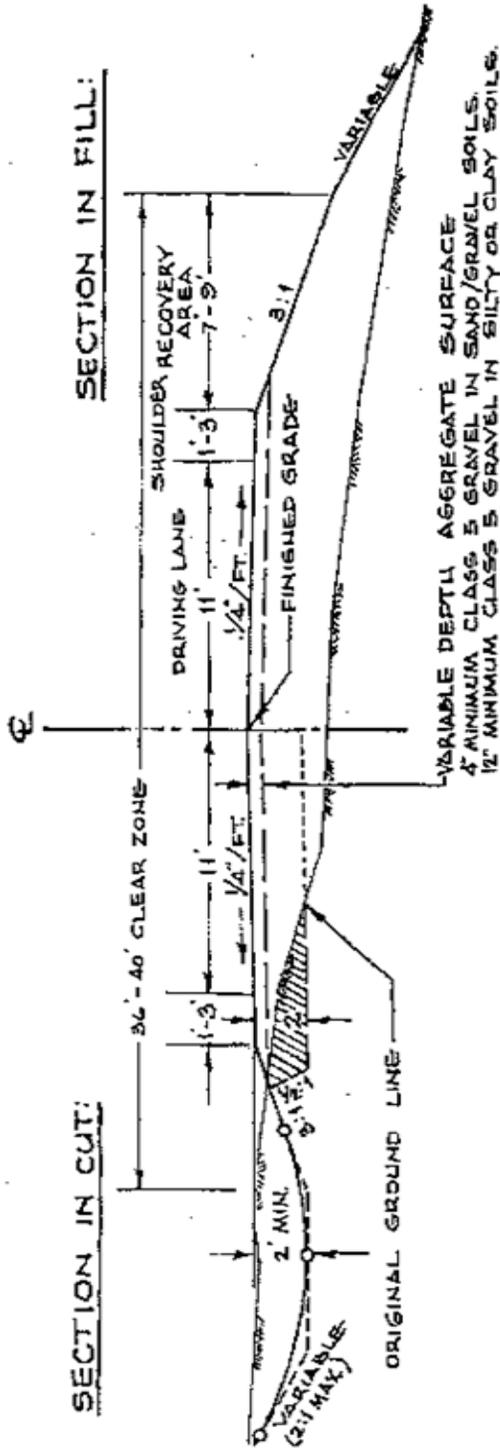
Source: AASHTO *Green Book* 2001

\* Stopping sight distance is based on a level roadway without horizontal curvature. It is measured from the nearest edges of two adjacent entrances. On two-lane undivided roadways, adjacent entrances may be on opposite sides of the road.

\*\* The intersection sight distance shown is for a stopped passenger car to cross or turn onto a two-lane highway with no median and a grade of 3% or less.

# Appendix B

## TYPICAL SECTION



- ① REMOVE SOO AND TOPSOIL TO A MINIMUM DEPTH OF 6" IN POOR SOILS TO A MAX. DEPTH OF 2' BELOW FINISHED GRADE.
- ② CULVERTS SHOULD BE A MINIMUM 12" IN DIA. AND PLACED TO MATCH SLOPES. ANY STRUCT. ON NATURAL STREAMS SHALL BE SIZED BY HYDRAULIC ANALYSIS BY A REGISTERED ENGINEER.
- ③ ALL DISTURBED AREAS SHOULD HAVE A MIN. 3" OF TOPSOIL AND BE SEEDED OR SOEDED. DITCH BOTTOMS WITH STEEP SLOPES SHOULD BE PROVIDED WITH DITCH BLOCKS OR OTHER APPROPRIATE EROSION CONTROL MEASURES.
- ④ MAXIMUM ROAD GRADIENTS SHALL BE 10% WITH A MAXIMUM GRADE OF 2% WITHIN A DISTANCE OF 100 FEET FROM INTERSECTIONS
- ⑤ MINIMUM DITCH GRADES SHALL BE 0.5%.

Carlton County  
Highway Department

# Appendix C

## Local Road (Public or Private)

### Design Standards and Construction Specifications

Design speed	30-40 mph
Design strength	7 tons minimum
Maximum gradient	10 %
Landing w/in 100 ft. of intersection	2 %
Minimum lane width	11 feet
Minimum shoulder width	3 feet
Maximum ditch in-slope	3:1
Maximum ditch back-slope	2:1
Clear zone recovery area	9 feet
Sub-base cut: depends on soil stability *	6 inches (Mn/DOT 3149.2D) to 3 feet (other soils)
Sub-base material*	compacted granular
Minimum aggregate surface depth*	11 inches Class 5 (Mn/DOT 3138)
Minimum paved surface depth*	5" Class 5; 3 inches bituminous (Mn/DOT 2350)
Paved surface with curb/gutter	28 feet width at curb face
Roadway crown slope - paved	2 %
Roadway crown slope – gravel	4 %
Minimum driveway culvert	12-inch
Minimum centerline culvert	18-inch
Drainage design	24-hour occurrence, 10-year frequency

\* The project engineer shall design all proposed roads for review and approval or modification by the County Engineer. Specific design standards will be based upon soil conditions and will be evaluated on a case-by-case basis and may be modified by the County Engineer. Roadways serving collector or minor arterial functions shall require County State Aid Highway design standards.