

**ORDINANCE NUMBER 9
LAKE COUNTY SUBDIVISION ORDINANCE**

Revised and Effective May 26th, 2006

PREPARED BY THE LAKE COUNTY PLANNING COMMISSION

ENACTED BY THE LAKE COUNTY BOARD OF COMMISSIONERS

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**SUBDIVISION ORDINANCE OF LAKE COUNTY, MINNESOTA
AN ORDINANCE ESTABLISHING COMPREHENSIVE REQUIREMENTS FOR THE LAYING
OUT OF ROADWAYS AND ALL DIVISIONS OF PROPERTY WITHIN LAKE COUNTY AND
OUTSIDE THE BOUNDARIES OF MUNICIPALITIES**

Whereas, each new division of real property becomes a permanent unit in the basic physical structure of the County, new divisions of real property shall contribute toward an attractive, orderly, stable and wholesome community environment with adequate services and roadways; all divisions of real property shall fully comply with the requirements set forth in this ordinance; and

Whereas, the Board of Commissioners of Lake County has entered into a comprehensive planning and zoning program under provisions of MSA 394.21-394.37; and

Whereas, this ordinance establishes the requirements for all new divisions of real property by government subdivision description, metes and bounds description, a subdivision plat under the provisions of Minnesota Statutes Chapter 505, Registered Land Survey under the provision of Minnesota Statutes Chapter 508, and Townhouse, Condominium, or group home development under the provisions of Minnesota Statutes, Chapter 515A and Chapter 515B; and

Whereas, this ordinance shall apply to all of Lake County, Minnesota, outside the incorporated limits of any municipality that has adopted a subdivision ordinance and outside a two-mile area adjoining any municipality that has an extended subdivision ordinance beyond its corporate limits pursuant to the authority granted by Minnesota Statutes; and

Whereas, this ordinance repeals all Interim Subdivision Ordinances of Lake County; and

Whereas, this ordinance repeals any other conflicting ordinances or resolutions of Lake County; and

Whereas, after conducting a public hearing, the Lake County Planning Commission recommends the following ordinance.

Now, therefore, be it resolved, the Lake County Board Ordains:

ARTICLE 1.0 GENERAL PROVISIONS

This Subdivision Ordinance is enacted to assist in harmonizing the subdivider's interests with those of Lake County. It is the objective of the County to promote orderly growth that considers public health, safety, and the welfare of its residents. Established standards of design and procedures for subdividing provide protection from environmental degradation; conserve land values; provide for safe, controlled access to public roads; minimize property disputes and carry out the Comprehensive Plan. This ordinance is enacted to establish standards for surveys and subdivisions; discourage inferior development; and to establish subdivision standards compatible with affected cities within the County. This ordinance is adopted in accordance with Minnesota Statutes, Chapters 394.

Section 1.01 Short Title: The Ordinance originally adopted on June 7, 1977, shall be known as the "Subdivision Ordinance of Lake County; Ordinance Number 9" and will be referred to herein as "this Ordinance."

Section 1.02 Scope: From and after the effective date of this ordinance, any subdivision of land within the jurisdiction of this ordinance shall be prepared, presented for approval, and recorded at the Office of the Lake County Recorder as prescribed herein.

Section 1.03 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, located outside the incorporated limits of cities, except this ordinance shall not apply to subdivisions that are proposed within 2 miles of the corporate limits of a city that has extended such subdivision controls according to Minnesota Statutes and this Ordinance shall not apply to any lot or lots forming a part of a subdivision plat recorded in the Office of the County Recorder prior to September 1, 1978, unless they are resubdivided. It is not the intent of this Ordinance to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with, this Ordinance. This ordinance shall not apply to private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land. Where this Ordinance imposed a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Ordinance shall prevail.

Section 1.04 Compliance: A Land Use Permit shall be issued by Lake County for the placement of any structure, or improvement to the land in a new subdivision, as defined herein, only if all requirements of this ordinance have been complied with. A subdivision will not be approved where later variance from one or more of the setback standards in the official controls would be needed to use the lots for their intended purpose.

Section 1.05 Suitability of Land for Development: The layout of any plat and the land encompassed therein shall be reasonably suitable in its natural state for the proposed development with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

Section 1.06

Procedures:

- A) The subdivider must review this ordinance or meet with the County Zoning Office prior to submitting a subdivision application to discuss subdivision requirements.
- B) No lot or plat created under the provisions of this ordinance shall contain both abstract and torrens land. The subdivider can move forward with a plat that contains both but this must be corrected before final plat can be recorded.
- C) The Planning Commission may request any information it determines to be necessary in its deliberations to enforce this ordinance.

Section 1.07

Exceptions: All new subdivisions of land in Lake County meeting any of the following shall be exempt from this ordinance (except property in the North Shore Management Zone):

- A) The creation of parcels more than ten (10) acres described by standard rectangular division which does not require a new road;
- B) The creation of cemetery lots;
- C) Actions resulting from Court Orders;

Section 1.08

Actions Necessary for Acceptance of Subdivision Plats: Before any subdivision plat shall be recorded, or be of any validity, and before any parcels may be sold from a subdivision, it shall be approved by the Commission and the County Board. Any proposed subdivision lying within a Town shall be submitted to said town board. In the case of properties lying within two miles of a city, said city shall receive notice. Any subdivision abutting a public road shall be submitted to the appropriate road authority.

Section 1.09

Permits: No permits shall be issued by Lake County for the construction or installation of any building, structure or improvement other than those previously agreed to in the preliminary plat or specifically required for acceptance of any part of a proposed subdivision until the final plat is recorded. Land Use Permits for grading and filling activities are required for the construction of roads in plats. Permits for roads in plats will only be issued after preliminary plat approval. These permits can be obtained prior to final plat provided final erosion and sediment control plans, including state NPDES permits if required, are submitted with the Land Use Permit.

ARTICLE 2.0 DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined. The word person includes a firm, association, organization, partnership, trust, or company as well as an individual. The masculine gender includes the feminine, the present tense includes the future tense, the singular shall include the plural, the plural the singular, the word "shall" is mandatory and the word "may" is permissive.

- Sec. 2.01 Access: A way of approaching or entering property without trespass.
- Sec. 2.02 Administrator: The Planning and Zoning Administrator of Lake County, Minnesota, or his authorized representative. The Planning and Zoning Administrator shall be referred to herein as "Administrator".
- Sec. 2.03 Alley: A public way used primarily as a service access to the rear or side of a property, which abuts on a road.
- Sec. 2.04 Attorney: The County Attorney of Lake County, Minnesota, or his authorized representative.
- Sec. 2.05 Block: An area of land within a subdivision, which is entirely bounded by roads, or other permanent boundaries.
- Sec. 2.06 Cluster Subdivision: A type of subdivision that creates lots that provide flexibility in location of structures by allowing the clustering of smaller lots than required in the zoning district and provides for the preservation of open space.
- Sec. 2.07 Commission: The Planning Commission of Lake County, Minnesota.
- Sec. 2.08 Common Interest Community (CIC): A method of subdividing land specified in MS 515B wherein a portion of the land is held in common. This is a type of Planned Unit Development.
- Sec. 2.09 County: Lake County, Minnesota.
- Sec. 2.10 County Board: The County Board of Commissioners of Lake County, Minnesota.
- Sec. 2.11 Drainageway: Any watercourse or indenture for the drainage of surface waters having a defined bottom.
- Sec. 2.12 Driveway: A private way serving four (4) or less dwellings or buildable lots connected to a road.
- Sec. 2.13 Dwelling Unit: Individual dwelling component providing sleeping, bathing, and sanitary services generally accessible from a separate entrance including facilities known as lockouts (generally used to determine density for Planned Unit Developments).
- Sec. 2.14 Easement: A recorded grant by a property owner for the use of a strip of land by the public, a corporation or persons for a specific purpose such as the construction of utilities, drainage ways and roads.

- Sec. 2.15 Engineer: The County Engineer of Lake County, Minnesota or his authorized representative.
- Sec. 2.16 Final Plat: The final map, drawing or chart on which the sub divider's plan of subdivision is presented to the County Board for approval and which, if approved, will be submitted to the County Recorder for recording.
- Sec. 2.17 Land Use Ordinance: Lake County Ordinance Number Twelve (12).
- Sec. 2.18 Lot: The component of a subdivision individually numbered or designated on the subdivision plat for purposes of description, recording, conveyance, development and taxation. In a CIC Subdivision, the term "lot" is replaced by the term "unit". .
- Sec. 2.19 Lot Width: The distance shortest distance between lot lines measured at the building line.
- Sec. 2.20 Owner or Person: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient recorded legal interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.
- Sec. 2.21 Planned Unit Development, Commercial: Multiple dwelling units for short-term, less than one (1) month lodging, including, but not limited to townhomes, condominiums, motels, and hotels, and containing four (4) or more dwelling units.
- Sec. 2.22 Planned Unit Development, Residential: Multiple residential dwelling units including but not limited to, townhomes and condominiums.
- Sec. 2.23 Planned Unit Development Subdivision (P.U.D.): A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, potential density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these; or Cluster Subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, resorts, hotels, motels, and conversions of structures and land uses to the before mentioned uses. (Hotels, motels, resorts and campgrounds meeting section 25.07(l) of Lake County Land Use Ordinance #12 are exempt from this ordinance)
- Sec. 2.24 Preliminary Plat: A drawing of a proposed subdivision prepared in the manner and containing the data, documents, and information required by Article 5.0 of this Ordinance.
- Sec. 2.25 Private Road or Reserve Strip: A road, way, or strip of land reserved for the use of a limited number of persons or purposes as distinguished from a publicly dedicated road.
- Sec. 2.26 Road: A way having permanent location on the ground and serving more than four (4) dwellings or buildable lots including railroads, highways, trails, portages and roadways.
- Sec. 2.27 Road – Arterial: A road or highway of considerable continuity, which is used primarily for heavy through traffic between major traffic generation areas.

- Sec. 2.28 Road – Collector: A road that serves as a connection between several minor roads. The term includes the principal entrance road to small communities and large residential developments, and may also include roads for major circulation within such developments.
- Sec. 2.29 Road – Cul-De-Sac: A comparatively short minor road having one end open to traffic and the other end terminated by a vehicular turn-around. A Cul-De-Sac may also be a temporary termination for a road which will ultimately extend beyond the instant subdivision.
- Sec. 2.30 Road – Forest: A low-grade minor road serving few properties.
- Sec. 2.31 Road – Local or Service: A minor road which serves property adjacent to an arterial road, by providing access to abutting properties and protection from through traffic by minimizing access to the arterial road.
- Sec. 2.32 Road – Minor: A road which serves primarily as access to adjacent properties, and is not intended to carry through traffic.
- Sec. 2.33 Setback: The minimum horizontal distance between a structure, sewage treatment system or other facility and the vegetation line, road centerline, road right-of-way line, front, side, or rear lot lines.
- Sec. 2.34 Shoreland: The North Shore Management Zone and all lands located within the following distance from public waters:
A) One thousand (1,000) feet from the ordinary high water level of a lake, pond or flowage;
B) Three hundred (300) feet from the ordinary high water level of a river or stream.
- Sec. 2.35 Standard Rectangular Division: A process of dividing land without the use of points, measurements or bearings as shown in Appendix I. Anything that deviates from Appendix I would not be considered a standard rectangular subdivision.
- Sec. 2.36 Subdivision: A division of any parcel of land into two or more lots for the purpose of conveyance, transfer, improvement, building development or sale. The term subdivision includes re-subdivision.
- Sec. 2.37 Surveyor: A land surveyor granted the title “Registered Land Surveyor” by the State of Minnesota under Statute 326.10.
- Sec. 2.38 Wetland: Transitional lands between terrestrial and aquatic systems where the water table is usually at or near the surface. A wetland must display:
A) A predominance of hydric soils;
B) Surface water or ground water at a frequency or duration sufficient to support a prevalence of hydrophytic vegetation;
C) Hydrophytic vegetation under normal conditions

ARTICLE 3.0
DIVISION OF REAL PROPERTY

- Section 3.01 Four types of Land Subdivisions are allowed by this ordinance:
- A) Administrative Subdivision
 - B) Standard Plat
 - C) Planned Unit Development
 - D) Cluster Subdivision
- Section 3.02 Any subdivision that is not exempt under section 1.07 and does not meet the Administrative Subdivision standards must be processed as a Standard Plat, Cluster Subdivision or Planned Unit Development.
- Section 3.03 All platted subdivisions that contain a common interest must create a Homeowners Association. Association agreements for the future use and maintenance of individual and common property must at least address the following items:
- A) Road access within and outside the plat boundary.
 - B) A method of operating and maintaining all shared systems, if a private central water/sewer system is to be part of a subdivision.
 - C) Membership shall be mandatory for each lot owner and any successive owner.
 - D) Each member shall pay a proportionate share of the Association expenses, and unpaid assessments shall become liens on the lots.
 - E) The association shall be responsible for insurance and taxes on commonly owned property and facilities.
 - F) Covenants, restrictions, dedications, etc. must follow the policy provided by Minnesota Statutes, Chapter 515B – Minnesota Common Interest Community Ownership Act. Deed restrictions and covenants, and internal easement descriptions also need to accompany the Preliminary Plat. A Plat Manual of Minimum Guidelines to Common Interest Community Plats is available from the Minnesota Society of Professional Surveyors.
- Section 3.04 Each lot created by any type of subdivision that is intended for residential use must:
- A) Meet the minimum lot size and dimensions for the zone district it is located in except for lots in Planned Unit Developments and Cluster Subdivisions which must meet the standards set forth in this ordinance.
 - B) Have an area for construction of a home-site that can be accessed and developed meeting all minimum setback requirements.
 - C) Avoid, minimize or mitigate wetland impacts in accordance with County, State and Federal wetland rules and laws.
 - D) Be capable of supporting two standard septic systems as defined by Minnesota Chapter 7080.
 - E) Meet all other pertinent requirements of the Lake County Land Use Ordinance and the Lake County Subdivision Ordinance.

ARTICLE 4.0 Administrative Subdivision

- Section 4.01 Administrative Subdivisions will allow Subdivision of parcels of land with Administrator approval, which will not change the use of land or the character of the area. An Administrative Subdivision shall only be considered if any of the following can be met and the proposal meets all of the requirements of section 4.02:
- A) An existing parcel can be subdivided to create one (1) new parcel per five (5) year period without a survey provided the parcel is not in the North Shore Management Zone and no new road is created. New road being defined for this section as a way constructed after the adoption of this ordinance that serves more than four (4) dwellings or buildable parcels.
 - B) A parcel or quarter-quarter section can be divided to create up to a maximum of four (4) parcels (this does not include the residual parcel) with a survey signed by a licensed land surveyor, none of which are smaller than two and one half (2 ½) acres and no new road is created. New road being defined for this section as a way constructed after the adoption of this ordinance that serves more than four (4) dwellings or buildable parcels;
 - C) To correct an encroachment or an addition of land to correct minimum lot size; provided a certificate of survey is filed as an exhibit with the deed of transfer; or
 - D) A common ownership line is adjusted between two adjacent owners/parcels. If the new lot is not buildable or does not meet the minimum lot size it must be attached to one of the existing parcels. If this cannot be done both property owners must sign and record a waiver form acknowledging that the new lot is unbuildable for a primary structure and cannot be sold separate from the adjoining parcel unless the parcel is modified to a conforming lot. No resulting parcels shall become nonconforming or increase the nonconformity of an existing nonconforming parcel.
- Section 4.02 All Administrative Subdivisions must meet the following requirements:
- A) All the requirements of Section 3.04 of the Subdivision Ordinance must be met.
 - B) There must be a maintenance agreement for existing private road access and/or any shared driveway, and appropriate provision is made for future access if necessary to prevent landlocked parcels. Alternatively, in lieu of a maintenance agreement, the Subdivider may provide proof to the county that the subdivider has provided, or will provide, a disclosure of the status of road maintenance responsibilities to all prospective purchasers.
 - C) All newly created shared driveway easements shall have a fifty (50) foot right-of-way established and this area may be included in the minimum lot size calculation. Road easements described by a licensed land surveyor shall be submitted with the application.
 - D) The original parcel involved has not been created in the last three (3) years, unless the parcel was created by decree, or pursuant to court order. All parcels created before May 26th, 2006 shall be exempt from this requirement.
 - E) Except for common boundary line adjustments, all new subdivisions in platted areas shall be done by subdivision plat.
- Section 4.03 Application: Application for an Administrative Subdivision shall be made to the Administrator. The following items shall be included with an Administrative Subdivision application. This information can be shown on the survey if one is required.
- A) Two (2) map(s) or sketch(s) drawn to a standard engineer's scale and showing:

- 1) Proposed legal description of the parcel(s) to be subdivided.
- 2) Proposed new property lines with dimensions noted (approximate without survey).
- 3) Citation and location of any existing legal rights-of-way or easements affecting the property, as documented on a current Abstract or Title.
- 4) General location, purpose and dimensions of all existing buildings. Location shall note distance of those buildings closest to property lines from the existing and proposed property lines.
- 5) General location of any abandoned wells or drainage ways.
- 6) Location of a primary and a secondary area for an on-site sewer system.
- 7) Location of $\frac{1}{2}$ acre of contiguous buildable area.
- 8) All roads and their proper name.
- 9) Maintenance agreements for shared access driveways or proof of disclosure per section 4.02(B) along with the description and location of the easement.
- 10) Wetland information if deemed necessary by the Administrator.

Section 4.04

The purpose of the Administrative Subdivision is to allow relatively simple and timely procedures for smaller subdivisions. It is not the goal to allow larger subdivisions to avoid the platting process. If the Administrator feels the subdivider is using the Administrative Subdivision process to subvert or undermine the platting process the Administrator can require that the subdivision be platted.

Section 4.05

If a survey finds that a quarter-quarter of a section currently described as forty (40) acres in a ten (10) acre zoning district is short of forty (40) acres the property can still be split into four (4) lots by standard rectangular subdivision (either quarter-quarter-quarter sections or half of a half of a quarter-quarter section). (Example: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ or; E $\frac{1}{2}$ of E $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$).

ARTICLE 5.0 STANDARD PLAT

Section 5.01

Sketch Plan

- A) In order to familiarize one's self with this Ordinance and related laws and to avoid costly revisions, the sub-divider and/or his surveyor shall have a preliminary discussion with the planning staff. The sub-divider shall provide the staff with three (3) copies of the sketch plans which shall contain the following information:
- 1) tract boundaries
 - 2) North point
 - 3) description of nature and purpose of tract
 - 4) streets on and adjacent to the tract
 - 5) significant topographical and physical features
 - 6) proposed general road layout
 - 7) proposed general lot layout
- B) Such sketch plans will be considered as submitted for informal and confidential discussion between the sub-divider and planning staff. Submission of a subdivision sketch plan shall not constitute formal filing of a subdivision plat with the County.
- C) As far as may be practical on the basis of a sketch plan, the planning staff will informally advise the sub-divider within ten (10) working days, of the extent to which the proposed subdivision conforms to the design standards of this ordinance and will discuss possible plan modifications as necessary to ensure conformance.

Section 5.02

Preliminary Plat

- A) Submission Requirements: The sub-divider shall submit to the planning staff the following:
- 1) Fifteen (15) 20" x 30" paper copies of the preliminary subdivision together with an 8 ½ x 17" copy reproducible for public notice.
 - 2) A complete APPLICATION FOR SUBDIVISION together with applicable fees signed by the owner of record. The application shall specify the legal description, Nature of title (abstract or Torrens) location and size of the tract to be subdivided, the intent as to the character, type and use of the subdivided property and structures to be developed, the deed restrictions proposed, statement of mineral rights, and the extent and character of improvements to be made by the sub-divider.
 - 3) A fee as established by County Board Resolution shall accompany the preliminary plat to help defray the expenses of the County in connection with the review of said preliminary plat.
 - 4) The preliminary plat must be submitted forty-five (45) days prior to the Planning Commission meeting date.
- B) Distribution: The planning staff shall upon receipt of the preliminary subdivision, forward a copy to each of the following:
- 1) Planning Commission
 - 2) Auditor
 - 3) Recorder/Registrar of Titles
 - 4) Appropriate Public Utilities
 - 5) Highway Engineer
 - 6) Supervisors and Clerk of the affected Town Board
 - 6) DNR-Area Hydrologist,

- 7) State District Highway Engineer
 - 8) Superintendent of Schools
 - 9) City Council of any municipality within two (2) miles of the subdivision.
- C) Response: The above shall respond within thirty (30) days of receipt with their comments and suggestions. Non-response will be deemed to indicate no objection.
- D) Public Hearing and Notice: Upon the receipt of the complete Preliminary Plat Application and fees, the planning staff shall schedule a public hearing to be held. A Notice of public Hearing shall be published in the official newspaper of the County, and mailed to the affected Town Board, and City Council, where applicable. All property owners of record within one-half (1/2) mile of the proposed plan shall be notified.
- E) Preliminary Approval: The Planning Commission may approve, approve with modifications or disapprove the preliminary plat. If not approved, the subdivider shall be notified of the reason for disapproval. The Planning Commission shall act on each plat submitted within ninety (90) days of date of submission; failure to act shall be deemed as approval. The Planning Commission may extend the time limit before the end of the initial ninety (90) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length which may not exceed 90 days unless approved by the applicant.
- F) Preliminary Plat Data: The following information shall be on a map(s) drawn to standard engineer's scale of not less than 1:100. Special circumstances may be best depicted by drawings of a scale of 1:200, which may be allowed with the Administrator approval.
- 1) Proposed name of subdivision which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in the County.
 - 2) Legal description of parcel.
 - 3) Individual lot dimensions and acreages.
 - 4) Approximate location, right-of-way, curve radii, radius and length of cul-de-sacs, street grades where grade exceeds 8%, angle of intersections of all existing and proposed streets.
 - 5) Graphic scale and north arrow.
 - 6) Vicinity map drawn to suitable scale that describes the surrounding area by township, section and range, and highlight the area to be developed.
 - 7) Names and addresses of the owners, subdividers and plan designers.
 - 8) Date of preparation.
 - 9) Erosion and sediment control plan for road construction and other grading and filling activities (this can be submitted on a separate map; see 5.02(G)4).
 - 10) Topographic data showing contours, at intervals to be determined by the Administrator, based on specific topographical features of a site, with intervals not to exceed ten (10) feet.
 - 11) Lot layout, block and lot numbers, and areas to be set aside for public and community purposes.
 - 12) Soil tests shall be conducted to verify the presence of and to locate two sites to be used exclusively for the treatment of sewage.
 - 13) Locations of easements and width of drainage ways.
 - 14) Areas of exposed bedrock or rubble.
 - 15) Wetland Delineation.

16) Any other information required by the Administrator or Commission to adequately describe the site.

G) General:

- 1) Evaluations: The Commission will evaluate proposed subdivisions first considering their relationship to the Comprehensive Plan and using the criteria found therein as minimum standards for the protection of public health, safety, and general welfare of the citizens of Lake County. Where literal compliance with these standards is clearly impractical, the Commission may waive or modify certain administrative requirements, where the public health, safety and general welfare are unaffected. See Article 9.0 Deviations from Standards.
- 2) Land Requirements: The proposed subdivision shall be evaluated for land suitability. Wetlands, lands subject to flooding or containing steep slopes shall not be approved for lots, but such land within a subdivision may be utilized for open space or common element.
- 3) Compatibility: In the subdivision of land, due regard shall be shown for natural features which, if preserved, would add attractiveness and stability to the proposed development. Proposed subdivisions shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.
- 4) Hydrology: As required by the Land Use Ordinance, proposed road construction and other grading and filling must be supported by stormwater and sedimentation plans. These plans should include culvert sizing and location, road contours at two foot intervals when specified by the Highway Engineer and erosion/stormwater measures. If the road is not complete before final plat is requested, financial assurance must include the cost of the erosion/sediment control measures.

Section 5.03

Final Plat

- A) Submission Requirements: Based on approval of the preliminary plat, the subdivider shall, within one (1) year after such approval, submit a full or partial final plat. Any or all of the remainder of the preliminary plat may be submitted as a final plat within three (3) years after approval of the preliminary plat.
 - 1) The subdivider shall submit the following to the Administrator:
 - a) Ten (10) paper copies of the final plat map (20"by30") along with an 11" by 17" copy for reproduction.
 - b) Declarations, covenants, restrictions, sewer maintenance agreements, road maintenance agreements or any other required agreements.
 - c) An up-to-date Title Opinion or a Certificate of Title together with a Registered Property Certificate for the final plat.
 - d) A fee as established by County Board Resolution shall accompany the plat to help defray the expenses of the County in connection with the review of said final plat.
 - e) A letter of approval from the peer surveyor selected to review the plat.
 - f) If the property is torrens, evidence that the final plat has been submitted to the Registrar of Titles for review.
- B) Distribution: When all of the required information has been submitted to the Administrator shall distribute said copies of the final plat as follows or as is deemed necessary.

- 1) County Auditor/Treasurer, one (1) copy.
 - 2) County Highway Engineer, one (1) copy.
 - 3) County Attorney, one (1) copy together with an up-to-date Title Opinion or a Certificate of Title together with a Registered Property Certificate.
 - 4) County Recorder and/or Registrar of Titles, two (2) copies.
- C) County Departmental Review: The Auditor/Treasurer, Recorder and the Registrar of Titles may submit comments within fifteen (15) days if they see something that needs to be changed. The County Attorney, County Engineer and the Administrator must certify in writing as to the acceptability of the final plat within fifteen (15) days. The Attorney shall render an opinion as to whether the fee simple title to the subdivided property is in the name of the subdivider and whether the final plat meets statutory legal requirements. The Engineer shall state whether the final plat and the proposed improvements conform to the engineering standards and specifications established by this Ordinance. The Administrator shall state whether the final plat conforms to the preliminary plat approved by the Commission.
- D) Approval Process: After the review and all corrections, if any, have been made the subdivider can move forward with the final approval process.
- 1) The following must be submitted for final approval:
 - a) Two mylar copies of the final plat. The mylars shall be of uniform size 20 inches in width and 30 inches in length and shall conform to the requirements of Minnesota Statute.
 - b) Financial Assurance in accordance with section 5.03(E) below.
 - 2) Approval: The County Board shall act on the final plat within twenty-one (21) days of the date the mylars and all the required information has been submitted. The County Board shall not approve the Official Subdivision plat unless:
 - a) It conforms to the plan approved by the Commission, and reflects the changes, if any required by the Commission.
 - b) It meets the highway design standards and engineering specifications set forth in this Ordinance.
 - c) It meets the standards of all applicable Lake County Ordinances especially section 5.03(E) below.
 - d) It meets all statutory requirements of the State of Minnesota.
 - e) Appropriate financial assurances are in place to insure compliance with official controls.

County Auditor: The County Auditor will not sign any final plats from December 15th to December 31st of each year.

DNR Copy: A single copy of each Official Subdivision plat, any portion of which lies within shoreland, shall be forwarded to the D.N.R. Area Hydrologist within ten (10) days of final approval.

E) Basic Criteria for Final Acceptance:

- 1) Agreement: Before an Official Subdivision plat is accepted, the subdivider shall execute and submit to the County Board an agreement, which shall be binding on his heirs, personal representatives and assigns, that he will cause no private construction to be made on said subdivision or file or cause to be filed any application for Land Use Permits for such construction until all improvements required under this Ordinance have been completed and approved or financially secured in a manner acceptable to the Attorney.
- 2) Certification: The Engineer shall not provide a certification until "as built" drawings are submitted to him with the data required in Article 8.0, General Provision for all Subdivisions.
- 3) Financing: In the case of incomplete improvements before a final plat is approved, the subdivider shall submit a performance bond or cash escrow agreement to assure the following:
 - a) The subdivider shall pay for the cost of all improvements required in the subdivision and the subdivision's share of the costs of any trunk facilities to be extended to the subdivision with the exception of individual wells and individual sewage treatment systems.
 - b) Guarantee completion of the required improvements within a two (2) year period.
 - c) Payment by the subdivider for all costs incurred by the County for review and inspection. This would include preparation and review of plans and specifications by technical assistants and costs incurred by the Attorney, as well as other costs of a similar nature. This payment would be in addition to the final plat fee paid with the submission of the final plat.
 - d) The County may elect to install any of the incomplete required improvements under the terms of the cash escrow agreement.
 - e) The performance bond or cash escrow agreement shall be equal to 125% of the estimated cost of the required improvements.
 - f) If the required improvements are not complete within the two (2) year period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the County and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. If reserved funds are insufficient to complete required improvements, the County may complete them and seek reimbursement through special assessment.
- 4) Minnesota Subdivided Land Sales Practices Act: Parties are advised to be aware of the requirements of Minnesota Statutes, Chapter 83.

ARTICLE 6.0 PLANNED UNIT DEVELOPMENTS

Section 6.01

Purpose and Applicability:

- A) The purpose of these regulations is to establish procedures and criteria to evaluate Planned Unit Developments. It is intended to provide a relationship between buildings, and between buildings and sites, that cannot be accomplished by the one building-one standard sized lot application of the land use provisions of this ordinance.
- B) These provisions apply to new Planned Unit Developments, both commercial and residential, on undeveloped land, redevelopment of previously built sites or conversions of existing buildings and lands.
- C) This type of development is for optimization of development opportunities, maximum environmental protection, and creation of greenspace within the Planned Unit Development site. Nonconformities do not qualify for Planned Unit Development review unless they change to a conforming use.
- D) Planned Unit Developments must be designed and operated to be compatible and harmonize with their surroundings. It is the intent of these guidelines to provide the flexibility to review, modify, and approve Planned Unit Developments that follow the rules of common sense and practicality. The end result should be a development which optimizes the use of building sites, and protects and enhances the natural amenities of those sites.

Section 6.02

Approval Process: A Conditional Use Permit is required for the entire project. A preliminary plat can be brought forward for action for the whole or any part of the plat at the same time as the Conditional Use Permit or within six (6) months after approval of the Conditional Use Permit. The Conditional Use Permit must be processed within the timeframe specified under MN Statute 15.99 as amended.

- A) Preliminary Plat: The procedure to be followed is that listed under Standard Plats. All information required to be submitted for Standard Plats is required to be submitted with Planned Unit Developments. In addition the following is required.
 - 1) A calculation of lot density proposed for subdivision, including number of lots/units, number of bedrooms, number of possible rental units;
 - 2) An itemized list of all documents, agreements and action necessary to be completed prior to recordation of the final plat, including requirements regarding open space management, water supply systems and shared sewer system management.
- B) Final Plat: The procedure to be followed is that listed under Standard Plats. All information required to be submitted for Standard Plats is required to be submitted with the Planned Unit Developments.

Section 6.03

Planned Unit Development Design Criteria: The purpose of the following criteria is to provide guidance to citizens, County officials, and developers in evaluating, reviewing and designing Planned Unit Developments.

- A) General Requirements:
 - 1) Each Planned Unit Development shall have no less than four (4) units and a lot area of at least four (4) acres. Property in the North Shore Management Zone

must have a minimum of five (5) units and a lot area of ten (10) acres if served by a private sewage treatment system and this could be reduced to one (1) acre if served by a public sewer.

- 2) Structures, parking areas, and other facilities must be designed and placed to reduce visibility as viewed from lakes, roads and adjacent shoreland by vegetation, topography, increased setbacks, color, or other means, assuming summer, leaf-on conditions. Outdoor lighting must be designed and placed in accordance with the provisions of this Ordinance. The end result should be a development that is visually unobtrusive to the natural environment or surrounding properties.
 - 3) Units, recreation facilities, and commercial uses must be clustered into one or more groups and located on suitable areas of the development site.
 - 4) Areas with physical characteristics unsuitable for development in their natural state, such as wetlands and areas containing significant historic sites or unplatted cemeteries shall be considered open space.
 - 5) The development shall provide at least one and one-half (1½) parking spaces per unit, and one (1) parking space for each non-resident employee, and two (2) parking spaces for each five (5) seats of seating capacity for restaurants and bars. Space for loading and unloading vehicles shall be provided for buildings used for commercial purposes. (See also; Off-Street Loading section of the Land Use Ordinance.)
 - 6) The development must contain interior roads which meet Subdivision Ordinance road standards and provide safe access to developed public roads.
 - 7) Water-oriented accessory structures (see Land Use Ordinance definition) and facilities may be allowed if they meet design standards contained in the Shoreland section of this Ordinance.
 - 8) Accessory structures and facilities may be allowed if they meet zone district standards.
 - 9) Where onsite sewage treatment is used, sufficient area free of limiting factors must be provided for a replacement system.
- B) Lot Configuration: Individual lot boundaries must not be located within the shore impact zone unless the lot has the minimum amount of water frontage required by the zoning district.
- C) Building Setbacks Within the Boundaries of the Planned Unit Development: Exterior setbacks and public road setbacks shall be the same as required for the particular zone district in which the Planned Unit Development is located. All interior setbacks, including those from interior roads, will be set by the Planning Commission.
- D) Open Space Requirements:
- 1) At least fifty percent (50%) of the total project area must be preserved as open space. This fifty percent (50%) open space dedication must be filed as a restriction against the property as outlined below.

- 2) At least twenty-five percent (25%) of the lot width at the structure setback line shall be left as open space.
 - 3) Dwelling units or sites, road rights-of-way, land covered by road surfaces, parking areas, units, and structures are considered developed areas and should not be included in the computation of minimum open space.
 - 4) Open space may include improved outdoor recreational facilities for use by owners, guests of the dwelling units or sites, or the public.
 - 5) In shoreland, seventy-five percent (75%) of the Shore Impact Zone must be included as open space. At least fifty percent (50%) of the Shore Impact Zone area for existing developments or at least seventy-five percent (75%) of the Shore Impact Zone for new developments must be preserved in its natural state. The remaining twenty-five percent (25%) of the Shore Impact Zone can be used for unrestricted open space uses such as boat storage, beach or boat launch areas. This area shall not be included in the open space calculation.
- E) Open Space Preservation: The appearance of open space areas, contiguous and detached, including topography, vegetation, and allowable uses must be preserved by the use of deed restrictions, covenants, permanent easements, public dedication and acceptance, or other effective and permanent means. The instruments must include all of the following:
- 1) Commercial uses prohibited (within residential PUDs);
 - 2) Vegetation and topographic alterations other than routine maintenance prohibited;
 - 3) Construction of additional buildings, parking or storage of vehicles and other material prohibited; and
 - 4) Uncontrolled beaching prohibited on riparian properties.
- F) Water Supply and Sewage Disposal Standards:
- 1) On-site water supply and sewage treatment systems must be centralized, designed, installed and operated to meet the regulations of the Minnesota Pollution Control Agency (MPCA), Minnesota Department of Health (MDH), and the Lake County Ordinances.
 - a) If a development's sewage design flow is such that a MPCA state disposal permit is required, a copy of the application and any approval shall be submitted to the County.
 - 2) On-site sewage treatment systems must be located on the most suitable areas of the development.
 - 3) Public water and sewage service must be used where available, as determined by the County.
 - 4) All new units must utilize water conserving plumbing fixtures and have water meters installed and accessible which serve all sewage generating appliances.
 - 5) No occupancy of any unit or use of any commercial structure of any Planned Unit Development shall be allowed until the approved sewage disposal system is in place and fully operational.

G) Shoreland Design Requirements:

- 1) Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
- 2) Dwelling units or sites must be designed and located to meet or exceed the following dimensional standards for a relevant shoreland classification: setback from the vegetation line, elevation above the surface water features, and maximum height. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of watercraft allowed to be continuously beached, moored, or docked must not exceed one for each allowable dwelling unit or site in the first tier, notwithstanding existing mooring sites in an existing harbor. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
- 3) Tier Definition:
 - a) The project parcel must be divided into two tiers by locating one or more lines approximately parallel to a line that identifies the vegetation line at the following intervals, proceeding landward:

SHORELAND TIER DIMENSIONS	
Public Water Classification	1st Tier Boundary (from Vegetation Line)
General Development Lake (includes Lake Superior)	200
Recreational Development Lake	300
Natural Environment Lake	400
All River Classes	300

- b) The area within the each of the two tiers is calculated, excluding all wetlands, bluffs or land below the vegetation line of public waters. These areas are then subjected to the appropriate Planned Unit Development density evaluation procedure in section 6.04 to arrive at an allowable number of dwelling units or sites.

Section 6.04

Development Density: The density standards in the Planned Unit Development Section are the maximum allowed densities. The Planning Commission by considering land use and environmental impacts may decrease the allowed permitted densities.

A) **Shoreland Areas:** Within shoreland areas the proposed project must be divided into tiers according to section 6.03(G)(4).

- 1) First, calculate the suitable/buildable area within each tier excluding all wetlands, bluffs and land below the ordinary high water level of public waters.
- 2) The suitable/buildable area in each tier is divided by the single residential lot size standard for lakes or, for rivers the single residential lot width standard times the tier depth which shall then be used to yield a base density of dwelling units or sites for each tier. Density increases are only allowed in the North Shore Management Zone in section 6.05(A) and alternative standards to the tier approach are allowed in the North Shore Management Zone in section 6.05(B).

B) **Non-Shoreland Areas:**

- 1) First, calculate the suitable/buildable area of the project area.
- 2) The suitable/buildable area is then divided by the minimal lot area for the zoning district to yield a base density of dwelling units or sites.

- C) Public Sewer: Planned Unit Developments with public sewer are allowed a density increase to four (4) units per one (1) acre even if the zoning district lot size is smaller. The public sewer must be in place before a Planned Unit Development can receive this density increase. The Planning Commission by considering land use and environmental impacts may decrease this allowed permitted density.

Section 6.05

North Shore Management Zone:

- A) Density Increase: Density may be increased in exchange for an increased setback and increased open space at building line as long as all other criteria are met (this does not apply to publicly sewerred areas eligible for four (4) units per acre). The increased setback must be based on the most restrictive setback per the Land Use Ordinance #12:
- 1) First Tier: No increases allowed.
 - 2) Second Tier: A fifty percent (50%) shoreland setback increase for all structures and thirty-five percent (35%) open space at the building line will allow a fifty percent (50%) increase in density. A one hundred percent (100%) shoreland setback increase for all structures and forty-five percent (45%) open space at the building line will allow a one hundred percent (100%) density increase.
 - 3) Projects that are not located in the first tier may receive a one hundred percent (100%) increase in density with a detailed plan showing how they will reduce visibility from the lake. This may be accomplished through vegetation management, height restrictions and/or structure appearance.
- B) Alternate Plan For Riparian Areas: Under this alternate plan a Planned Unit Development can be processed with no tiers as long as the following requirements are met:
- 1) No density increase allowed.
 - 2) At least forty percent (40%) lot width at the building setback shall remain as open space. Individual lot area cannot be considered open space.

Section 6.06

Conditional Use Permit Application: The application for a Conditional Use Permit shall include the following documents. The following information shall be on a map(s) drawn to standard engineer's scale of not less than 1:100. Special circumstances may be best depicted by drawings of a scale of 1:200, which may be allowed with the Administrator approval. If platting part or all of the project area, additional information as stated in section 6.02 is required.

A) Information Required:

- 1) A map of the property under consideration at a scale of not less than 1:100 unless approved by the Administrator, including property boundaries, Topographic data showing contours, at intervals to be determined by the Administrator based on the specific topographical features of a site, with intervals not to exceed ten (10) feet, on-site features, roads, lakes, rivers, wetlands, rock outcroppings, wooded areas, and other relevant features. Property boundaries must be identified on-site by monuments, stakes or flags as described on the submitted plans.
- 2) Building elevations, location on site, proposed use(s), number of units, and commercial operations.
- 3) A concept statement describing how the development will be managed, owned, operated, any planned rental of units and phases, if proposal is to be staged.
- 4) Parking areas and driveways for both residences and commercial activities, vehicle loading/unloading areas, proposed public road entrances, and projected traffic generation of the proposed development.

- 5) Proposed fire protection.
 - 6) Proposed homeowner and/or road association agreements, where applicable.
 - 7) Detailed landscape plan which shows existing vegetation, proposed alterations, new plantings and landscaping which is consistent with shoreland alteration guidelines.
 - 8) Recreational space location and use.
 - 9) Adequate water sources and water supply system plans.
 - 10) Proposed sewage treatment system plans.
 - 11) Solid waste management plans including provision for solid waste contract servicing and canister site location.
 - 12) Erosion control and stormwater plan.
 - 13) Evidence of application for appropriate permits, state and federal.
 - 14) Evidence of availability of necessary public utilities.
 - 15) Proposed financial plans and necessary performance bonds or escrow agreements to protect the County's financial liability for site restoration, landscaping, erosion control measures, and sewage treatment systems.
- B) Any other information deemed to be necessary by the County will be provided by the applicant. The County may require plan modifications or require special conditions or performance standards, including environmental review, as part of its approval of the project.
- C) The proposed development plan will demonstrate that the development will conform to adjacent development and be screened from lakes, adjacent roads and adjacent properties.

Section 6.07

Administration and Maintenance Requirements. Before final approval of all Planned Unit Developments, the Planning Commission must ensure adequate provisions have been developed for preservation and maintenance in perpetuity of open spaces, septic systems, and for the continued existence and functioning of the development as a community.

- A) Development Organization and Functioning: Unless an equally effective alternative community framework is established when applicable, all residential Planned Unit Developments must use an owners association with the following features:
- 1) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers.
 - 2) Each member must pay a proportionate share of the association's expenses, and unpaid assessments can become liens on units or sites.
 - 3) Assessments must be adjustable to accommodate changing conditions.
 - 4) The association must be responsible for insurance, taxes, and maintenance of all commonly-owned property, roads and facilities.

Section 6.08

Conversion: Existing commercial lodging facilities may be converted to Planned Unit Developments if all of the following standards are met:

- A) Proposed conversion of Licensed Establishments shall be initially evaluated using the same procedures as Planned Unit Development. Inconsistencies between existing features of the development and these standards must be identified and rectified. Paramount to approval is the return to zone district density standards.
- B) Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion.

- C) Shore Impact Zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
- 1) Removal of buildings, docks, or other facilities located in Shore Impact Zones;
 - 2) Remedial measures to correct erosion sites and replacement of vegetative cover and screening of buildings and other facilities as viewed from the water; and
 - 3) If existing dwelling units are located in Shore and Bluff Impact Zones, conditions shall be attached that preclude exterior expansions in any dimension. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
 - 4) Lot boundaries can be located in the Shore Impact Zone when existing structures are already located in the same at the discretion of the Planning Commission. Allowing any water frontage less than the minimum requirement of the zoning district shall not be allowed.
- D) Existing dwelling unit or dwelling site densities that exceed standards shall be rectified and shall not be increased, either at the time of conversion or in the future. Efforts must be made during the conversions to improve vegetative screening centralize shore recreation facilities, and other means. Conversions shall not be approved until provision for total sewage system upgrade is made and secured by appropriate financial assurance.

ARTICLE 7.0 CLUSTER SUBDIVISIONS

Section 7.01

Purpose and Intent: The purpose of the Cluster Subdivision is to allow the creation of lots which place structures, such as houses, in closer proximity to each other than would be allowed in a given zoning district, in order to set aside open space.

A Cluster Subdivision is permitted when a minimum of twenty-five percent (25%) of the land area of the subdivision is preserved as open space and a concept plan is submitted to the County which meets the standards for a Cluster Subdivision. The density of development shall remain the same as that allowed by zone district regulations, but greater alternatives for land use design become possible. Road access is simpler; utility and service-access to lots can be less expensive; collector sewer and water systems are possible; wetlands, forested areas and difficult terrain can more easily be avoided or preserved; and areas most suitable for recreation and scenic views can be preserved.

Section 7.02 Requirements:

A) Density of Development: Cluster Subdivisions shall require the density of development to be no greater than the prevailing density of the existing zone district. For developments that are located in more than one zone district, the density of development may be transferred between zone districts. However, when the development is in shoreland the tier formula located in the Planned Unit Development must be used. The property used to calculate density must be contiguous. Property separated by roads is not considered contiguous.

When large tracts of wetlands exist on the property that would make that area unsuitable for development under all other forms of subdivision, the Planning Commission can subtract this wetland area from the area used to calculate total density.

The County may require a lower base density for Cluster Subdivisions when it is determined by the County that conditions such as protection of wilderness characteristics, topography, environmental conditions, wetlands or other site specific conditions exist that warrant a lower base density.

B) Open Space Preservation: Deed restrictions, permanent easements, public dedication and acceptance, or other equally effective means as determined by the County must be provided to assure permanent preservation of open space. The instruments must include protections for at least the following:

- 1) Significant vegetation, natural habitats, wetlands, scenic areas, historic values, topography or other values for which the open space was set aside.
- 2) Consistency with open space use plans and landscape preservation standards or plans.
- 3) Open space recreation plans.

C) Open Space Requirements: Cluster Subdivisions shall contain at least twenty-five percent (25%) open space, which must exclude lots upon which dwellings are located, road rights-of-way, parking areas and developed areas. Open space must meet all the following criteria:

- 1) Open space must include, when present, areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
- 2) Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, and by the general public; and

3) In shoreland areas, the area within fifty (50) feet of the vegetation line must be included as open space except for Lake Superior which shall be forty (40) feet from the vegetation line.

D) Centralization of Sewage Treatment and Water Supply Facilities: The subdivider of Cluster Subdivisions shall evaluate the feasibility of designing and installing centralized or cluster systems for water supply and sewage treatment.

Each subdivision shall contain an area equivalent to a minimum of two sites for the installation of a primary and secondary sewage treatment system for each lot created. The location of these sites may be as a collector system, cluster system or individual systems, or any combination of alternatives that meet the intent of the regulations.

E) Minimum Setbacks:
Twenty (20) feet for all interior lot lines; consistent with zoning classification from all plat exterior boundary lines.

F) Minimum Lot Area:
One (1) acre

G) Minimum Lot Width:
Non-Riparian Lots: One hundred fifty (150) feet

Riparian Lots: Must meet shoreland district lot width

H) Maximum Lot Coverage:
See applicable zoning district standards in the Land Use Ordinance #12.

I) Application Requirements:
The applications shall follow the same procedure as a Standard Plat and must submit the same information requested for the preliminary and final plats. In addition the following information will be required:

- 1) Open space location and use.
- 2) Percentage of open space.
- 3) Proposed method of open space preservation.

ARTICLE 8.0
GENERAL PROVISIONS FOR ALL SUBDIVISIONS

Section 8.01

Roads

A) Roads may be public or private:

- 1) Public and private roads in all subdivisions, except Administrative Subdivisions, shall meet the minimum requirements of section 8.01.
- 2) The Planning Commission may grant exceptions to road standards for private roads provided they have recommendations from appropriate professional staff before granting the exception and they follow all other requirements of section 9.0.
- 3) If a deviation on a private road is granted, the dedication shall be recorded on both the subdivision plat and in the covenants and restrictions acknowledging that the road shall never be publicly maintained without the acquisition of additional right-of-way or correction of design.

B) General Road Standards:

- 1) Roads shall be logically related to the natural topography so as to provide useable lots and specified grades.
- 2) Roads shall be placed so as to reasonably compliment or connect to existing or planned roads.
- 3) Access shall be given to all lots and portions of the tract in the subdivision and to adjacent unsubdivided territory unless the topography clearly indicates that such connection is not feasible. Roads giving such access shall be improved to the limits of the subdivision, except such roads providing access only to adjacent unsubdivided territory need not be improved however the easements must be dedicated. Reserved strips, except, as specified herein, and landlocked areas shall not be created.
- 4) Minor roads shall be laid out to discourage their use by through traffic and where possible, collector roads shall be protected from use by local traffic by service roads, lots served by an interior road or other means.
- 5) Half or partial roads will not be permitted, except where essential to reasonable subdivisions of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the road can be secured. Wherever, tract to be subdivided borders an existing half, or partial road, the other part of the road shall be subdivided within such tract.
- 6) Dead-end roads shall be prohibited, except when designed as cul-de-sac roads or as stubs to permit future road extension into adjoining tracts.
- 7) Cul-de-sac roads shall generally be no longer than 800 feet and shall not serve more than 10 lots. Finished turn-around radius shall not be less than forty (40) feet. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the road shall be carried to the property line in such a way as to permit future extension of the road into an adjoining tract. Such extension shall not create a dead-end road. At such time as the road is extended, the overage created by the turn-around outside the boundaries of the extended road shall revert in ownership to the property owner fronting on the temporary turn-around.
- 8) For Administrative Subdivisions the subdivider shall acquire the right-of-way and design any shared driveway and may or may not construct it. All newly created

shared driveways shall have a fifty (50) foot right of way established; the area may be included in the minimum lot size calculation.

- 9) No proposed roads shall be constructed until preliminary plat has been approved.
- 10) All drainage structures and ditches shall be adequate to pass a fifty (50) year rain event.
- 11) All disturbed areas shall be protected by fertilizer (300 pounds per acre), seed (70 pounds per acre) and mulch (2 tons per acre).

C) Rights-of-Way: All roads within a subdivision shall have a minimum of sixty-six (66) feet of right-of-way.

Subdivision Road Type		Minimum ROW Width
Type 1	Arterial Road or Highway	200 feet
Type 2	Collector Road	100 feet
Type 3	Minor Road	66 feet
Type 4	Local or Service Road (or year-round subdivision less than twenty (20) lots)	66 feet
Type 5	Forest Road (or year-round subdivision less than ten (10) lots)	66 feet

Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it such as at corners for safe sight distances, for excessive cuts or fills in areas of intensive use to meet established engineering standards.

D) Performance Standards: The following minimums shall be required for the above roads:

STANDARD	COLLECTOR Type 2	MINOR Type 3	LOCAL/SERVICE Type 4	FOREST Type 5
Surface Width	24'	22'	22'	16'
Finished Roadbed	32'	26'	24'	16'
Surface Thickness & Type	3" Bituminous	3"/Class 5	3"/Class 5	---
Base Material	12" gravel Class 5	12" gravel 3" minus	6" gravel 3" minus	6" gravel on stable sub-base
Excavation & Embankment slope	3:1	3:1	2:1	1.5:1
Maximum Gradient	6%	8%	10%	15%
Minimum Ditch Grade	0.5%	0.5%	0.5%	0.5%

Type 1 roads will be considered on an individual basis, but will normally comply with State and/or Federal standards.

A) Horizontal Curves: Where a deflection angle of more than five (5) degrees in the alignment of a road occurs, a curve of reasonably long radius shall be introduced, to-

wit: on Type 2 roads the centerline radius of curvature shall not be less than three-hundred (300) feet.

- B) Vertical Curves: All changes in grade shall be connected by vertical curves of minimum length in feet equal to fifteen (15) times the algebraic difference in rates of grade for Types 1 and 2 and one-half (1/2) this minimum length for other roads. Profiles of all roads showing natural and finished grades drawn to a scale of not less than one (1) inch equals: one-hundred (100) feet horizontal, and one (1) inch equals ten (10) feet vertical, may be required by the Engineer if topographic conditions warrant. A three hundred (300) foot minimum sight distance shall be provided.
- C) Intersections: Road intersections shall be as nearly at right angles as is possible.
- D) Access Management: In the interest of public safety, whenever the proposed subdivision contains or is adjacent to the right-of-way of a County State Aid, State or Federal highway, provisions shall be made for a service road approximately parallel and adjacent to the boundary of such right-of-way, or for a road at a distance suitable for the appropriate use of land between such road and right-of-way. Such distance shall be determined with due consideration for the minimum distance required for approach connections to future grade separations, or for lot depths. Minor road access to public roads shall not be permitted at intervals of less than six hundred (600) feet.
- E) Road Jogs: Road jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be allowed.
- F) Road Names: In the interest of public safety, proposed road names shall be reviewed by the Sheriff to both eliminate the chance of duplicate or similar road names and to facilitate the rational assignment of addresses. A proposed road, which is in alignment with and joins an existing and named road, shall bear the name of the existing road.
- G) Alleys: Alleys or loading space located off the public right-of-way shall be provided to the rear or side of all lots to be used for commercial or industrial use. When provided, alleys shall be open at both ends.
- H) Road Dedication: Except as provided above, all roads within the subdivision shall be irrevocably dedicated to the public, (they do not become public until accepted by a public road authority), and such dedication shall appear on the Official Subdivision plat. Alternative arrangements may be utilized for creation of private roads when the dedication clearly transfers road maintenance responsibility to another corporate entity. However minimum road standards for emergency vehicle access shall be followed and approved by the County Engineer.
- I) Shoreland Setback: All roads in shoreland shall be constructed so that centerlines are no closer than two-hundred fifty-five (255) feet and rights-of-way are no closer than two hundred twenty-two (222) feet from the vegetation line. Stream crossings shall be made at right angles to drainage ways unless proved impractical.

Section 8.02

Blocks

- A) The lengths, widths and shapes of blocks, and lots within blocks, shall be determined with due regard to:
 - 1) Provision of adequate building sites suitable to the special needs of the principal and all required accessory uses.

- 2) Requirements as to lot sizes and dimensions and provisions regulating off-road parking and loading spaces.
 - 3) Needs for convenient access, circulation, control and safety of road traffic.
 - 4) Limitations and opportunities of topography and hydrology.
- B) Residential blocks shall normally be of sufficient width for two tiers of lots. Blocks lengths shall be determined by circulation and other needs.
 - C) Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, and provide adequate space for off-road parking and deliveries. (See Land Use Ordinance parking requirements)
 - D) Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities.

Section 8.03

Lots

- A) The minimum lot area and width shall comply with the zoning district Density requirements; however, innovative developments may be considered as Planned Unit Developments, Common Interest Communities, Cluster Subdivisions, or under Deviations from Standards.
- B) Corner lots for residential use shall have additional width to permit appropriate building setback from both roads without reducing the buildable area of the lot.
- C) Side lines of lots shall be approximately at right angles or road lines or radial to curved road lines.
- D) Double frontage lots shall be avoided except where lots back on a highway or other arterial road, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least twenty (20) feet in order to allow space for screen planting along the back lot line.
- E) Lot access shall be from the interior road only and access restrictions shall be clearly shown on the Official Subdivision plat.
- F) Every lot must have the minimum required frontage on a road other than an alley, and have satisfactory access to such existing road for purposed of fire fighting, utilities and other public and quasi-public services. However, modifications to this requirement may be considered in innovative developments.

Section 8.04

Easements

- A) Utility Easements: Shall be addressed on an individual basis through consultation with the affected utility; however, unless otherwise provided, easements of at least fifteen (15) feet in total width shall be provided between all back to back lots. In the case of lakeshore lots the utilities easement will be considered to be included in the right-of-way of the road. If necessary for the connection of utilities to adjoining properties, and as part of the overall distribution plan, easements of greater width may be required along lot lines or across lots. In all cases, an easement of at least fifteen (15) feet in width shall be provided around the terrestrial perimeter of all subdivisions.

Unless proved to be technically unfeasible, above ground utilities distribution shall be prohibited. Power lines in excess of 34.5 KVA may be constructed above ground in special corridors.

- B) Drainage Easements: Where a subdivision is traversed by a drainage way, an easement adequate to protect the feature and provide structural separation shall be shown on the final subdivision plat.
- C) Public Dedication: Where determined to be in the public interest, the County may require that drainage ways be dedicated to the public.
- D) Water Access: Unless adequate public access is available, shoreland subdivisions shall provide for an adequate water access point available to all property owners within the subdivision.
- E) Subdivision Inclusion: All easements shall be indicated on the Official Subdivision plat map.

Section 8.05

Hydrology: Final Hydrology Issues related to stormwater, sediment control and wetlands shall comply with the Hydrology section of the Land Use Ordinance. Completion of necessary measures shall meet standards accepted by the Hydrology Technical Committee and bonded or otherwise secured in a manner acceptable to the Attorney in an amount equal to 125% of the estimated cost to accomplish.

Section 8.06

Water and Sanitary Sewer: When the subdivision is located within the service area of a public water supply system, water mains not less than 6 inches in diameter shall be constructed throughout the entire subdivision in such a manner as to serve adequately all lots and tracts with connection to such public system together with shut-off valves and fire hydrants at intervals of not more than six-hundred (600) feet.

When located within the service area of a sanitary district, sewers shall be constructed throughout the entire subdivision in such a manner as to adequately serve maximum buildout.

Where lots cannot be connected to a sanitary sewer, each lot must have at least two sites reserved for an Individual sewage treatment system.

All proposed sewage and water systems shall comply with applicable standards.

Section 8.07

Outlots: Land in any plat, Planned Unit Development may be designated as an outlot when:

- A) The landowner intends to develop the subdivision in phases; or
- B) The proposed outlot is to be owned by all other lot owners, or a portion of lot owners, under an owner's association; or
- C) The land is to be dedicated to the public for future public uses. For example, a stub road to the adjacent lands for the purposes of future development, a pathway for connection to state trails, etc.

ARTICLE 9.0
DEVIATIONS FROM STANDARDS

Section 9.0 The Commission may grant exceptions from any of the provisions of this Ordinance when, in its opinion, the change would not deviate from the intent of the Comprehensive Plan and is approved by appropriate professional staff. In granting an exception, the Commission shall prescribe any conditions that it deems necessary or desirable for the protection of the public interest. In making its findings, as required herein below, the 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 who do or will reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon infrastructure. An exception may be granted when the Commission finds that the granting of the exception will be consistent with the Land Use Ordinance and Comprehensive Plan.

ARTICLE 10.0
VIOLATIONS AND PENALTY

Section 10.01 Sale of Lots from Unrecorded Subdivisions: It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, subdivision or resubdivision of any subdivision or area located within the jurisdiction of this Ordinance unless said plan, subdivision or resubdivision shall have first been recorded in the Lake County Recorder/ Registrar's Office.

Section 10.02 Receiving and Recording Unapproved Subdivisions: It shall be unlawful to receive or record in any public office any plans, subdivision or resubdivision of land laid out in building lots and highways, roads, alleys or other portions of the same intended to be dedicated to public or private use, for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this Ordinance, unless the same shall bear thereon, by endorsement or otherwise the approval of the Commission and/or County Board.

Section 10.03 Misrepresentation: It shall be unlawful to represent that any improvement in said addition or subdivision has been constructed according to the plans and specifications approved by the Planning Commission, or has been supervised or inspected by the County, when such improvements have not been so constructed, supervised, or inspected.

Section 10.04 Failure to comply with Administrative Subdivision Requirements: If new lots are unlawfully created because of failure to comply with the Administrative Subdivision requirements of this ordinance, no Land Use Permits for structures or grading/filling will be granted until such section of the ordinance is complied with.

Section 10.05 Penalty: Any person, firm or corporation, or agent, employees or contractors of such, who violate, disobey, omit, neglect, refuse to comply with, or who resist enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction be fined up to one thousand dollars (\$1,000.00). Each day that a violation continues to exist shall constitute a separate offense. All fines for violations shall be paid to the County and shall be credited to the General Revenue Fund.

**ARTICLE 11.0
SEVERABILITY**

In any case in which the provisions of this Ordinance are declared by the courts to be unconstitutional or invalid, said ruling shall not affect the validity of the remaining provisions of the Ordinance and to this end the provisions of this Ordinance are declared to be severable.

**ARTICLE 12.0
EFFECTIVE DATE.**

ORIGINALLY ADOPTED June 7, 1978 EFFECTIVE September 1, 1978

Amended July 1st, 2004

This Amendment shall take effect and be in full force on the 26th day of May 2006.

All previous versions of this ordinance are repealed.

Recommended by the Lake County Planning Commission after a public hearing on May 15th, 2006 and unanimously passed by the Lake County Board of Commissioners this 23rd day of May 2006.

Date

Clair Nelson, Chair
Lake County Board of Commissioners

Date

Wilma Rahn, Clerk of the Board

APPENDIX 1 STANDARD RECTANGULAR DIVISION OF LAND

A Section of Land = 640 Acres					
Chains		Rods		Feet	
Quarter Sections and Subdivisions Thereof					
$\frac{1}{4} = 160$ Acres		$\frac{1}{4}$ of $\frac{1}{4} = 40$ Acres		$\frac{1}{2}$ of $\frac{1}{4}$ of $\frac{1}{4} = 20$ Acres	
2.5 acres	330 ft.	660 ft. 10 Acres	1,320 ft. 20 Acres	2,640 ft.	
5 Acres				160 Acres NE $\frac{1}{4}$ of Section 36, T1N, R1W	
SW $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 36, T1N	SE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 36, T1N	S $\frac{1}{2}$, NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36, T1N, R1W			
40 Acres SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 36, T1N		40 Acres SE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 36, T1N		160 Acres SW $\frac{1}{4}$ of Section 36, T1N, R1W	
160 Acres SW $\frac{1}{4}$ of Section 36, T1N, R1W		160 Acres SE $\frac{1}{4}$ of Section 36, T1N, R1W			

5,280 ft (one mile)

- | |
|---|
| <input type="checkbox"/> RECTANGLE SURVEY DESCRIPTIONS ALWAYS WORK FROM END OF DESCRIPTION BACK TO THE BEGINNING: |
| <input type="checkbox"/> THE PREFERRED ORDER IN LOCATING QUARTER SEC. IS COUNTER-CLOCKWISE, NORTH EAST QUARTER, NORTH WEST QUARTER, SOUTH WEST QUARTER, AND SOUTH EAST QUARTER. |
| <input type="checkbox"/> IF PARTS OF THE QUARTER SECTIONS ARE TO BE DESCRIBED, THE SAME ORDER SHOULD BE OBSERVED. |