

## CHAPTER 54. SUBDIVISIONS

### **ARTICLE I. In General**

#### **Section 54-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administrative official* means the City Manager or such other full time employee of the City as the City Council may designate.

*Alley* means a public right-of-way which affords a secondary means of access to abutting property.

*Block* means an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

*City engineer* means a professional engineer as designated by the City Council.

*Deflection angle* means the angle between a line and the prolongation of the preceding line.

*Design standards* means the specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right-of-way, blocks, easements and lots.

*Easement* means a grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining any public utilities, storm drainage ways or ponding areas.

*Final plat* means a drawing or map of a subdivision, meeting all the requirements of the City and in such form as required by the County for purposes of recording.

*Flood* means a temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

*Flood frequency* means the average frequency, statistically determined, for which it is expected that a specific flood level or discharge may be equaled or exceeded.

*Flood fringe* means that portion of the floodplain outside of the floodway.

*Floodplain* means the areas adjoining a watercourse which has been or hereafter may be covered by the regional flood.

*Floodproofing* means a combination of structural provision, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages.

*Floodway* means the channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood.

*Lot* means a portion of a subdivision or other parcel of land intended for building development or for transfer of ownership.

*Lot split* means a subdivision of a parcel of land into two lots along an existing public street not involving the opening, widening, or extension of any public street.

*Master plan* means a comprehensive plan, prepared and adopted by the Planning Commission and adopted by the City Council, which indicates the general locations recommended for the various functional classes of public works, streets and thoroughfares, places and structures and for the general physical development of the city and includes any unit or part of such plan separately adopted and any amendment to such plans or parts thereof.

*Owner* means and includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm, association, public or quasi public corporation, private corporation, or a combination of any of them.

*Pedestrian way* means a public or private right-of-way across a block or within a block to provide access, to be used by pedestrians and which may be used for the installation of utilities where approved by the Planning Commission and City Council.

*Percentage of grade* means the distance vertically (up or down) from the horizontal in feet and decimals of a foot for each 100 feet of horizontal distance.

*Preliminary plat* means the preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

*Protective covenants* means contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical, social and economic integrity of any given area.

*Regional flood* means a flood which is representative of large floods known to have occurred generally in the State and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval.

*Regulatory flood protection elevation* means a point not less than one foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this chapter are required to be elevated or flood-proofed.

*Street* means a public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

*Street, collector* means streets that carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of residential neighborhoods.

*Street, cul-de-sac* means a minor street with only one outlet and having an appropriate terminal for the sale and convenient reversal of traffic movement.

*Street grade* means the centerline grade of the street which shall be related to the property line grades as shown on standard street cross sections on file in the city engineer's office.

*Street, local* means those streets which are used primarily for access to abutting properties.

*Street, major thoroughfares or arterial* means streets used primarily for heavy traffic, and serving as an arterial traffic way between the various districts of the community, including the municipal State-aid system, as shown on the master plan.

*Street, marginal access* means minor streets which are parallel and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

*Street width* means the shortest distance between lines of lots delineating the street.

*Subdivision* means the division of a parcel of land into two or more lots or parcels. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

*Tangent* means a straight line which is perpendicular to the radius of a curve where a tangent meets a curve.

*U.S.G.S. datum* means the United States Geodetic Survey Datum. (1929 adjustment).

*Vertical curve* means the surface curvature connecting lines of different percentage of grade.

**Cross reference**--Definitions generally, § 1-2.

**Section 54-2. Purpose of chapter.**

In order to safeguard the best interests of the community and to assist the subdivider in harmonizing his interests with those of the City at large, this chapter is adopted in order that adherence to the chapter will bring results beneficial to both parties. Because each new subdivision becomes a permanent unit in the basic unit structure of the expanding community, and to which the community will be forced to adhere, and because piecemeal planning of subdivisions will bring an undesirable disconnected patchwork of pattern and poor circulation of traffic unless its design and arrangement is correlated to a master plan of the city aiming at a unified scheme of community interests, all subdivision of land hereafter submitted for approval to the planning commission shall, in all respects, fully comply with the regulations set forth in this chapter. It is the purpose of this chapter to make certain regulations and requirements for the platting of land within the City pursuant to the authority contained in Minn. Stats. Chapters. 429, 462 and 471, which regulations the City Council deems necessary for the health, safety and general welfare of this community.

**Section 54-3. Applicability of chapter.**

The regulations in this Chapter governing plats and subdivisions shall, pursuant to Minn. Statutes 462.357(1), apply within the corporate limits of the City of Anoka.

The 100-year flood profile of the Mississippi River and the 100-year flood profile of the Rum River, both prepared by the United States Geological Survey, and the zoning map which is a part of Chapter 74 of this Code are made a part of this chapter by reference and are on file in the office of the City Clerk. The elevations mentioned in this chapter refer to such 100-year profile elevations.

**Section 54-4. Land suitability.**

No land shall be subdivided which is held unsuitable for its intended use by the City Council for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, susceptibility to mudslides or earth slides, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature harmful to the health, safety or welfare of the future residents of the proposed subdivision or community. However the City Council may approve the preliminary and final plats if the subdivider improves the land consistent with the standards of this and other applicable ordinances in order to make the area, in the opinion of the City Council, suitable for its intended use. Should the City Council determine that only part of a proposed subdivision can be safely developed, it shall limit development to that part and require that the specifications for development be consistent with its determination.

**Section 54-5. Registered land surveys.**

All registered land surveys in the City shall be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards set forth in this chapter for preliminary plats and that the planning commission shall first approve the arrangement, sizes, and relationship of proposed tracts in such registered land surveys, and that tracts to be used as easements or roads should be so designated. Unless such Planning Commission approval and City Council approval in accordance with the City standards set forth in this chapter have been obtained, building permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys and the city may refuse to take over tracts as streets or roads to improve, repair or maintain any such tracts unless so approved.

**Section 54-6. Platting land divisions.**

All subdivisions that create two or more parcels shall be platted, except as provided otherwise in this Chapter.

**State law reference--**Mandatory provisions, Minn. Stats. § 462.358, subd. 3a.

**Section 54-7. Lot splits.**

- (a) Applications for lots splits that do not require variances may be administratively approved by the City Planner. An application form, along with three copies of a site sketch and the appropriate fee, as determined by the City Council, must be submitted to the City Planner. The City Planner may require the applicant to submit a survey showing the proposed lots to be created.
- (b) The City Planner may require such revisions as are necessary to meet code requirements.
- (c) If lot split approval is denied by the City Planner, the applicant may appeal that decision to the Planning Commission. The Planning Commission shall recommend approval, disapproval or approval of the lot split with specified modifications to the City council.
- (d) The City Council will take action on lot split requests which have been reviewed by the Planning Commission. The City Planner will notify the owner and subdivider in writing of the Council's decision.

**Section 54-8. Conveyance by metes and bounds.**

- (a) No conveyance of land in the land conveyed is described by metes and bounds, or by a portion of a platted lot, or by reference to an unapproved land survey made after April 21, 1961, to an unapproved plat made after June 3, 1962, the date upon which the ordinance from which this chapter is derived became effective, shall be made or recorded unless the parcel described in the conveyance:
  - (1) Was a separate parcel of record on June 3, 1962; or
  - (2) Was the subject of a written agreement to convey entered into prior to June 3, 1962; or
  - (3) Was a separate parcel of not less than 22 acres in area and 150 feet in width on January 1, 1966; or
  - (4) Was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980; or

- (5) Is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width; or
  - (6) Is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.
- (b) In any case in which compliance with the restrictions of subsection (a) of this section will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the City Council may waive such compliance by adoption of a resolution to that effect pursuant to the provisions of this chapter. All requests for waivers shall require a public hearing.
  - (c) Each request for waiver shall be accompanied by the appropriate fee determined by the Council.

**State law references--**Similar provisions, Minn. Stats. § 462.358, subd. 4b; variances, Minn. Stats. § 462.358, subd. 6.

**Section 54-9. Variances.**

- (a) The Planning Commission may recommend a variance from the provisions of this chapter when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Council shall prescribe only condition it deems necessary to or desirable for the public interest. In making its findings, as required in this subsection, the Planning Commission shall take into account 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. No variance shall be granted unless the Planning Commission finds:
  - (1) That there are special circumstances or conditions affecting such property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
  - (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
  - (3) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which property is situated.
- (b) Applications for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for consideration by the Planning Commission, 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 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.

**Secs. 54-10--54-30. Reserved.**