SHAFER CITY CODE
TABLE OF CONTENTS

		Page
801.01	GENERAL PROVISIONS	8-1
801.02	PURPOSE	8-1
801.03	SCOPE	8-1
801.04	JURISDICTION	8-1
801.05	COMPLIANCE	8-1
801.06	REQUIRED APPROVAL OF SUBDIVISION PLATS	8-2
801.07	CONFLICT	8-2
801.08	SEPARABILITY	8-2
801.09	EXCEPTIONS	8-2
801.10	CONVEYANCE BY METES AND BOUNDS	8-3
801.11	SUBDIVISION WITHOUT CENTRAL WATER AND SEWER	8-3
801.12	EXEMPTIONS	8-3
801.13	DEFINITIONS	8-4
801.14	PRELIMINARY PLAT	8-8
801.15	FINAL PLAT	8-11
801.16	PRELIMINARY AND FINAL PLATS DATA REQUIREMENTS	8-11
801.17	DESIGN STANDARDS	8-15
801.18	PUBLIC USE, DEDICATION OR CONTRIBUTION	8-21
801.19	REQUIRED IMPROVEMENTS	8-23
801.20	VARIENCES AND AMENDMENTS	8-25
801.21	FEES	8-27
801.22	ENFORCEMENT, PENALTY, NOTIFICATION AND DISCLOSURE	8-28
801.23	SURFACE WATER MANAGEMENT PLAN	8-29

CHAPTER 8. SUBDIVISION REGULATIONS

801.01 GENERAL PROVISIONS

This chapter shall be known as the "Subdivision Ordinance" and may hereafter be referred to as "this ordinance."

801.02 PURPOSE

Pursuant to the authority contained in Minnesota Statutes, Section 462.358, this ordinance is adopted for the following purposes:

a. To provide for the orderly, economic and safe development of land and urban services and facilities.

b. To promote the public health, safety, morals and general welfare of the residents of the city.

c. To assure equitable handling of all subdivision plats by providing uniform procedures.

801.03 SCOPE

This ordinance shall govern any division or subdivision of a tract of land into two or more parcels, whether by platting, replatting, conveyance, registered land survey or other means.

801.04 JURISDICTION

This ordinance shall apply to all lands within the corporate limits of the city as now established or hereafter extended.

801.05 COMPLIANCE

Following the adoption of this ordinance, no lot or parcel shall be sold, no permit shall be issued to erect or alter any building upon land to which this ordinance applies, and no building shall be erected on lands to which this ordinance applies unless prior thereto a subdivision plat has been approved by the City Council and recorded in the office of the County Recorder or Registrar of Titles, nor otherwise until the improvements required by the city relative to any subdivision have been constructed or arranged for by the written approval of the city.

801.06 REQUIRED APPROVAL OF SUBDIVISION PLATS

No plat shall be valid until it has been approved and executed by the city and recorded in the office of the County Recorder or Registrar of Titles.

801.07 CONFLICT

It is not intended by this ordinance to annul or interfere with any official regulations or ordinances of the city. When there is a difference between minimum standards or dimensions herein and those contained in other official regulations or ordinances of the city, the highest standards shall apply.

801.08 SEPARABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decisions shall not affect the remaining portions thereof.

801.09 EXCEPTIONS

When requesting a subdivision, if either of the two following conditions exists, the City Clerk shall bring the request to the attention of the Planning Commission, whereupon they shall review said request and may recommend exemption of the subdivision from complying with any procedural requirements of this ordinance deemed in appropriate for adequate review of subdivision requests.

a. In any case in which compliance with subsection 10 of this ordinance will create an unnecessary hardship and failure to comply does not interfere with the intent of this ordinance, provided that such conveyance does not necessitate the dedication of a public right-of-way and the newly created parcel will not cause the other remaining portion of the property to be in violation of this ordinance or the zoning ordinance.

b. Where written justification is submitted by an applicant, which clearly indicates that the intent of this ordinance can be satisfied without enforcing all of the procedural requirements of this ordinance.

The City by written resolution may exempt the conveyance and the conveyance may then be filed or recorded.

801.10 CONVEYANCE BY METES AND BOUNDS

No conveyance of one or more parcels in which the land is described by metes and bounds or by reference to an unapproved registered land survey made after the effective date of this ordinance shall be filed or recorded except those conveyances exempted under Section 801.12 of this ordinance.

801.11 SUBDIVISION WITHOUT CENTRAL WATER AND SEWER

In subdivisions where central water and/or sewer services are not presently available, the Planning Commission may recommend and the City Council may require that the lots in the subdivision be in accordance with the minimum lot area and lot width requirements of the zoning ordinance; and that the subdivider convey two or more lots for the purpose of transfer of ownership or building development of sufficient size to safely accommodate a private well and/or disposal system in accordance with applicable state land and regulations, and further that any such building development be confined to one of the multiple lots conveyed, meeting all of the required setbacks therefor. At such time as central water and/or sewer service becomes available, and upon connection of the existing building development to the same, the undeveloped lots may be conveyed to other persons and building development may be permitted on the lots.

801.12 EXEMPTIONS

The following conveyances shall be exempt from the provisions of this ordinance and shall not constitute a subdivision:

a. The parcel was a separate lot of record prior to the effective date of this ordinance.

b. The parcel was the subject of a written binding agreement to convey entered into prior to the effective date of this ordinance.

c. The parcel 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 and does not necessitate the dedication of a public right-of-way.

d. The parcel is a parcel of residential or agricultural land of not less than 20 acres in area 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 parcels, any

one of which is less than 20 acres in area or 500 feet in width, and does not necessitate the dedication of a public right-of-way.

e. The parcel relates to a division of a lot which is a part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot or to create two lots, and the newly created lot will not cause the other remaining portion of the lot to be in violation of this ordinance or the zoning ordinance.

f. Cemetery lots.

g. Parcels resulting from court orders or the adjustment of a lot line by the relocation of a common boundary.

801.13 **DEFINITIONS**

For the purpose of this ordinance, certain words and terms are herein defined:

a. Alley. A public vehicular way which affords a secondary means of vehicular access to abutting property and which is not intended for general traffic circulation.

b. Block. An area of land within a subdivision which is entirely bounded by streets or by a street or other public right-of-way, railroad right-of-way, waterway or exterior boundary of the subdivision.

c. Boulevard. The portion of the street right-of-way between the curb line and the property line.

d. Building. Any structure used or intended for supporting or sheltering any use or occupancy.

e. Building Setback Line. A line parallel to a street between which line and the nearest street right-of-way line no building may be erected or placed. For irregular lots, the building setback line shall be the mean distance from the street right-of-way.

f. City Council. The governing body of the city.

g. Comprehensive Plan. The comprehensive plan prepared and adopted by the city or county indicating the general locations recommended for major land uses, streets, parks, public buildings, and other public improvements.

h. Crosswalk or Pedestrian Way. A publicly owned right-of-way, which crosses a block and furnishes pedestrian access to adjacent streets or properties.

i. County Board. The governing body of Chisago County.

j. Design Standards. Specifications 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.

k. Easement. A grant by the owner of a parcel to another person or entity, public or private, permitting a specific use or uses upon the grantor's land.

l. Engineer. The city or county engineer or a duly authorized consulting engineer.

m. Final plat. The final map, drawing or chart on which the subdivider's plan of subdivision which will be submitted to the County Recorder's office. Said plat must conform to these subdivision regulations and all appropriate state laws.

n. Grade, Percentage Of. The rise or fall of a street in feet and tenths of a foot or each 100 feet or horizontal distance measured at the centerline of the street.

o. Growth Management System. The goals, policies, programs, ordinances and regulations used to guide the city's growth and development.

p. Lot. The smallest unit of a subdivision individually numbered or designated on the plat for purposes of description, recording, ownership, conveyance, development and taxation.

q. Lot of Record. A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this ordinance and recorded as such in the County Recorder's office, or approved by the city as a lot subsequent to such date, and which is occupied by or intended for occupancy by one principal building or principal use together with any accessory buildings or such open spaces as required by this ordinance and having its principal frontage on a street or a proposed street approved by the council.

Where any or all of multiple contiguous parcels are under common ownership and such parcels or any of them, fail to meet the minimum standards established under the city code of ordinances, the city may require

such parcels, or any number of them, to be combined as a unit for the purpose of obtaining compliance with this ordinance.

r. Lot Depth. The mean horizontal distance between the street right-of-way line and the opposite rear line of the lot measured generally equidistant from the side lot lines. For irregular lots, lot depth shall mean the mean distance between the front lot line and the rear lot line.

s. Lot, Double Frontage. A lot having frontage on two streets.

t. Lot Width. The mean horizontal distance between the side property lines of a lot as measured at the building line. For irregular lots, the location for the measurement of the horizontal distance may be established by the council.

u. Owner. Person(s), partnership(s), firm(s), association(s), corporation(s) or combination thereof, having a sufficient proprietary interest in the land to apply for and comply with the requirements of this ordinance.

v. Parks and Playgrounds. Public land and open spaces dedicated or reserved for recreational purposes.

w. Pedestrian Way. Public or private right-of-way across a block or within a block to provide access or pedestrians. Where specifically dedicated, same may be made for the installation and maintenance of utilities.

x. Planning Commission. The Planning Commission of the city.

y. Planned Unit Development. A tract of land planned and developed as a unit whereby there is permitted a greater number or a greater congestion of residential units as provided herein.

z. Preliminary Plat. The preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and the Council for their consideration as to its compliance with the growth management goals, policies and this ordinance, along with required supporting data.

aa. Protective Covenants. Privately imposed restrictions on the use and development of land with a view to protecting and preserving the physical and economic integrity of described lands. Covenants required by the city of a developer under this ordinance shall nevertheless be private covenants unless said covenants otherwise expressly state otherwise.

bb. Right-of-Way. Land dedicated and publicly owned for use as a street, alley, crosswalk or other public way.

cc. Street. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties whether designated as a street, highway, thoroughfare, parkway, road, avenue or boulevard.

dd. Street, Major or Arterial. A Street of considerable continuity, which is, used primarily for heavy through traffic between major traffic generation areas.

ee. Street, Collector. A feeder street, which provides connection primarily between arterial streets or arterial streets and minor streets. Collector streets include the principal entrance streets of a residential development and the principal streets for circulation within such development.

ff. Street, Cul-de-Sac. A short minor street with access at one end to another public street, the other end permanently terminated by a vehicular turnaround.

gg. Street, Marginal Access. A minor street which is parallel and adjacent to a highway or an arterial street, and which provides access to abutting properties and protection from through traffic.

hh. Street, Minor or Local. A Street, which serves primarily as access to abutting properties and is not intended to carry through traffic.

ii. Street Width. The street right-of-way width, measured at right angles to the centerline of the street. Street widths shall be shown on each plat.

jj. Subdivision. The division of a lot of record into two or more lots, tracts or parcels resulting in new and/or separate legal descriptions, whether or not for the purpose of transferring ownership and/or building development. Any division, sale or grant, whether by easement or otherwise, creating a new street shall be considered a subdivision. The term shall include resubdivision of land.

kk. Tangent. A straight line that is perpendicular to the radius of a curve where it intersects a curve.

ll. Vertical Curve. The surface curvature on a street centerline located between lines of different percentage of grade.

801.14 **PRELIMINARY PLAT (9-2006)**

a. A request for subdivision shall be filed with the City Clerk on an official application form furnished by the city. The application, by attachment or otherwise shall contain all information to permit the complete review of same under the provisions and requirements of this ordinance. The application shall be accompanied by a non-refundable fee set forth in the current City fee schedule. The application shall be accompanied by 10 copies of the preliminary plat.

Upon receipt, the City Clerk shall refer said application and preliminary plats to the city Planning Commission at its next regular meeting.

The time constraints within which the city is required to approve or disapprove the preliminary plat shall not commence until the application is complete.

In the event an applicant wishes to have City employees or staff review a proposed development prior to submission of an application for subdivision, the applicant shall enter into a pre-development agreement with the City to pay all engineering, technical, legal and administrative costs incurred by the City in reviewing the proposed preliminary plat and shall place a deposit with the City in a non-interest bearing account in the amount set forth in the current City fee schedule as security for reimbursement of such costs prior to commencement of review by the City.
(12-2003)(9-2006)

b. The City Clerk on behalf of the Planning Commission shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the city at least 10 days prior to the date of the hearing. Such notice shall also be mailed not less than 10 days to:

1. All property owners of record according to the county assessment records within 350 feet of the property.

2. The commissioner of the Minnesota Department of Natural Resources if the proposed subdivision is located in part or in total within public water.

3. The Commissioner of the Minnesota Department of Transportation and the Chisago County Engineer if the proposed plat abuts or includes a state trunk highway or a county state aid road, respectively.

A copy of the notice and a list of the individuals and/or property owners and addresses to which the notices were sent shall be attested to by the City Clerk and made part of the official record. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

c. The Planning Commission shall consider the preliminary plat and hold a public hearing at its next regular meeting unless the filing date falls within 15 days of said meeting, in which case the preliminary plat would be placed on the agenda and considered at the regular meeting following the next regular meeting. The City Clerk shall refer said application, along with all related information, to the City Planning Commission for consideration. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the preliminary plat.

d. In considering the preliminary plat, the Planning Commission shall consider the following factors:

1. Consistency with the design standards and other requirements of this ordinance.

2. Consistency with the city's development plans

3. Consistency with other city ordinances.

4. The physical characteristics of the site including but not limited to topography, erosion, flooding potential, soil limitations and environmental impact are suitable for the type of development or use contemplated.

5. The proposed development will not create a negative fiscal or environmental impact upon the city.

e. The Planning Commission and city staff shall have the authority to request additional information from the applicant concerning the preliminary plat or to retain expert testimony with the consent and at the expense of the applicant concerning said information to be declared necessary to establish compliance with all pertinent sections of this ordinance.

f. Within 60 days from the date of the public hearing, the Planning Commission shall make findings of fact and recommend such actions or conditions relating to the preliminary plat to the City Council.

g. Upon receiving the report and recommendation of the Planning Commission or until 60 days after the public hearing at which the preliminary plat was considered, the City Council shall place the report and recommendation on the agenda for the next regular meeting. The City Council may but is not required to hold a public hearing after the receipt of the report and recommendations from the planning commission. Such reports and recommendations shall be entered in and made a part of the permanent written record of the City Council meeting. (9-2006)

h. Upon receiving the report and recommendation of the Planning Commission, the City Council shall either:

1. Approve or disapprove the request as recommended by the Planning Commission, or

2. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions. Such modification, alterations or differing conditions shall be in writing and made part of the Council's records, or

3. Refer the recommendation back to the Planning Commission for future consideration. This procedure shall be followed only one time on a singular action.

4. In all cases the preliminary plat shall be approved or disapproved by the City Council within 120 days of the date of the preliminary plat application, unless an extension of the review period has been agreed to by the applicant.

The City Clerk shall notify the applicant of the Council's action and reasons thereof.

i. Following the date of approval of the preliminary plat by the City Council, the subdivider shall submit the final plat to the Planning Commission within 6 months after said approval, or approval of the preliminary plat shall be considered void. Prior to the expiration of the preliminary plat approval, the Planning Commission may extend the approval for an additional year. The extension shall be in writing specifically designating the expiration date. The extension shall not be subject to an additional fee and only one extension may be granted per preliminary plat.

801.15 **FINAL PLAT**

a. The final plat, consisting of 2 Mylar and 6 copies, shall be filed with the City Clerk and submitted to the Planning Commission at least 15 days in advance of the Planning Commission meeting. The Planning Commission shall review the final plat to assure consistency with the approved preliminary plat. The Planning Commission shall make a recommendation for approval or disapproval with conditions and reasons thereof to the City Council. In case the plat is recommended for disapproved, the subdivider shall be notified in writing of the reason for such disapproval and what requirements are necessary to meet the approval of the Commission. (9-2006)

b. The final plat, together with the recommendations of the Planning Commission, shall be submitted to the City Council at its next regularly scheduled meeting. If accepted, the final plat shall be approved by resolution, including acceptance of all agreements for basic improvements, public dedication and other requirements as indicated by the City Council. If denied, the reasons for such refusal shall be set forth in the proceedings of the Council and reported to the subdivider.

c. It shall be the responsibility of the subdivider to file the plat with the appropriate county offices after final approval. Failure to do so within 6 months of final approval shall render the approved plat null and void and the requiring of a new preliminary plat.

d. A copy of all final plats located in total or in part within public water shall be submitted to the Commissioner of the Minnesota Department of Natural Resources within 10 days of final plat approval.

801.16 **PRELIMINARY AND FINAL PLATS DATA REQUIREMENTS**

a. Preliminary Plat. The owner or subdivider shall prepare and submit a preliminary plat containing the following information:

Identification and Description:

1. Proposed name of subdivision not similar to any existing subdivision.

2. Date and north point.

3. Scale of plat not less than 1 inch to 200 feet.

4. Indication of any proposed covenants.

5. Location map indicating location of proposed subdivision in relationship to general known area.

6. Names and addresses of the subdivider and surveyor making plat and property owners of record within 350 feet of the proposed subdivision.

7. Legal description of proposed subdivision.

Existing Conditions and Proposed Design Features:

1. Boundary line of proposed subdivision.

2. Zoning of land within and abutting the subdivision.

3. Layout, dimensions and acreage of proposed lots and blocks.

4. Name, location and right-of-way width of existing and proposed streets, highways, alleys, sidewalks and pedestrian ways.

5. High water mark of all lakes, rivers, streams, wetlands and ditches.

6. Location, dimensions and purpose of existing and proposed utilities and utility easements.

7. Location and dimensions of existing and proposed public sewer and water systems.

8. Existing and proposed storm water drainage systems including drainage easements.

9. Existing topography, including contour lines at 2-foot intervals. Watercourses, wetlands, rock outcrops, power transmission poles and lines, and other significant features shall also be known.

   United States Geological Survey (U.S.G.S.) data may be used for all topographic mapping where feasible.

10. Boundary lines of adjoining unsubdivided or subdivided land within 350 feet, identifying by name and ownership.

11. Proposed zoning changes, if necessary.

12. Minimum front, side and rear yard setbacks as required by the zoning ordinance.

13. Location, dimensions and size of areas other than streets, alleys, pedestrian ways and utility easements proposed to be dedicated or reserved for public uses.

14. Existing and proposed streets and highways identified as to the road authority.

Supplementary Information. The following information may be required if it is deemed necessary and appropriate by the City Clerk.

1. Soil survey, grading plan, soil erosion and sediment control plan and landscaping plan.

2. Statement of proposed use of development including type and number of structures and units.

3. Statement of adequacy of existing or proposed utilities to accommodate or serve the proposed development.

4. Statement relative to the relationship of the proposed subdivision with existing or potential adjacent subdivision.

5. Statement of estimate costs of proposed required improvements.

6. Soil borings and percolation tests.

7. Other information deemed necessary by the City Clerk, Planning Commission or subdivider.

b. Final Plat. The final plat shall be prepared in accordance with provisions of Minnesota Statutes and shall include as a minimum the following information:

1. A title opinion current within 30 days evidencing marketable title in the subdivider or otherwise to reflect all persons or entities having an interest in the subdivided land required to execute said plat.

2. Name of subdivision.

3. Scale, north arrow and date of plat.

4. All plats shall be of either two standard sizes measuring 20 by 30 or 30 by 40 inches from outer edge to outer edge. A borderline shall be placed one-half inch inside the outer edges of the plat on the top, bottom and right hand side of the plat and 2 inches inside the outer edge of the left hand side of the plat.

5. Durable iron monuments shall be set at all angle and curve points on the outside boundary lines of the plat at all block corners, and at all intermediate points on the block lines indicating changes of direction in the lines. The outside boundary lines of the plat shall be correctly designated showing bearings on all straight lines, angles at all angle points and central angle and radii and arc length or all curves. All distances shall be shown between monuments as measured to the nearest hundredths of a foot. If a curved line constitutes the line of more than one lot in any block, the central angle for that part of each lot on the curved line shall be shown. The outside boundary lines shall close by latitude and departure with an error not to exceed one foot in 7,500 feet.

6. In any instance where a river, stream, creek, lake or pond constitutes a boundary line within or of the plat, a survey line shall be shown with bearings or angles and distances between all angle points and their relationship to a water line, and all distances measured on the survey line between lot lines shall be shown. The survey line shall be shown as a dashed line.

7. Location, dimensions and name or number of all existing or proposed lots, blocks, streets, highways, alleys, parks and public lands.

8. All rivers, streams, creeks, lakes, ponds, swamps and wetlands shall be correctly located and designated.

9. Name and boundary lines of any adjoining platted lands.

10. Location and width of all easements to be dedicated.

11. Name and address of developer and surveyor making the plat.

12. A written instrument of dedication signed and acknowledged by the

owner of the land including a full and accurate description of the land platted and set forth what part of the land is dedicated and also to whom, and for what purpose these parts are dedicated.

13. A written surveyor's certificate certifying that the plat is a correct representation of the survey, that all distances are correctly shown on the plat, that all monuments have been correctly placed in the ground as shown and that the outside boundary lines are correctly designated on the plat. If there are no wetlands, streets or highways to be designated, he shall so state. The certificate shall be sworn to before any officer authorized to administer an oath.

14. Receipt for the payment of all current taxes and assessments due and payable in the year in which the plat is approved. If the plat is approved on or after September 1, of any year, the developer may be required to submit a receipt for the payment of real estate taxes and assessments due and payable in the following year if the plat is not recorded on or before the first day of same.

15. Delinquent tax certification as follows:

"No delinquent taxes and transfer entered this _____ day of _____, 20____."

16. Certification of city approval as follows:

"Approved by the City of Shafer, MN this _____ day of _____, 20____."

_____
Mayor

Attested:

_____
City Clerk

801.17 **DESIGN STANDARDS**

a. Streets and Alleys.

1. The character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be

served by such streets.

2. The arrangements of streets in a subdivision shall provide for the continuation of existing streets in or to surrounding areas by such design as is approved by the Council or conform to any plan for the neighborhood previously approved or adopted by the Council to meet a particular situation where topographical or other conditions make continuance of existing streets impractical.

3. Residential streets or minor streets should be so arranged as to discourage their use by through traffic.

4. Where a subdivision abuts on or contains an existing or proposed arterial street, marginal access streets, reverse frontage with screen plantings, non-access reservations along arterial property lines abutting the arterial streets, deep lots, or such other treatment as may be necessary for protection of residential properties should be encouraged. Direct frontage and/or access to arterial streets should be avoided.

5. Street traffic should be designed to flow toward arterial and collector streets. Streets should fit the contours of the land. Street grades, where feasible, shall not be greater than 8% and not less than .36%.

b. Half-Streets. Dedication of half streets shall be prohibited, except where ownership requires such dedication or where essential to reasonable development of future subdivisions.

c. Restricted Access. The Council may require, where deemed appropriate, restricted access on all or any portion of any street contained within a plat or registered land survey, approved under this ordinance.

d. Dead-End Streets and Cul-de-Sacs. Dead end streets are prohibited but cul-de-sacs will be permitted. Cul-de-sacs shall not be longer than 500 feet including a turnaround at the closed end. The turnaround shall have a minimum outside curb radius of at least 40 feet and a right-of-way radius of not less than 50 feet except for T-shaped turnarounds where permitted.

e. Street Intersections. Streets should intersect as nearly as possible at right angles, except under unusual topographic conditions. The minimum angle of street intersection shall be 80 degrees. Street intersections shall not be offset less than 150 feet as measured from the centerlines.

f. Alleys. Alleys where provided, shall not be less than 30 feet wide in commercial areas and 20 feet wide in residential areas. Dead end alleys should be avoided, but if unavoidable, adequate turnaround areas shall be provided at the closed end.

g. Right-of-Way Standards. Public right-of-way widths shall be dedicated using the following minimum standards or those recommended by the State or County Highway Department when applicable (in feet):

Public Right-of-way	Right-of-way	Paved Roadway	Gravel Roadway
Arterial street	100	48	48
Collector street	66	44	32
Minor or local street	66	24	24
Marginal access street	66	24	24
Cul-de-sac	66***	24***	24
Alley	*	20	20
Pedestrian way	10	NA	NA
Private common access	**	**	**

*As provided in Section 801.17(F).
**The City Council may decide to approve private common access where appropriate and may require such standards as deemed appropriate.
***In addition to turn-around requirements outlined in Section 801.17(D).

h. Street Alignment. The horizontal and vertical alignment minimum requirements on all streets shall be as follows (in feet):

Street	Horizontal*	Vertical**
Arterial	150	500
Collector	50	300
Minor	50	200
Cul-de-sacs	50	100
Intersections	15***	300

*Radii of centerline
**Minimum sight distance as measured at 4 feet above ground level along the centerline. For intersections as measured 15 feet from the edge of the roadway.
***Curb line radius

i. Easements.

1. Easements having a minimum width of 10 feet shall be provided along the front lot lines and may be required along side or rear lot lines for utility lines, underground mains and cables.

2. Utility easements shall connect with easements established in

adjoining properties. All utility easements should be approved in writing by the appropriate utility company or corporation. Where feasible, all utilities shall be placed underground.

3. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a flood way easement or drainage right-of-way conforming substantially with the high water lines of same.

4. Pedestrian walkway easements with right-of-way of not less than 10 feet in width shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities as may be recommended by the Planning Commission and/or required by the City Council.

j. Blocks.

1. Blocks shall not be greater than 1,800 feet in length, except if necessary due to unusual topographic or other conditions. In residential areas, all blocks longer than 800 feet shall be provided with such pedestrian ways or easements as required by the Council.

2. Blocks should have sufficient width to provide two tiers of lots of minimum depth to allow sufficient area for building and adequate off-street parking.

k. Lots.

1. The lot size, width, shape and orientation shall be appropriate for the proposed type of development and meet the minimum requirements of the zoning ordinance in effect at the time of approval of the final plat.

2. All lots shall have frontage upon a public street.

3. Corner lots for residential purposes shall have extra width to allow appropriate building setback from and orientation to both streets as required by the zoning ordinance then in effect.

4. All side lot lines shall be perpendicular or radial to street right-of-way lines.

5. Double frontage and reverse lots shall be avoided, except where

essential to provide separation of residential uses from arterial streets, conflicting uses or other adverse conditions.

l. Soil Erosion and Steep Slopes.

1. Topsoil and vegetation distributed or destroyed during or after construction shall be replaced or replanted to minimize soil erosion.

2. No construction or grading shall be allowed on slopes greater than 20%. The subdivider shall, upon the request of the city, dedicate steep slopes to the city or other appropriate entity designated by the city.

3. During and after construction, slopes shall be protected from erosion by quick establishment of vegetable cover, terraces, mulches or other proper protection devices or practices. Stands of existing vegetation adequate to control erosion should be preserved wherever possible.

4. Any land reclamation or filling shall conform to the applicable regulations outlined within the zoning ordinance.

m. Drainage.

1. Plans for surface water runoff and drainage shall be approved by the City Council prior to final plat approval.

2. The subdivision should be so designed that the drainage system utilizes to the greatest extent possible existing natural overland flows, open channel and drainage routes.

3. The drainage system shall be constructed and operational during the initial phase of construction.

n. Yard, Area and Building Regulations. The yard, area and building requirements of this ordinance shall be as follows:

1. No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this section, and if the existing yard or other open space as existing is less than the minimum required it shall not be further reduced.

2. The minimum yard setback distances shall be measured from the appropriate lot line or principal building. For R-1 residential buildings, the minimum front setbacks shall be 35 feet, the rear setback shall be 20 feet and the side setbacks shall be 10 feet, except on corner lots in which the side yard shall be 15 feet. For commercial buildings, the setbacks shall be reviewed and approved by the City Council. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures.

3. The minimum land area and lot width requirements for buildings shall be those demanded in the zoning ordinance.

4. Accessory buildings and structures are governed by the zoning ordinance.

5. A lot of record existing upon the effective date of this ordinance which does not meet the minimum area or lot width requirements of this ordinance may be utilized provided that the measurements of such area or width are within 60% of the requirements of this ordinance. However, if in a group of 2 or more contiguous lots of record under a single ownership any individual lot does not meet the minimum lot area or width requirements of this ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land each meeting the lot width or area requirements of this ordinance.

801.18 PUBLIC USE, DEDICATION OR CONTRIBUTION

a. General.

1. Pursuant to Minnesota Statutes 462-358, as amended, the City Council, in its discretion, shall require subdividers requesting platting or replatting of land or a planned unit development within the jurisdictional boundaries of this ordinance to contribute a percent of the final gross area of the subdivision to be dedicated to the public for public uses as parks, playgrounds or public open space; or that the subdivider contribute an equivalent amount in cash based upon park and trail dedication fees as established in the current city fee schedule; or any combination thereof. The form of

contribution, cash, land or any combination thereof, shall be determined based upon the conditions outlined below. Land for storm water holding areas or ponds shall, as needed, be dedicated to the City in addition to the dedication for parks, playground or public open space.

2. In residential subdivisions, the subdivider shall dedicate 10% of the undeveloped land proposed to be subdivided for purposes outlined in paragraph 1 above; an equivalent amount in cash or any combination thereof. Such contribution shall be based upon a finding of fact as outlined in paragraph 1 above. The dedicated land shall not be wetland and shall not have any easements.

3. In nonresidential subdivisions, the city may decide not to require the subdivider to contribute land, cash or any combination thereof. In those instances, however, where the city deems it in the public interest to require a contribution, the subdivider shall dedicate 10% of the undeveloped land proposed to be subdivided for purposes outlined in paragraph 1 above; or an equivalent amount in cash; or any combination thereof. Such contribution shall be based upon a finding of fact as outlined in paragraph 1 above.

4. It shall be deemed to be in the public interest to require land dedication, cash contribution or any combination thereof when the City Council after review and recommendation makes one or more of the following findings of fact:

   (a) All or part of the proposed subdivision has been designated as park, playground, or public open space on an adopted city plan.

   (b) Such contribution is necessary in order to protect adjacent land uses from potential conflicting land uses, which could exist on the land to be subdivided.

   (c) The increased number of residents to reside or be employed within the subdivision will increase the demands upon the city.

   (d) The land proposed to be subdivided contains or borders upon existing unique topographical features including but not limited to ponds, lakes, streams, timber stands, hills, steep slopes, drainage areas or bluffs which should be

preserved to prevent foreseeable safety, pollution or erosion hazards or to provide unique recreational and aesthetic qualities and enjoyment to the city.

(e) Such contribution is necessary to comply with or fulfill the goals, policies and programs of the city.

b. Exception for Outlots. In subdivisions which include outlots, the subdivider may contribute land, cash or any combination thereof as provided in this section for the entire subdivision, including the land within the outlots or for only that land exclusive of the outlots. When such outlots are subdivided, the contribution requirement shall be met in accordance with then existing regulations as applicable, unless such contributions have been previously met.

c. Special Fund. All monies collected from cash contributions shall be placed in a special fund from which only those public uses outlined in this section may be realized.

d. Delayed Contribution. Upon petition by the subdivider, the City Council may approve a delay in the actual contribution of the cash required in lieu of land until such time as development occurs on the property being subdivided provided that a proper legal agreement is executed guaranteeing such contribution. Delayed contribution payment shall include 8% interest per year or the maximum legal interest rate allowed by law, whichever is greater.

e. Land Dedication. In such cases where the subdivider is required to dedicate land area, the City Council shall have the right to determine the geographic location and configuration of said dedication, and the appropriate language providing for same in the dedication of the plat.

801.19 **REQUIRED IMPROVEMENTS**

a. General. The following improvements shall be complied with and provided in accordance with city standards and approval and as provided within the plat agreement as indicated in this ordinance.

b. Improvements. All improvements identified below and as included within the subdivision agreement shall be installed at the expense of the subdivider according to standards and specifications approved by the City Council:

1. The full width of all street right-of-ways and utility easements as approved on the final plat will be finished at rough grade, i.e. no

more than 6 inches from the finished grade.

2. Sanitary sewer, water and drainage facilities and electric, telephone and gas service lines shall be installed as required by the subdivision agreement. Where city water and sewer facilities are not available for extension into the subdivision, the Council may permit the use of individual water and sewer systems in accordance with appropriate state and city laws, ordinances and regulations.

3. Where required, all streets shall be curbed, guttered and paved as required by the subdivision agreement. The city may delay street paving if city water, sewer or storm sewer facilities are not available but are anticipated in the foreseeable future. If street paving is not required, all street right-of-ways shall be finished at final grade, with 5 inches of Class A material placed thereon and graded.

4. Street signs and streetlights shall be installed as required by the subdivision ordinance and in conformance with city code section 901.15

5. As may be required by the city, street trees and boulevard sodding shall be planted and sidewalks shall be installed.

Where feasible, all utility service lines shall be placed underground within easements or dedicated right-of-ways. All drainage and other utility installations which traverse privately owned property shall be protected by proper easements and/or legal agreements.

c. Subdivision agreement. Prior to the approval of the final plat by the City Council, the owner or subdivider of the land covered by the said plat shall execute and submit to the Council an agreement, binding on his or their heirs, personal representatives and assigns, including:

1. A provision that no private construction will be made on said plat or no building permit shall be filed for such construction until all improvements required under this ordinance have been completed in a manner approved by the City Council.

2. A listing or schedule of when and what improvements shall be required as recommended by the Planning Commission and approved by the City Council.

3. A certification by the City Clerk or City Engineer that the improvements, agreements and documents meet the minimum requirements of all applicable ordinances.

4. A provision containing all conditions, if any, imposed by the City Council upon approval of the final plat.

801.20 **VARIANCES AND AMENDMENTS**

a. Procedure.

1. Request for amendments or variances, as provided within this ordinance, shall be filed with the City Clerk on an official application form. Such application shall be accompanied by complimentary copies of detailed written and graphic materials fully explaining the proposed change, development or use. The City Clerk shall refer said application along with all related information to the city Planning Commission for consideration and a report at least 15 days before the next regular meeting.

2. The City Clerk, on behalf of the Planning Commission, shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the city at least 10 days prior to the date of the hearing. In the requests for variances, such notice shall also be mailed not less than 10 days to all property owners of record within 350 feet of the property to which the request relates and if the variance relates to land located in a public water, said notice shall also be mailed to the Commissioner of the Department of Natural Resources at least 10 days prior to such hearings. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested to by the City Clerk and made a part of the official record. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

3. The Planning Commission shall consider the request and hold a public hearing at its next regular meeting unless the filing date fails within 15 days of said meeting, in which case the request would be placed on the agenda and considered at the regular meeting following the next regular meeting. The City Clerk shall refer said application along with all related information to the city Planning Commission for consideration. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed amendment or conditional use.

4. In requests for variances, the Planning Commission may recommend a variance from the provisions of this ordinance when, in its opinion, undue hardship may result from strict compliance. In recommending any variance, the Commission shall prescribe such conditions, as it deems necessary or desirable for the public interest. In making its recommendations, 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. A variance shall only be recommended when the Planning Commission finds:

   a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.

   b) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

   c) That the variance is to correct inequities resulting from an extreme physical hardship such as topography, soils, wetlands, etc.

5. Within 60 days from the date of the public hearing, the Planning Commission shall make a recommendation and in request for variances shall also make a finding of fact to the City Council.

6. Upon receiving the recommendation of the Planning Commission, or until 60 days after the public hearing at which the request was considered, the City Council shall place the report and recommendation on the agenda for the next regular meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

7. Upon receiving the recommendation of the Planning Commission, the City Council shall either:

a) Approve or disapprove the request as recommended by the Planning Commission, or

b) Approve or disapprove the recommendation of the Planning Commission with modification, alterations, or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the Council's records, or

c) Refer the recommendation back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action.

Approval of a request shall require passage by a majority vote of the full City Council. The City Clerk shall notify the applicant of the Council's action. The variance decisions of the City Council shall be final, subject to the judicial review.

b. Lapse of Variance. Whenever within one year after granting a variance the work as permitted by the variance shall not have been completed, then such variance shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the City Clerk at least 30 days before the expiration of the original variance. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted by the variance. Such petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision and shall be made only one time for a singular action.

801.21 **FEES**

a. To defray administrative costs of processing of requests for amendments and variances, a base fee as set forth in the current fee schedule per application shall be paid by all applicants.

b. In order to defray the additional cost of processing applications (amendment, variance or subdivision) for developments, all applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant's request and all materials for said request.

1. "Materials" shall include but not be limited to maps, graphs, charts,

drawings, etc. and all printing or reproduction of same.

2. "Staff and/or consulting time" shall include any time spent in either researching or actual production of materials.

3. The hourly rate for "staff and/or consulting time" shall be established and made available to the applicant by the City Clerk prior to production of any materials and the applicant shall be given a reasonable estimate of project time and/or material costs.

c. Fees shall be payable at the time applications are filed with the City Clerk and are not refundable unless application is withdrawn prior to referral to the Planning Commission. A deposit to cover staff or consulting time and special materials will be established and required by the City Clerk at the time the base fee is paid.

d. Trunk Charges. The City shall require a separate water trunk charge and a sewer trunk charge for each single-family lot and each unit of a multi-family development under a subdivision approved pursuant to this Chapter. Each trunk charge shall be paid by the developer prior to final plat approval. The purpose of the water trunk charge is to provide contribution toward the cost of construction, improvement or expansion of the water tower, wells, water treatment and trunk main excess capacity (cost difference of furnishing and installing larger diameter water main instead of eight-inch or smaller diameter water main). The purpose of the sewer trunk charge is to provide wastewater treatment facilities and trunk gravity sewer capacity (cost difference of diameter gravity sewer). The fee for the water trunk charge and for the sewer trunk charge shall be established by the City. All proposed new industrial or commercial property development which is subject to the requirements of this subdivision ordinance shall pay a separate water trunk charge and sewer trunk charge at a rate to be determined by the City. Water trunk charges and sewer trunk charges for new industrial, commercial, or R-2 zoned property, which are not subject to this subdivision ordinance, shall be paid as set forth in Chapter 9 of the City Code.

801.22 ENFORCEMENT, PENALTY, NOTIFICATION AND DISCLOSURE

a. Unless approved as a final plat as provided herein, no subdivision shall be entitled to record in the County Recorder's Office or have validity; and the City shall not issue building permits for any structure on a lot in any proposed subdivision. The city shall not permit any public improvements to be installed unless the final plat is approved and recorded.

b. Any firm, person, or corporation who violates any of the provisions of these regulations, or who sells leases or offers for sale or lease any lot, block or tract of land herewith regulated before all the requirements of this ordinance have been complied with shall be guilty of a misdemeanor. Each day that the violation is permitted to exist constitutes a separate offense.

c. A certified copy of every ordinance, resolution, amendment or regulation adopted under this ordinance shall be filed with the Chisago County Recorder. Copies of resolutions approving subdivision plats within the city but contiguous to another city shall be filed with the governing body of the contiguous city.

d. A person conveying a new parcel of land which, or the plat for which, has not previously been filed or recorded, and which is part of or would constitute a subdivision to which these subdivision regulations apply, shall attach to the instrument of conveyance either recordable certification by the City Clerk that the subdivision regulations do not apply, or that the subdivision has been approved by the City Council, or that restrictions on the division of taxes and filing and recording have been waived by resolution of the City Council in this case because compliance will create an unnecessary hardship and failure to comply will not interfere with the purpose of the regulations; or a statement which names and identifies the locations of the appropriate city offices and advises the grantee that city subdivision and zoning regulations may restrict the use or restrict or prohibit the development of the parcel or construction on it, and that the division of taxes and the filing or recording of the conveyance may be prohibited without prior recordable certification of approval, nonapplicability or waiver from the city. In any action commenced by a buyer of such a parcel against the seller thereof, the misrepresentation of or the failure to disclose material facts in accordance with this section shall be grounds for damages. If the buyer establishes his right to damages, a district court may in its discretion also award to the buyer an amount sufficient to pay all or any part of the costs incurred in maintaining the action, including reasonable attorney fees, and an amount for punitive damages not exceeding 5% of the purchase price of the land.

801.23 SURFACE WATER MANAGEMENT PLAN

a. All Subdivisions shall comply with the city's Surface Water Management Plan (SWMP) dated March 24, 2006, which is incorporated herein by this reference. (05-2006)

b. In accordance with the city's surface water management plan as a condition of subdivision approval, subdivisions shall pay a water quality and water quantity connection charge. The charge shall be based upon the gross area of the subdivision less the area to be dedicated to the city for city parks and wetland, add lakes and right-of-way for state highways, county roads, and local arterial roadways. The subdivision will be given a credit for on-site water quality improvements that are designed to treat runoff for the subdivision to NURP and city standards. The credit will be calculated using the following formula: The per acre water quality connection charge will be multiplied by the on-site drainage area for quality treatment facilities. This value will then be multiplied by 50%. The subdivision will also be given credit for on-site storm water quality improvements that are oversized to treat runoff from property outside the subdivision to NURP and city standards. The credit will be calculated using the following formula: The per acre water quality connection charge will be multiplied by off-site drainage area for water quality treatment facilities. This value will then be multiplied by 50%. Credit will not be granted if the storm water from contributing off-site area(s) is already treated to NURP and city standards. The water quality connection charge that corresponds to the land uses that contribute to the storm water ponds will be used to calculate credit. The change shall be paid in cash before the final plat is approved by the city and subdivider agrees that the charge may be assessed against the property. Property being subdivided shall be exempt from the water quality and water quantity connection charge imposed by this section if the charges were paid or assessed in conjunction with a previous subdivision of the property and if the property is not being zoned to a classification with a higher charge. The water quality and water quantity connection charge shall be in the amount set forth in the current city fee schedule. (08-2005)