

CITY OF RUSH CITY
ORDINANCE #___

AN ORDINANCE REPEALING ALL ORDINANCES PREVIOUSLY IN EFFECT PERTAINING TO THE SUBDIVISION OR PLATTING OF LAND WITHIN THE CITY, AND REPLACING IT WITH RULES AND REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LANDS, DEFINING CERTAIN TERMS, PROVIDING FOR THE PREPARATION OF PLATS AND THE INSTALLATION OF STREETS AND OTHER IMPROVEMENTS, ESTABLISHING PROCEDURES FOR THE APPROVAL AND RECORDING OF PLATS, PROVIDING FOR AMENDMENTS OF THIS ORDINANCE AND PRESCRIBING PENALTIES FOR VIOLATIONS.

NOW BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF RUSH CITY THAT THE CITY CODE SHALL BE AMENDED TO INCLUDE THE FOLLOWING:

CHAPTER 11: SUBDIVISION ORDINANCE

TABLE OF CONTENTS

Section 1101	GENERAL SUBDIVISION PROVISIONS	
Subdivision	Contents	Page Number(s)
Subd. 1	Purpose	3
Subd. 2	Scope of Legal Authority	3
Subd. 3	Short Title	4
Subd. 4	Exceptions	4
Subd. 5	Administration	4
Subd. 6	Amendments	4
Subd. 7	Approvals Necessary for Acceptance and Recording	4
Subd. 8	Building Permits	4
Subd. 9	Severability	5
Subd. 10	Interpretation	5
Subd. 11	Flood Prone Lands	5
 Section 1102	 DEFINITIONS	
Subd. 1	Disclaimer	6
Subd. 2	Terms	6
 Section 1103	 DATA REQUIREMENTS AND PROCEDURE FOR PLATS	
Subd. 1	Sketch Plan Contents	15
Subd. 2	Sketch Plan Process	15
Subd. 3	Ghost Plat	16
Subd. 4	Preliminary Plat Contents	16
Subd. 5	Preliminary Plat Process	21
Subd. 6	Final Plat Contents	23
Subd. 7	Certification Requirements	24
Subd. 8	Final Plat Process	25
Subd. 9	Minor Subdivision	26
Subd. 10	Common Interest Community	27
Subd. 11	Premature Subdivisions	28
Subd. 12	Disqualification/Denial of Plats	29
 Section 1104	 DESIGN STANDARDS	
Subd. 1	Conformity with Comprehensive Plan and Zoning Ordinance	30
Subd. 2	Land Requirements	30
Subd. 3	Blocks	30
Subd. 4	Lots	31
Subd. 5	Streets	33

Subd. 6	Cul-de-sacs	33
Subd. 7	Street Design	34
Subd. 8	Street Designation	36
Subd. 9	Addressing	37
Subd. 10	Alleys	38
Subd. 11	Sidewalks/Pedestrian Ways	39
Subd. 12	Public Utilities	39
Subd. 13	Sewage Disposal and Storm Drainage	39
Subd. 14	Landscaping	40
Subd. 15	Conditions in Flood Hazard Areas	41
Subd. 16	Flood Warning Signs in Flood-Prone Areas	41
Subd. 17	Drainage	42
Subd. 18	Easements	42
Subd. 19	Erosion and Sediment Control	42
Subd. 20	Protected Areas	43
Subd. 21	Public Sites and Open Spaces (Park Land Dedication)	43
Subd. 22	Dedication of Storm Water Holding Areas or Ponds	45
Subd. 23	Maintenance of Private Open Space	45
Subd. 24	Minimum Design Features	46
Section 1105	CONSTRUCTION STANDARDS	
Subd. 1	Monuments	47
Subd. 2	Streets and Alleys	47
Subd. 3	Sidewalks	48
Subd. 4	Public Utilities	49
Subd. 5	Private Sewage Disposal	59
Subd. 6	Drainage	50
Subd. 7	Building Site Improvements for Flood-Prone Areas	50
Subd. 8	Utilities Location	50
Subd. 9	Street Lighting Requirements	50
Subd. 10	Trees	50
Subd. 11	Identification	50
Subd. 12	Planting, Gateways, Entrances	51
Subd. 13	Inspection	51
Subd. 14	Certificate of Occupancy	51
Section 1106	REQUIRED IMPROVEMENTS AND FINANCIAL ARRANGEMENT	
Subd. 1	Construction Initiation	52
Subd. 2	Improvements Required	52
Subd. 3	Construction Plans, Inspection and Warranty	53
Subd. 4	Payment for Installation of Improvements	53
Subd. 5	Agreement Providing for Private Installation of Improvements	54
Subd. 6	Financing and Participation by the City	54
Subd. 7	Financial Guarantee	58
Subd. 8	Trunk Facilities	59
Subd. 9	Alternative Installation	59
Section 1107	ADMINISTRATION AND ENFORCEMENT	
Subd. 1	Registered Land Surveys	60
Subd. 2	Metes and Bounds	60
Subd. 3	Unapproved Subdivisions	60
Subd. 4	Variances	61
Subd. 5	Building Permits	63
Subd. 6	Violations and Penalties	63
Subd. 7	Schedules of Administrative Fees, Charges and Expenses	64

SECTION 1101. GENERAL SUBDIVISION PROVISIONS

SECTION:

- Subd. 1 Purpose
- Subd. 2 Scope of Legal Authority
- Subd. 3 Short Title
- Subd. 4 Administration
- Subd. 5 Amendments
- Subd. 6 Approvals Necessary for Acceptance and Recording
- Subd. 7 Building Permits
- Subd. 8 Severability
- Subd. 9 Interpretation
- Subd. 10 Flood Prone Lands

Subd. 1: PURPOSE. All subdivisions of land hereafter submitted shall fully comply in all respects with the regulations to:

- A. Provide for and guide the orderly, economic and safe development of land, urban services and facilities.
- B. Encourage well-planned, efficient and attractive subdivisions by establishing adequate and impartial standards for design and construction.
- C. Provide for the health, safety and welfare of residents by requiring the necessary services such as properly designed streets, proper drainage and adequate sewage and water service.
- D. Place the cost of improvements against those benefiting from their construction.
- E. Secure the rights of the public with respect to public lands and waters.
- F. Set the minimum requirements necessary to protect the public health, safety, comfort, convenience, and general welfare.

Subd. 2: SCOPE OF LEGAL AUTHORITY.

- A. The rules and regulations governing plats and subdivision of land contained herein shall apply within the boundaries of the City of Rush City. Every division of land for the purpose of lease or sale into two or more lots, parcels or tracts within the incorporated area of the City of Rush City or any combination of two or more lots shall proceed in compliance with this ordinance. It is the purpose of this Title to make certain regulations and requirements for the platting of land within the City pursuant to the authority contained in Minnesota Statutes chapters 412, 429, 471, and 505, which regulations the City Council deems necessary for the health, safety, general welfare, convenience and good order of this community.
- B. The City shall have the power and authority to review, amend and approve subdivisions of land already recorded and on file with Chisago County if such plats are entirely or partially undeveloped.
- C. The City of Rush City has adopted a comprehensive plan for the future physical development and improvement of the City pursuant to Minnesota Statutes, MSA 462.351-432.3535, and finds it necessary to regulate the division of land for future development and use. The City finds that the public health, safety and general welfare require that the division of land into two or more parcels requires regulation to assure adequate space, light and air; to provide proper ingress and egress to property; to facilitate adequate provision for water, waste disposal, storm water drainage, fire protection, open space, schools, public uses and adequate streets and highways; and to assure

uniform monumenting, legal description and conveyance of subdivided land. The Minnesota Statutes authorize municipalities to so regulate the subdivision and platting of land pursuant to MSA 412.221 Subdivision 32; and 462.358.

Subd. 3: SHORT TITLE. This ordinance shall be known as the “Subdivision Ordinance of the City of Rush City” and is referred to herein as “Subdivision Ordinance.”

Subd. 4: EXCEPTIONS.

The provisions of this ordinance shall not apply to:

- A. A cemetery or burial plot while used for that purpose;
- B. Any division of land made by testamentary provision, the laws of descent, or upon court order;
- C. A parcel which was the subject of a written agreement to convey (such as a purchase agreement), entered into prior to the effective date of this Ordinance;
- D. Land which the Planning Commission or the Council finds to be unsuitable for land subdivision due to flooding, inadequate drainage, steep slopes, rock formations or other features likely to be harmful to the safety and general health of future residents, land with hazardous materials which the developer cannot remediate, or land which could not be adequately served by utilities or other public facilities or public access; such land shall not be subdivided unless adequate methods are provided for overcoming such conditions; or the land is platted as outlots;
- E. This Ordinance shall not interfere with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party;
- F. The Owner shall enforce covenants to the best of their ability; the City shall assume no responsibility for the enforcement thereof. Any restrictive covenant shall not conflict or invalidate City ordinances;
- G. Divisions of land where the division is to permit the adding of a parcel of land to an abutting lot or to create two (2) lots and the newly created property line will not cause the land or any structure to be in violation of this Ordinance or the Zoning Ordinance, provided Minor Subdivision Platting Requirements of Section 1103.05 are followed.

Subd. 5: ADMINISTRATION. The Zoning Administrator, who is appointed by the City Council, shall administer this Ordinance.

Subd. 6: AMENDMENTS. The provisions of this Ordinance shall be amended by the City Council following a legally advertised public hearing before the Planning Commission and in accordance with the law, including the rules and regulations of any applicable state or federal agency.

Subd. 7: APPROVALS NECESSARY FOR ACCEPTANCE AND RECORDING OF SUBDIVISION PLATS. Before any plat or subdivision of land shall be recorded or be of any validity, it shall be referred to the Planning Commission and approved by the City Council of Rush City as having fulfilled the requirements of this Ordinance. No plat or subdivision shall be entitled to be recorded in the Chisago County Recorder's Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Ordinance.

Subd. 8: BUILDING PERMITS. No building permits shall be issued by the City of Rush City, or the City's designee, for the construction of any building, structure or improvement to the land or to any lot in a subdivision as defined herein, until all requirements of this Ordinance have been fully met.

Subd. 9: SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason found to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. This Ordinance is not intended to repeal, annul, or in any way impair or interfere with existing

provisions of other laws, ordinances or with restrictive covenants running with the land except those specifically repealed by or in conflict with this Ordinance. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provisions of the law, ordinance, code, statute, resolution or regulation, the regulations which are more restrictive or impose higher standards or requirements shall prevail.

Subd. 10: INTERPRETATION. The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and the future tenses, and the future the present.
- C. The word “shall” is mandatory while the word “may” is permissive.
- D. All measured distances shall be expressed in feet and decimals of feet.

Subd. 11: FLOOD PRONE LANDS.

- A. Warning and Disclaimer of Liability for Flooding: This Ordinance does not imply that areas outside flood plain areas or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Rush City or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decisions lawfully made hereunder.

No responsibility or liability shall arise from the design or operation of subdivision drainage facilities dedicated to the City of Rush City until the City has accepted such dedication.

- B. Subdivision Flooding and Flood Control: No land shall be subdivided if the City Council finds the land unsuitable for subdividing due to flooding and/or inadequate drainage, water supply, or sewage treatment facilities in accordance with the Ordinance and the Zoning Ordinance. Any building sites on lots within the flood plain district shall be at least two feet above the regulatory flood protection elevation in accordance with this Ordinance and the Zoning Ordinance. All subdivisions shall have road access both to the subdivision and to the individual building sites no lower than two (2) feet above the regulatory flood protection elevation. Each of the above requirements shall take into consideration the 100-year flood profile and other supporting material data in the Flood Insurance Study and the Flood Insurance Rate Map.
- C. Public Utilities: All public and private utilities and facilities such as gas, electrical, telephone, sewer, and water supply systems to be located in the flood plain shall be elevated or flood proofed in accordance with the Minnesota State Building Code to an elevation no lower than the regulatory flood protection elevation, in accordance with state and federal agency regulations and the City's Floodplain Ordinance, as applicable.
- D. Public Transportation Facilities: Railroad tracks, roads and bridges to be located within the Floodway District shall comply with this Ordinance and the Zoning Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure and interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary railroad tracks, roads, or bridges may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety and as long as such construction is in accordance with the rules and regulations of the Minnesota Department of Natural Resources or other state agencies; the Federal Emergency Management Agency or other federal agencies; and/or the City Floodplain Ordinance.

SECTION 1102. DEFINITIONS

SECTION

Subd. 1: Disclaimer

Subd. 2: Terms

Subd. 1: DISCLAIMER. Except for those words and phrases defined below, the words and phrases used in this ordinance shall be interpreted to be given the meaning in common usage, so as to give this Ordinance its most reasonable application.

Subd. 2: TERMS.

- A. **ACCESS WAY.** A public or private right-of-way across a block or within a block to provide non-vehicular access, to be used by the general public.
- B. **ALLEY.** A public or private right-of-way primarily designed to serve as secondary motor vehicle access to the side or rear of those properties whose principal frontage is on a street.
- C. **APPLICANT.** The owner, their agent, or other person having legal control, ownership and/or interest in the land proposed to be subdivided.
- D. **BEST MANAGEMENT PRACTICES.** (BMPs) – Best management practices as described in current Minnesota Pollution Control Agency’s manual and other sources as approved by the City and/or County.
- E. **BIKEWAY.** A public right-of-way or easement across a block or within a block to provide access for bicyclists and in which a path or trail may be installed.
- F. **BLOCK.** An area of land within a subdivision that is entirely bounded by streets, or by streets and the entire boundary or boundaries of the subdivision, or a combination of the above with a river or lake.
- G. **BOULEVARD.** The portion of the street right-of-way between the curb line and the property line.
- H. **BUILDING.** Any structure built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.
- I. **BUILDING SETBACK LINE.** A line parallel to the street right-of-way line, and ordinary high water level, if applicable, at its closest point to any story level of a building and representing the minimum distance which all or part of the building is set back from said right-of-way line, or ordinary high water level.
- J. **CALIPER.** The diameter of replacement or new trees measured at a height of two (2) feet above the ground level.
- K. **CERTIFICATE OF SURVEY.** A document prepared by a Registered Land Surveyor which precisely describes area, dimensions and location of a parcel or parcels of land.
- L. **CITY.** The City of Rush City.
- M. **CLUSTER DEVELOPMENT.** The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land, while providing a unified network of open space and aesthetically pleasing areas and meeting the overall density regulations of this Ordinance and the Zoning Ordinance.

- N. **COLLECTOR STREET.** A street which collects and distributes traffic between arterial and local streets. It provides access to abutting lands, within an urban area such as a residential neighborhood or industrial district.
- O. **COMMON INTEREST COMMUNITY.** A contiguous or noncontiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies (MSA 515B.1-103).
- P. **COMPREHENSIVE PLAN.** A comprehensive plan prepared and approved by the City, including a compilation of policy statements, goals, standards, fiscal guidelines, and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the City, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- Q. **CONDITIONAL APPROVAL.** An affirmative action by the City indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.
- R. **CONTOUR MAP.** A map on which irregularities of land surface are shown by lines connecting points of equal elevations. "Contour interval" shall mean the vertical height between contour lines.
- S. **CONVEYANCE.** The sale, trading, donation, or offer of sale or other transfer of land.
- T. **COUNTY.** Chisago County, Minnesota.
- U. **CROSSWALK OR PEDESTRIAN WAY.** A publicly owned right-of-way which crosses a block and furnishes pedestrian access to adjacent streets or properties.
- V. **CUL-DE-SAC.** A local street having one (1) end open to traffic and the other end being permanently terminated by a vehicular turn around.
- W. **DESIGN STANDARDS.** The specifications and/or guidelines to landowners or those proposing to subdivide land for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.
- X. **DEVELOPER.** Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity submitting an application for the purpose of land subdivision as defined herein. The developer may be the owner or authorized agent of the owner of the land to be subdivided.
- Y. **DEVELOPMENT.** Acts relating to subdividing land, platting land, building structures and installing site improvements.
- Z. **DOUBLE FRONTAGE LOT.** See QQ.
- AA. **DRAINAGE COURSE.** A watercourse or surface area for the drainage or conveyance of surface water.
- BB. **EASEMENT.** A grant by an owner of land for a specific use by persons other than the owner.
- CC. **EMERGENCY OVERFLOW** – The controlling elevation for the overland travel path used by storm water runoff to reach an ultimate point of discharge during a storm event that exceeds the critical duration.
- DD. **ENGINEER.** The registered engineer employed or retained by the City, unless otherwise stated.

- EE. **ESCROW.** The deposition of funds in an account maintained by the City for the purpose of ensuring fulfillment of certain obligations pursuant to this Ordinance.
- FF. **FINAL APPROVAL.** Approval of the final plat by the City Council, as indicated by certification of the plat by the mayor of the city, constitutes authorization to record a plat.
- GG. **FINAL PLAT.** A drawing or map of a subdivision, meeting all of the requirements of the City and in such form as required by Chisago County for the purpose of recording.
- HH. **FLOOD RELATED.**
1. **Accessory Use or Accessory Structure.** A use or structure in the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
 2. **Equal Degree of Encroachment.** Method of determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to flood plain encroachments.
 3. **FEMA.** The U. S. Federal Emergency Management Agency.
 4. **Flood.** A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.
 5. **Flood Frequency.** The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
 6. **Flood Fringe.** That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study of the City.
 7. **Flood Hazard Areas.** The areas included in the floodway and flood fringe as indicated on the official zoning map and the Flood Insurance Study and Flood Insurance Rate Map which have been officially adopted by the City.
 8. **Flood Insurance Rate Map.** The most recent Flood Insurance Rate Map prepared by FEMA for the City, and as applicable and allowed by law, the Flood Insurance Rate Map prepared by FEMA for the County of Chisago, as may be amended.
 9. **Flood Insurance Study.** The most recent Flood Insurance Study prepared for the City by FEMA and, as applicable and allowed by law, the Flood Insurance Study prepared by FEMA for the County of Chisago, as may be amended.
 10. **Floodplain.** The areas adjoining a watercourse which have been or hereafter may be covered by the 100-year flood as determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study, or in any other officially adopted City flood study.
 11. **Floodproofing.** A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area in accordance with the Minnesota State Building Code.
 12. **Floodway.** The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study, or in any other officially adopted City flood study.

13. **Obstruction.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either by itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.
14. **100-Year Flood.** A flood which is representative of large regional floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval as determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study, or in any other officially adopted City flood study.
15. **Reach.** A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge or culvert crossings would be typical of a reach.
16. **Regulatory Flood Protection Elevation.** A point not less than two (2) feet above the water surface profile associated with the 100-year flood as determined by the use of the 100-year flood profile and supporting technical data in the Flood Insurance Study plus any increase in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.
17. **Structure.** Anything erected with a fixed location on the ground, or attached to something having a fixed location on the ground or in the ground in the case of earth sheltered buildings. Among other things, structures include buildings, factories, sheds, detached garages, cabins, manufactured homes, walls, fences, billboards, poster panels and other similar items.
- HH. FREEBOARD.** A factor of safety usually expressed in feet above a certain flood level. Freeboard is used to compensate for the many unknown factors (e.g. waves, ice, debris, etc.) that may increase flood levels beyond the calculated level.
- II. GHOST PLAT.** A sketch which illustrates, in concept only, the build out plan for an area of land either outside of the parcel being platted or which is an outlot within the plat, which includes but is not limited to future lot design, layout of streets and easements.
- JJ. GRADE.** See: Percentage of Grade
- KK. HALF-STREET.** See Street, Half
- LL. HYDRIC SOIL.** For the purposes of this Ordinance, hydric soils shall include:
1. Hydric soils as shown on the Chisago County Geographic Information System (GIS); or
 2. Land inside the 100 year floodplain area, as determined by the County, using two (2) foot contour surveys of relevant areas; or
 3. A field delineation of the hydric soils by a Registered Soil Scientist following the criteria found in the United States Army Corps of Engineers Wetland Delineation Manual (1987 Manual) or the Natural Resource Conservation Service publication "Field Indicators of Hydric Soils in the United States".
- KK. IMPROVEMENTS.** Pavement, curbs, gutters, sidewalks, sewer and water facilities, drainage facilities, street signs, street lighting, plantings and other items for the welfare of property owners and/or the general public.
- LL. LAND DISTURBANCE.** Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural

character of the land occurs as a result of the site preparation, grading, building construction or other construction activity.

- MM. **KEY MAP.** A small-scale map that definitively shows the area proposed to be platted in relation to known geographical features (e. g. regional feature, community centers, lakes and streets).
- NN. **LANDSCAPING.** The planting or existence of natural vegetation such as trees and/or shrubs and/or materials such as fencing, flower beds, etc. on a lot or outlot.
- OO. **LOT.** A parcel or portion of land in a subdivision or plat of land separated from other parcels or portions by description, as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.
- PP. **LOT, CORNER.** A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.
- QQ. **LOT, DEPTH.** the horizontal distance between the street right-of-way line and the opposite rear line of a lot measured in the general direction of the side lot lines.
- RR. **LOT, DOUBLE FRONTAGE.** An interior lot having frontage on two parallel or approximately parallel streets.
- SS. **LOT IMPROVEMENT.** Any building, structure, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property.
- TT. **LOT LINE.** The property line bounding a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way wherein the lot line shall be the public right of way line.
- UU. **LOT LINE, FRONT.** That boundary of a lot which abuts an existing or dedicated public street; and, in the case of a corner lot, the front lot line shall be designated by the Zoning Administrator.
- VV. **LOT LINE, REAR.** That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet in length or if the lot forms a point in the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to the front lot line.
- WW. **LOT LINE, SIDE.** Any boundary of a lot that is not a front lot line or a rear lot line.
- XX. **LOT OF RECORD.** A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this Ordinance, or approved by the City Council as a lot subsequent to such date, and which is occupied by or intended for occupancy by one (1) 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.
- YY. **LOT, WIDTH.** The horizontal distance between the side lots lines of a lot measured at the building setback line, location of the principal building and, if applicable, ordinary high water level. For corner lots, lot width shall be determined by measuring the horizontal distance between a side lot line and the applicable opposite front lot line.
- ZZ. **METES AND BOUNDS DESCRIPTION.** A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.
- AAA. **MINOR SUBDIVISION:** The division of a single parcel, lot, or tract, into two separate parcels, lots, or tracts.
- BBB. **MULTIPLE FAMILY DWELLING.** A dwelling containing more than two (2) separate living units.

CCC. **NATURAL WATER WAY.** A natural passageway on the surface of the earth, so situated and having such a topographical nature that surface water flows through it from other areas before reaching another waterway or a final ponding area. The term also shall include all drainage structures that have been constructed or placed for the purpose of conveying surface water from one place to another.

DDD. **NORMAL WATER LEVEL (NWL).** The standing pool elevation of a body of water used for storm water management purposes. The elevation may be established by a control structure (i.e., outlet pipe, ditch, or swale) or by existing drainage conditions.

EEE. **OFFICIAL MAP.** The map adopted by the City Council showing the streets, highways, blocks and lots theretofore laid out and adopted by the City Council resulting from the approval of subdivision plats and the subsequent filing of such approved plats.

FFF. **ORDINARY HIGH WATER LEVEL (OHW).** The boundary of public waters and wetlands which is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high water level is the operating elevation of the normal summer pool.

GGG. **OUTLOT.** A parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example – Outlot A). Outlots are used to designate one of the following: land that is part of the subdivision but is to be subdivided into lots and blocks at a later date; land that is to be used for a specific purpose as designated in a developer's agreement or other agreement between the City and the developer; or for a public purpose and for which no building permit shall be issued.

HHH. **OWNER.** An individual, association, syndicate, partnership, corporation, trust or any other legal entity holding an equitable or legal ownership interest in the land sought to be subdivided.

III. **PARCEL.** An individual lot or tract of land.

JJJ. **PARKS AND PLAYGROUNDS.** Public land and open space in the City dedicated or reserved for recreational purposes.

KKK. **PEDESTRIAN WAY.** See U.

LLL. **PERCENTAGE OF GRADE.** The slope of a road, street, or other public way, specified in percentage terms. The rise or fall of a street in feet and tenths of a foot for each one hundred (100) feet of horizontal distance measured at the centerline of the street.

MMM. **PERSON.** Any individual or legal entity.

NNN. **PLANNED UNIT DEVELOPMENT.** A tract of land planned and developed to encourage a more creative and efficient development of land, while at the same time meeting the standards and purposes of the Comprehensive Plan for preserving the health, safety and welfare of the City to allow for a mixture of residential units or residential and commercial units in an integrated and well-planned area and to ensure the concentration of open space into more usable areas and preservation of natural resources of the site including wetlands, steep slopes, vegetation, and scenic areas.

OOO. **PLANNING COMMISSION.** The Rush City Planning Commission.

PPP. **PLAT:** A map or drawing indicating the subdivision or re-subdivision of land intended to be filed for record.

- QQQ. **PRELIMINARY APPROVAL.** Approval of the preliminary plat by the City which constitutes authorization to proceed with final engineering plans and final plat preparation, taking into consideration any conditions for approval.
- RRR. **PRELIMINARY PLAT.** A detailed drawing or map of a proposed subdivision meeting the requirements herein enumerated which is submitted to the Planning Commission and governing body for their consideration, in compliance with the Comprehensive Plan, along with the required supporting data.
- SSS. **PRESERVATION AREA.** An area consisting of mature trees, streams, wetlands, steep slopes or bluffs, or other items of environmental significance that is to be preserved in its native condition.
- TTT. **PROTECTIVE COVENANTS.** Contracts entered into between all owners and holders of mortgage constituting a restriction on the use of property within a subdivision for the benefit of the property owners. The City shall not be responsible for enforcing protective covenants.
- UUU. **PUBLIC IMPROVEMENT.** Any drainage ditch, roadway, parkway, street, sanitary sewer, storm sewer, water system, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the City may ultimately assume ownership, responsibility for maintenance and operation, or which may effect an improvement, for which local government responsibility is or may be established.
- VVV. **PUBLICATION.** An official notice as prescribed by Minnesota Statutes.
- WWW. **QUADRAMINIUMS.** Single structures which contain four (4) subdivided dwelling units, all of which have individually separate entrances from the exterior of the structure.
- XXX. **RIGHT-OF-WAY.** Land acquired by reservation or dedication intended for public use, and intended to be occupied or which is occupied by a street, trail, railroad, utility lines, oil or gas pipeline, water line, sanitary sewer, storm sewer or other similar uses.
- YYY. **ROADWAY.** The portion of street right-of-way improved for vehicular travel.
- ZZZ. **RURAL SERVICE AREA.** That portion of the City, as defined by the Comprehensive Plan, which is currently and is intended to remain rural and agricultural in character and development.
- AAAA. **SETBACK.** The distance between a building and the property line nearest thereto.
- BBBB. **SIGNIFICANT TREE.** An existing shade tree measuring six (6) inches or more in caliper when measured three feet from the ground.
- CCCC. **SINGLE FAMILY DETACHED DWELLING.** A dwelling which is designed and constructed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.
- DDDD. **SKETCH PLAN.** A sketch drawing or map which depicts a proposed subdivision by showing proposed lots, streets, uses, relationship to surrounding area, generalized natural features, easements, and any requested zoning change and other information required by this ordinance for review by the City. This plan shall be drawn to scale and dimensioned; however, exact accuracy is not a requirement.
- EEEE. **STEEP SLOPE.** An eighteen (18) percent or greater deviation of a surface from the horizontal.
- FFFF. **STREET.** A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, through-way, road, avenue, boulevard, lane, place, drive, court or otherwise designated, which has been or is proposed to be dedicated or deeded to the public for public use and which affords principal means of access to abutting property.

GGGG. **STREETS, ARTERIAL.** Those streets carrying larger volumes of traffic and serving as links between various sub-areas of the City. Arterial streets are intended to provide for collection and distribution of traffic between highways and collector streets; hence regulation of direct access to property is critical.

HHHH. **STREETS, COLLECTOR.** See N.

IIII. **STREETS, CUL-DE-SAC.** See V.

JJJJ. **STREET, DEAD END.** A street, or a portion thereof, with only one vehicular traffic outlet.

KKKK. **STREET, HALF.** A street having only one-half of its intended roadway width developed to accommodate traffic.

LLLL. **STREETS, LOCAL.** A street whose primary function is to provide direct access to abutting property containing single-family dwellings and which, by design, is usually a two-lane road.

MMMM. **STREETS, MARGINAL ACCESS (Frontage Road).** Those local streets which are parallel and adjacent to high volume arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

NNNN. **STREET, RIGHT-OF-WAY WIDTH.** The shortest distance between the lines delineating the right-of-way of a street.

OOOO. **STRUCTURE.** Anything erected with a fixed location on the ground, or attached to something having a fixed location on the ground or in the ground. Among other things, structures include buildings, manufactured homes, walls, fences, billboards, swimming pools, and poster panels.

PPPP. **SUBDIVIDING.** The creation of a subdivision, lot, parcel, or tract of land by dividing a lot, parcel, or tract into two or more parcels, or resulting from court order, or the adjustment of a lot line by the relocation of a common boundary.

QQQQ. **SUBDIVISION.** A described tract of land which is to be or has been divided into two or more lots, outlots, or parcels for the purpose of transfer of ownership, or building development, or if a new street is involved, any division of land. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

RRRR. **SURVEYOR.** A land surveyor registered under Minnesota State Statutes.

SSSS. **TANGENT.** A straight line that is perpendicular to the radius of a curve at a point on the curve

TTTT. **TOWNHOUSES.** Structure housing three (3) or more dwelling units contiguous to each other only by the sharing of one (1) common wall, such structures to be of the town or row house type as contrasted to multiple apartment structures.

UUUU. **TRACT.** A defined area of land, similar to a lot or parcel, that is occupied or will be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of the current City zoning regulations, having not less than the minimum area required by said zoning regulations for a building site in the district in which such lot is situated and having its principal frontage on a street.

VVVV. **TRAIL.** A linear component of the community's park system.

WWWW. **TWO-FAMILY DWELLING.** A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

XXXX. **URBAN SERVICE AREA.** That portion of the City, as geographically defined by the Comprehensive Plan, which is or has the future potential for development at urban densities and/or urban uses and in which urban improvements may be required.

YYYY. **UTILITIES.** Public or Private systems for the distribution or collection of water; gas; sewer (wastewater); storm water; electricity including all transformers, streetlights, telephone; and cable television service, etc..

ZZZZ. **VARIANCE.** A relaxation of the terms of this Ordinance where such deviation will not be contrary to the spirit and intent of the Comprehensive Plan and this Ordinance, the public interest and where owing to physical conditions unique to the individual property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

AAAAA. **VERTICAL CURVE.** The surface curvature on a street centerline located between lines of different percentage of grades.

BBBBB. **ZONING ADMINISTRATOR.** The person duly appointed by the City Council as the individual charged with the responsibility of administering and enforcing this Ordinance.

CCCCC. **ZONING DISTRICT.** An area as described by the official zoning ordinance of the City of Rush City.

DDDDD. **ZONING ORDINANCE.** The Ordinance or resolution controlling the use of land as adopted by the City.

SECTION 1103 PROCEDURE AND REQUIRED CONTENTS FOR SUBMISSION OF PLATS

SECTION:

- Subd. 1 Sketch Plan Contents
- Subd. 2 Pre-Application Meeting
- Subd. 3 Ghost Plat
- Subd. 4 Preliminary Plat Contents
- Subd. 5 Preliminary Plat Process
- Subd. 6 Final Plat Contents
- Subd. 7 Final Plat Process
- Subd. 8 Certifications Required
- Subd. 9 Minor Subdivisions
- Subd. 10 Common Interest Communities
- Subd. 11 Premature Subdivisions
- Subd. 12 Disqualification/Denial of Plats

Subd. 1: SKETCH PLAN CONTENTS:

- A. Sketch Plan contents. The sketch plans shall contain, at a minimum, the following information:
 - 1. Plat boundary.
 - 2. North arrow.
 - 3. Scale.
 - 4. Street layouts and names on and adjacent to the proposed plat.
 - 5. Designation of land use and current and proposed zoning.
 - 6. Significant topographical or physical features, including wetlands.
 - 7. General lot locations and layout and proposed density.
 - 8. Proposed playgrounds and parks.
 - 9. Unique land characteristics and general topography.
 - 10. Preliminary description of sanitary sewer, potable water and general drainage improvements.
 - 11. Preliminary evaluation by the applicant that the subdivision is not classified as premature based upon criteria established in Section 1103.05 of this Ordinance.
 - 12. Additional written data shall include approximate number of lots, typical lot width and depth, and what zoning changes would be required.

Subd. 2: SKETCH PLAN PROCESS.

- A. Pre-application/sketch plan meeting. Prior to the preparation of a preliminary plat, the applicant shall meet with the Zoning Administrator in order to be made aware of all applicable ordinances, regulations and plans in the area to be subdivided. At such time or at subsequent meetings, the applicant shall submit five (5) large-scale (22" x 34") copies and thirteen (13) reduced scale (11 " x 17") copies of a sketch plan of the proposed subdivision to include future phases and an estimated timetable for development.

- B. Submission of a sketch plan shall not constitute formal filing of a plat with the City. The City shall arrange a pre-application meeting with the developer, the Engineer, Public Works Staff and other departments are deemed necessary to provide the developer with input on the proposed sketch plan. The Zoning Administrator shall refer the sketch plan to the Planning Commission for review and informal comment. Any advice, comments or recommendations for modifications made by the Planning Commission or City Council are advisory only and shall not constitute approval or a commitment to approve.
- C. As far as may be practical on the basis of a sketch plan, the City will informally advise the developer as promptly as possible of the extent to which the proposed subdivision conforms to the design standards of this Ordinance and will discuss possible plan modifications necessary to secure conformance.
- D. The developer shall be responsible for costs associated with the review of the sketch plan, preliminary plat and final plat, in accordance with the fee schedule of the City.

Subd. 3: GHOST PLAT.

- A. Requirements for Ghost Plat Submittal. A build out plan (ghost plat) shall be required for the following subdivision applications:
 - 1. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots or outlots that may eventually be subdivided into smaller lots.
 - 2. Whenever a developer or property owner is platting only a portion of the property in which they have title to or a legal interest in and the balance of the unplatted property is adjacent to the subject property, a build out plan of the entire area shall be submitted.
 - 3. Cluster subdivisions or open space design subdivisions that preserve open space for future development.
- B. Design Requirements. The build out plan (ghost plat) shall illustrate the following:
 - 1. Lot design consistent with the long term planning for the area (City Comprehensive Plan).
 - 2. The layout of future streets. Local streets shall be planned to provide street connections to adjoining parcels, neighborhoods, or future development open spaces as a means of discouraging the reliance on County and State roads for local trips.
 - 3. Easement locations for utilities and storm water drainage.
 - 4. Locations of building pads on the lots to accommodate future subdivision.
 - 5. The build out plan may be required to provide information demonstrating how public utilities may be extended to the subdivision to accommodate future urban development.

Subd. 4: PRELIMINARY PLAT CONTENTS.

The applicant shall prepare and submit a preliminary plat, together with any necessary supplementary information. The preliminary plat shall contain the information set forth in the subsections that follow (Upon specific request, the City may exempt an applicant from the submission of data which is not considered relevant to the application.):

- A. Proposed conditions:
 - 1. The proposed name of the subdivision; names shall not duplicate or be alike in pronunciation to the name of any plat previously recorded in Chisago County.

2. Boundary lines to include bearings, distances, curve data, and total acreage of proposed plat, clearly indicated.
3. Name, address and phone number of the record owner(s), any agent having control of the land, the applicant, land surveyor, engineer and designer of the plan.
4. Graphic scale of one (1) inch to one hundred (100) feet, except as specifically approved by the Zoning Administrator.
1. North point and key map of the area, showing well-known geographical points for orientation within a one-half (1/2) mile radius.
2. Date of preparation.
3. The legal description of the land contained within the subdivision including the total acreage of the proposed subdivision.
4. Total area of the proposed plat, in acres.
5. Existing and proposed covenants,
6. A list of any liens or encumbrances.
7. Elevation benchmarks used for the topographic survey and datum on which they are based.
8. Reference to the coordinate system use for the topographic survey.
9. Results of site evaluation, including percolation tests and soil borings.

C. Existing Conditions:

1. Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property.
2. Existing zoning classifications for land in and abutting the subdivision.
3. Location, right-of-way width and names of existing or platted streets or other public ways, parks and other public lands, permanent buildings and structures, easements and section, corporate lines within the plan, to a distance of one hundred fifty (150) feet beyond the plat.
4. Location, size, and elevations of existing sewers, water mains, culverts or other underground facilities within the preliminary plat area and to a distance of one hundred fifty (150) feet beyond. Such data as top grades and locations of catch basins, manholes, elevations, invert elevations, hydrants and the street pavement width and type also shall be shown.
5. Boundary lines of adjoining un-subdivided or subdivided land, within one hundred fifty (150) feet of the plat, identified by name and ownership, including all contiguous land owned or controlled by the applicant.
6. Topographic data, including contours at vertical intervals of not more than one (1) foot shown on a contour/topographic map. Watercourses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features also shall be shown. U. S. G. S. datum shall be used for all topographic mapping.

7. Subsurface conditions on tracts for subdivisions utilizing individual water and sewage disposal systems; location and results of tests to ascertain subsurface soil, rock and groundwater conditions and availability; location and results of soil percolation tests.
8. 100-year flood elevations, the regulatory flood protection, and boundaries of floodway and flood fringe areas, if known, taking into consideration the Flood Insurance Study and Flood Insurance Rate Map. Water elevations of adjacent lakes, streams and wetlands.
9. A statement certifying the environmental condition of the site including the presence of any known hazardous substance as defined in Minnesota Statutes 115B.02, Subd. 8. Such statement may be required to be based upon an environmental assessment of the site by an environmental engineer acceptable to the City.
10. Geotechnical data (prepared by a qualified soils engineer) with surface and subsurface soils and groundwater in sufficient detail to show the site to be suitable for the development proposed.
11. A vicinity map at, at least 4" x 4" in size on the full size plans showing the relationship of the proposed subdivision to adjacent properties, roads, right-of-ways, and other property and subdivision within three hundred-fifty feet (350) of the proposed subdivision, and the relation of the plat to the surrounding zoning districts. All existing survey monuments that have been found.
12. Areas in the plat which have been designated as shoreland, wetlands and/or floodplains by the Department of Natural Resources, including the ordinary high water mark of all wetlands.
13. An indication as to which lands are registered torrens property or abstract property. If land is abstract property, a registered land survey shall be required.
14. Location, size and species of significant trees or wooded areas.

C. Proposed Design Features:

1. Layout of proposed streets showing the right-of-way widths, centerline grades, roadway widths, typical cross-sections, and proposed names of streets in conformance with City street identification policies. The name of any street heretofore used in the City or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.
2. Locations and widths of proposed alleys and pedestrian ways.
3. Gradients of proposed streets, sewer lines and water mains.
4. Location, dimension and purpose of all easements.
5. Layout, numbers, lot areas and preliminary dimensions of lots, blocks, and outlots. The total number of proposed lots with minimum, maximum and average size in square footage.
6. Minimum front, rear and side street building setback line.
7. When lots are located on a curve, the width of the lot at the building setback line.
8. Building pads intended for construction.
9. Areas, other than streets, alleys, bikeways, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such an area or areas in acres.

10. Water supply.
 - a. If applicable, the proposed location and sizing of public water system mains and service connections to be provided as part of initial construction or to be provided at a later date.
 - b. The location and sizing of proposed on-site water systems.
 11. Sewage disposal.
 - a. If applicable, the proposed location and routing of public sewer mains and service connections proposed as part of initial construction or to be provided at a later date.
 - b. The location and size of proposed on-site waste disposal systems.
 12. Grading plan with minimum one (1) foot contours which shall include the proposed grading and drainage of the site, including provisions for surface water ponding and drainage. Also to be stipulated are the garage floor, first floor, and basement elevations of all structures. The Plan shall include 100-year storm elevations for ponds.
 13. Proposed fill, levees, channel modifications, and other methods to overcome flood or erosion hazard areas in accordance with the Zoning Ordinance and by use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study.
 14. The location, size and proposed improvements for proposed parks, playgrounds and public open spaces; churches or school sites or other special uses of land to be considered for dedication to public use or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
 15. Proposed pedestrian ways and trails.
 16. Landscape Plans detailing the following:
 - a. Natural land analysis including vegetation, soil types and slopes.
 - b. Man-made features.
 - c. Details of all proposed vegetative landscaping materials, including placement, common name, caliper/height and quantity.
 - d. Details of all proposed non-vegetative land landscaping and screening materials.
 - e. Planting and construction schedule for completion of landscaping and screening plans. The final landscaping and screening plan must be approved by the Planning Commission at the time of the site plan review.
- D. The items listed in this section shall be in conformance with all other applicable sections of this Ordinance.
- E. Supplementary Information: Any or all of the supplementary information requirements set forth in this subsection shall be submitted when deemed necessary by the City staff, consultants, advisory bodies and/or the City Council to adequately address the application and site in question.
1. Proposed protective covenants or private restrictions, as well as proposed administrative and enforcement controls.
 2. An analysis prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, maturity, potential hazard, infestation, vigor, density and spacing. A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted may also be required, in accordance with Section 1004, Subd. 14.
 3. Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry and if known location and size of parking lots, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population. The City may require the applicant to have formal traffic or other studies

performed to the City's satisfaction which show the effect of the proposed development on traffic, fire hazards, congestion, or other matters of public concern.

4. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. Such proposed zoning plan shall be for information only and shall not vest any rights in the applicant.
5. Where the applicant owns property adjacent to that which is being proposed for the subdivision, it shall be required that the applicant submit a ghost plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing or potential adjacent subdivisions and land uses.
6. Where structures are to be placed on large or excessively deep lots which are subject to potential replat, the preliminary plat shall include a ghost plat that indicates a logical way in which the lots could possibly be re-subdivided in the future.
7. A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, design of sediment control measures, and landscaping of the erosion and sediment control system. Such plans are to be in accordance with the technical standards and specifications of the Soil Conservation Service, as provided by Chisago County Soil and Water Conservation District Office.
8. Drainage calculations for all on-site storm water management systems (i.e. ponds, storm sewer, culverts, etc.).
9. An environmental assessment worksheet shall be submitted if the City, Engineer, Minnesota Environmental Quality Board or other groups or agencies determine that one is required by law.
10. Applications, statements and supporting documentation and plans for rezoning, variances, conditional use permits or planned unit development approvals being sought for the subdivision.
11. Proof of review by other affected agencies (Chisago County, MnDOT, DNR, Corps of Engineers, etc.).
12. A statement describing the proposed phasing of the plat and number of lots to be developed with each phase.
13. Such other applicable information as may be required by the City.

Subd. 5: PRELIMINARY PLAT PROCESS.

- A. Process for Preliminary Plat review. After the pre-application meeting and following City review of the sketch plan, the applicant shall prepare a request for review of the preliminary plat for the subdivision, as provided within this Ordinance. The request shall be filed with the City on an official application form. A fee as provided for by City Council Ordinance shall accompany such application. Such application shall also be accompanied by five (5) large-scale copies and thirteen (13) reduced scale (not less than 11"x17") copies of a preliminary plat and supportive information in conformity with the requirements of this Ordinance. If, in the opinion of the Zoning Administrator, reduced scale drawings (11"x17") are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility. The request for subdivision shall be placed on the agenda of the first available Planning Commission meeting.
- B. The applicant shall supply proof of title and the legal description of the property for which the subdivision is requested, consisting of an abstract of title or registered property abstract currently

certified together with any unrecorded documents whereby the petitioners acquire a legal ownership or equitable ownership interest and as applicable, supply documented authorization from the owner(s) of the property in question to proceed with the requested subdivision.

- C. The applicant shall submit any necessary applications for variances from the provisions of this Ordinance, as set out in Section 1108.04 of this Ordinance. The preliminary plat shall be considered as being officially submitted only when all of the information requirements are complied with and the appropriate fees paid.
- D. Upon receipt of the completed application as outlined in A, B, and C above, the Zoning Administrator shall set a public hearing for public review of the preliminary plat by the Planning Commission. Notice of the hearing may be a legal or display advertisement and shall consist of a legal property description, description of the request, and shall be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of the hearing shall be mailed at least ten (10) days prior to the hearing. Requests affecting and located within non-platted areas of the City shall be noticed to all property owners within three hundred fifty (350) feet of the property in question. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceeding.
- E. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Section provided a bona fide attempt has been made to comply with the notice requirements of this Section.
- F. The Zoning Administrator shall instruct the staff as appropriate to prepare technical reports and provide general assistance in preparing a recommendation on the action to the Planning Commission. This may include the City Engineer, Building Official, City Attorney, and public or private utility departments, among others. The presence of any of the above, which may be considered an employee of the City, will not preclude the City from obtaining a recommendation from an independent contractor performing similar duties and responsibilities if, in the opinion of the Zoning Administrator, the independent contractor possesses a set of skills and abilities required for a fair evaluation of the request.
- G. Upon receipt of a complete application for a preliminary plat, the Zoning Administrator or the Administrator's designee shall refer copies of the plat map to the following individuals or bodies:
 - a. City Engineer;
 - b. City Attorney;
 - c. School District;
 - d. Commissioner of Transportation if the proposed subdivision includes land abutting an established or proposed trunk highway;
 - e. County Engineer if the proposed subdivision includes land abutting a County or County State-aid highway;
 - f. State Commissioner of Natural Resources if the proposed subdivision adjoins a public body of water;
 - g. The Watershed District Board, if applicable;
 - h. The Corps of Engineers if the proposed subdivision abuts a navigable waterway, as defined by said Agency.
 - i. Each utility company;
 - j. Other City department heads as appropriate;
 - k. Park Board;
 - l. Planning Commission
- H. The Planning Commission, City Council, and City staff shall have the authority to request additional information from the applicant concerning the proposed subdivision and its operational factors or impact, or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors or impacts, when said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this

Ordinance. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

- I. The applicant or a designated representative thereof shall appear before the Planning Commission at the public hearing in order to answer questions concerning the proposed request.
- J. The Planning Commission, at the conclusion of the public hearing, shall recommend to the City Council one of the following courses of action:
 - 1. Approval of the preliminary plat, as presented.
 - 2. Approval of the preliminary plat, with conditions.
 - 3. Denial of the preliminary plat, with reasons.

The Planning Commission may, at its discretion and with the approval of the applicant, table the matter pending further information from the applicant that will help it render a recommendation to the City Council.

K. City Council Action:

- 1. The reports and recommendations of City staff and the Planning Commission shall be entered in and made part of the permanent written record of the City Council meeting.
- 2. The Council shall approve or disapprove the preliminary plat within one hundred twenty (120) days following delivery of an application completed in compliance with this Ordinance unless an extension of the review period has been agreed upon in writing by the applicant and the Zoning Administrator.
- 3. If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the Council and shall be transmitted to the applicant. If the preliminary plat is approved, such approval shall not constitute final acceptance of the design and layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this Ordinance to be indicated on the final plat. The City Council may impose such conditions and restrictions as it deems appropriate or require such revisions or modifications in the preliminary plat or final plat as it deems necessary to protect the health, safety, comfort, general welfare and convenience of the City.
- 4. The City Council reserves the right to decline approval of a preliminary plat if due regard is not shown for the preservation of all natural features, such as topography, trees, water courses, scenic points, prehistoric and historical spots, and similar community assets which, if preserved, will add attractiveness and stability to the proposed development of the property.
- 5. Following City Council approval of a preliminary plat, the applicant must submit a final plat to the City within one year of preliminary plat approval unless otherwise specified as part of a Development Agreement. If this procedure is not followed, then approval of the preliminary plat shall be considered void, unless the applicant submits a request for time extension in writing at least thirty (30) days prior to the lapse of approval and subsequently approved by the City Council.
- 6. Should the applicant desire to amend a preliminary plat as approved, an amended preliminary plat may be submitted. The City may require the applicant to follow the same procedure as a new preliminary plat. No public hearing will be required unless the amendment, in the opinion of the City Council, is of such scope as to constitute a new preliminary plat. A filing fee as established by the City shall be charged for the amendment processing.

Subd. 6: FINAL PLAT CONTENTS.

The applicant shall submit a final plat together with any necessary supplementary information. The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of Minnesota State Statutes and Chisago County regulations, and such final plat or accompanying submittals shall contain the following information:

- A. Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing plat theretofore recorded in Chisago County and which shall be subject to City Council approval.
- B. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions.
- C. The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments. The applicant shall provide coordinating data on all subdivision monumentation in a format approved by the Engineer.
- D. Location of lots, outlots, streets, public highways, alleys, and parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.
- E. Lots shall be numbered clearly; blocks are to be numbered, with numbers shown clearly in the center of the block.
- F. A drawing or listing of total square footage per lot, acreage per block and total acres in the plat.
- G. The exact locations, widths and names of all streets to be dedicated.
- H. Location, purpose and width of all easements to be dedicated.
- I. Name, address and phone number of surveyor making the plat.
- J. Scale of the plat to be one inch to one hundred feet (1"=100'—the scale to be shown graphically on a bar scale), date and north arrow.
- K. A current abstract of title or a registered property certificate along with any unrecorded documents that are subject to review and approval by the City Council.
- L. Deed restrictions and protective covenants which involve a matter of public concern.
- M. Statement dedicating all easements as follows: "Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the designated areas marked "drainage and utility easements"."
- N. Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: "Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use hereby so dedicated."
- O. A development plan in accordance with City standards, including but not limited to, building area and spot elevations, storm drainage and storm sewer by area, house pad area and locations, and the like.
- P. Other data: Such other information that may be required by the City at the time of final plat approval or shortly thereafter, including but not limited to:
 - 1. Financial guarantee of cash escrow or letter of credit, as provided for in Section 1107.07 of this Ordinance.

2. A complete set of construction plans and specifications for the public improvements required to make the subdivision suitable for development and which conform to the City requirements. These documents will be prepared by the City for projects following the publicly financed public improvement process.
3. A certified mylar copy of the plat evidencing filing of the plat with the County within sixty (60) days after approval by the City. No building permits shall be approved for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by Chisago County.
4. Three complete sets of 11" x 17" reproducible as-built construction drawings for any public improvements constructed in the subdivision shall be furnished to the City and City Engineer, within one hundred and twenty (120) days after the construction is complete and approved by the City. In addition one digital GIS formatted copy and one scanned copy for imaging shall be submitted to the City.
5. Copies of any protective or restrictive covenants affecting the subdivision or any part thereof.
6. Permits required by Chisago County, MnDOT, Minnesota Pollution Control Agency, Minnesota Department of Health, DNR, etc.
7. Upon adoption and filing of a final plat, the City shall prepare a street address map and distribute it to the applicant, utility companies, police department, ambulance, fire department, post office and County.
8. A disk of the recorded plat in AutoCadd or other approved format for inclusion in the City's base map.

Subd. 7: CERTIFICATION REQUIRED.

- A. Certification by a registered land surveyor in the form required by Minnesota Statutes 505.03, as amended.
- B. Execution by all owners of any interest in the land and holders of a mortgage thereon of the certificates required by Minnesota Statutes 505.03, as amended, and which certificate shall include a dedication of the utility easements and other public areas in such form as approved by the City Council.
- C. Space for certificate of approval and review to be filled in by the signatures of the Mayor and City Administrator in the form:

FOR APPROVAL OF THE CITY OF RUSH CITY:

This plat of (name of plat) was approved and accepted by the City of Rush City, Minnesota, at a regular meeting thereof held this _____ day of _____, A. D. _____.

CITY COUNCIL OF RUSH CITY, MINNESOTA

By _____, Mayor

By _____, Administrator

Subd. 8: FINAL PLAT PROCESS.

- A. After the preliminary plat has been approved, a final plat shall be submitted for review as set forth in the subsections, which follow. The City may agree to review the preliminary and final plat

simultaneously. The final plat shall incorporate all changes, modifications and revisions required by the City. Otherwise, it shall strictly conform to the approved preliminary plat.

- B. All final plats shall comply with the provisions of Minnesota State Statutes and requirements of this Ordinance.
- C. An applicant shall submit with the final plat a current Abstract of Title or Registered Property Certificate, along with any unrecorded documents, and an Opinion of Title.
- D. Review of Final Plat:
 - 1. Five (5) large-scale copies of the final plat and thirteen (13) reduced scale (not less than 11"x17") copies of the final plat shall be submitted by the applicant. If, in the opinion of the Zoning Administrator, reduced scale drawings (11"x17") are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility. Upon receipt of a final plat, copies shall be referred to the Planning Commission, appropriate City staff and to all applicable utility companies, County and State agencies. One copy, with Abstract of Title or Registered Property Certificate and Opinion of Title, shall be referred to the City Attorney.
 - 2. The Zoning Administrator or designee receiving final plat copies shall, submit reports to the Planning Commission documenting their recommendation on the final plat.
 - 3. The Planning Commission, at their meeting, shall render one of the following final plat recommendations to the City Council:
 - a. Approval of the final plat, as presented.
 - b. Approval of the final plat, with conditions.
 - c. Denial of the final plat, with reasons.
 - 5. The Planning Commission may, at its discretion, table the matter pending further information from the applicant that will help it render a recommendation to the City Council.
 - 6. Prior to approval of a final plat, the applicant shall have executed a Development Agreement with the City, which controls the installation of all required improvements and assures compliance with all conditions of approval. Said agreement will require all improvements and approval conditions to comply with approved engineering standards and applicable regulations.
 - 7. The City Council shall take action on a final plat not more than sixty (60) days after the final plat is filed with the City. If the final plat is not approved, the reasons for such action shall be recorded in the official proceedings of the City and shall be transmitted to the applicant.
 - 8. Upon receiving an approved final plat in conformance with the requirements of the City, the designated representatives of the City shall sign the plat, and the applicant, as a condition of approval, shall record the approved and signed final plat with the County Recorder within ninety (90) days, or the approved final plat shall be considered void.
 - 9. The applicant shall, within thirty (30) days of recording, furnish the City with three (3) blue or black line prints and one Mylar of the final plat showing evidence of the recording. The applicant shall provide an electronic copy of the approved final plat in a format acceptable to the City. Failure to furnish such copies shall be grounds for refusal to issue building permits for lots within a plat.
 - 10. Upon receiving approval of a final plat for a portion of an approved preliminary plat, a continuation or the recognition of the preliminary plat is not required to maintain its approval. In the event a Zoning Ordinance amendment is adopted which requires a larger minimum lot size for land not yet platted and recorded, the larger minimum lot size may be required for any additional platting. If the applicant is unable to file a final plat application within the

required one year, such person shall file a written request for an extension of the final plat such person shall file a written request for an extension of the final plat approval with the Zoning Administrator and receive City Council approval thirty (30) days prior to the lapse of approval.. Said applicant's request shall specify and the City Council shall, if approved, determine the length of time for filing and for the preliminary plat to remain in full force and effect.

Subd. 9: MINOR SUBDIVISIONS.

A. This Section shall apply to the following applications:

1. In the case of a request to divide a portion of a lot where the division is to permit the adding of a parcel of land to an abutting lot so that no additional lots are created and both new lots conform to Zoning Ordinance lot size minimum standards.
2. In the case of a request to combine two (2) existing platted lots.
3. In the case of a request to divide a lot from a larger tract of land and thereby creating no more than two lots, both of which conform to Zoning Ordinance minimum standards. To qualify, the parcel of land shall not have been part of a minor subdivision within the last five (5) years.
4. In the case of a request to divide a base lot which is a part of a recorded plat on which has been constructed a two-family dwelling, townhouse or quadraminium, where the division is to permit individual private ownership of a single dwelling unit within such a structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of this Ordinance, the Zoning Ordinance, or the State Building Code.
5. Consolidations. The owner of two (2) or more contiguous parcels or lots of record may, subject to the Planning Commission and City Council review and approval, consolidate said parcels into one (1) parcel of record. The proposed parcels shall not cause any portion of the existing lots, parcels, or existing building to be in violation of the Rush City Zoning Ordinance.
6. Corrections. When a survey or description of a parcel or lot has been found to be inadequate to describe the actual boundaries, approval of a corrective subdivision may be requested. This type of subdivision creates no new lots or streets.

B. Content and Data Requirements

1. The requested minor subdivision shall be prepared by a registered land surveyor in the form of a Certificate of Survey.
2. The data and supportive information detailing the proposed subdivision shall be as follows:
 - a. **CERTIFICATE OF SURVEY:** The requested minor division shall be prepared by a registered land surveyor in the form of a Certificate of Survey. If the property affected is registered land, a Registered Land Survey shall be required. Ten (10) copies of the survey shall be submitted to the Zoning Administrator not less than two weeks prior to the next Planning Commission meeting. Contents of the Certificate of Survey shall include:
 1. North arrow
 2. Lot sizes in square feet, prior to and after the proposed split.
 3. Existing buildings and setbacks from proposed lot lines.
 4. Tree cover and existing vegetation.
 5. Legal descriptions for the parcels to be created.
 6. Streets and easements
 - b. **ADDITIONAL INFORMATION:** In addition to the Certificate of survey, the applicant shall submit:

2. A special assessment search
 3. Property owners names and addresses and proof of ownership
 4. Zoning of all affected parcels
3. The minor subdivision shall conform to all design standards as specified in this Ordinance. Any proposed deviation from said standards shall require the processing of a variance request.

C. Processing

1. If the land division involves property which has been previously platted, or the total property area included is greater than ten (10) acres, the Zoning Administrator may approve the subdivision, provided that it complies with applicable provisions of this Ordinance.
2. Upon Council approval of the petition for a minor subdivision, the Zoning Administrator, or designee, shall be authorized to sign the deed or registered land survey as meeting the requirements of the City. The Certificate of Survey or Registered Land Survey shall be filed and recorded at the Office of the County Recorder within ninety (90) days of approval.

Subd. 10: COMMON INTEREST COMMUNITIES.

A. COMMON INTEREST COMMUNITIES (CIC) APPROVAL.

A Common Interest Community shall be evaluated and considered for approval in the same manner as a standard plat and shall be subject to the site coverage standards and other zoning regulations for the zoning district or Planned Unit Development overlay contained within the City of Rush City Zoning Ordinance.

B. REQUIREMENTS.

Common Interest Communities shall be subject to all use, residential density, setback and height requirements of the applicable zoning district and any other applicable standard contained in the City of Rush City Zoning Ordinance.

C. CONVERSIONS OF COMMON INTEREST COMMUNITIES.

The conversion of existing common interest communities, resorts, mobile home parks or other similar types of developments from privately owned structures on leased or rented land, or the division of several commonly owned structures on a single parcel of land to individually owned parcels containing separate structures, shall be by a standard plat pursuant to the requirements of this Ordinance and the applicable requirements of Minnesota Statutes, Chapter 515A and Chapter 515B, or successor statutes, and shall be further subject to the following:

1. **SEWAGE TREATMENT.** When considering approval of conversions the Planning Commission shall consider the development as a whole, relative to the provision for sewer and on-site sewage treatment systems, and shall require connections to the municipal system where they are available. In areas where municipal services are not available, design plans shall be presented and approved for a community wastewater treatment system as an integral element of the Community Interest Community approval. A timeline to implement the approved wastewater treatment plan and/or eliminate all identified failing sewage treatment systems shall be established by a subdivision or development agreement.
2. **WATER SYSTEMS.** When considering approval of conversions the Planning Commission shall consider the development as a whole, relative to the provision for water systems, and shall require connections to the municipal system where they are available. In areas where municipal services are not available, design plans shall be presented and approved for a community water system as an integral element of the Community Interest Community approval. A timeline to implement the approved wastewater treatment plan and/or eliminate all identified failing wells shall be established by a subdivision or development agreement.

3. **CONFORMITY.** The developer shall make every effort to minimize the degree of nonconformity with existing lot and area requirements and setback requirements. Lot lines shall be arranged to provide the largest possible setbacks between structures that will become the principal structures on the newly created lots. Accessory buildings shall be moved or removed when and where possible to create the lowest, most uniform density possible.
4. **DENSITY.** The conversion shall not result in an increase in residential density, unless the residential density requirements of the applicable zoning district are met.
4. **UNIFIED AND EFFICIENT USE OF SPACE.** To the extent possible, the common open space, individual properties and other elements of the common interest community shall be so planned that they will achieve a unified scheme of planning and efficient distribution of uses.

Subd. 11: PREMATURE SUBDIVISIONS. Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the City Council.

A subdivision may be deemed premature should any one or more of the conditions set forth in the following provisions exist:

- A. **Lack of adequate drainage:** A condition of inadequate drainage shall be deemed to exist if:
 1. Surface or subsurface water retention/detention and runoff is such that it constitutes a danger to the structural security of the proposed development, or flood of the subdivision or downstream property.
 2. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.
 3. The proposed site grading and development will cause siltation on downstream land.

Factors to be considered in making these determinations shall include, but shall not be limited to: average rainfall for the area; the relation of the land to flood plains; the nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluents; and the presence of streams as related to effluent disposal.

- B. **Lack of Adequate Water Supply:** A proposed subdivision shall be deemed to lack an adequate water supply if the proposed subdivision does not have adequate sources of water to serve the proposed subdivision if developed to its maximum permissible density without causing an unreasonable depreciation of existing water supplies for surrounding areas.
- C. **Lack of Adequate Roads or Highways to Serve the Subdivision:** A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:
 1. Roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance or surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or aggravate an already hazardous condition, and when, with due regard to the advice of the City Engineer, Chisago County Highway Engineer and/or the Minnesota Department of Transportation, said roads are inadequate for the intended use; or
 2. The traffic volume generated by the proposed subdivision would create unreasonable traffic congestion or unsafe conditions on highways existing at the time of the application or proposed for completion within the next two (2) years.
- D. **Lack of Adequate Waste Disposal Systems:** A proposed subdivision shall be deemed to lack adequate waste disposal systems if:

1. In subdivisions for which sewer lines are proposed, there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density indicated in the Rush City Comprehensive Plan, as may be amended.
 2. Soil tests, drain field areas or other such factors relating to on-site waste disposal systems are judged as inadequate for the use proposed.
- E. Lack of Environmental Review: The developer fails to complete an Environmental Assessment Worksheet (EAW) or other required environmental reviews.
- F. Providing Public Improvements: If public improvements, such as recreational facilities, streets and utilities, reasonably necessitated by the subdivision, which must be provided at public expense, cannot be provided within the next two (2) fiscal years.
- G. Threat to Environmentally Essential Areas: The proposed subdivision is inconsistent with policies and standards of the City, the County, the State, or Federal Government relating to environmentally sensitive areas and protections.
- H. Inconsistency With Comprehensive Plan: The proposed subdivision is inconsistent with the purposes, objectives and recommendations of the duly adopted Comprehensive Plan of Rush City, as may be amended.

The burden shall be upon the applicant to show that the proposed subdivision is not premature.

Subd. 12. DISQUALIFICATION/DENIAL OF PLATS. The City Council may deny the subdivision if it makes any one or more of the following findings:

- A. That the proposed subdivision is in direct conflict with adopted applicable general and specific comprehensive plans of the City, County, or Region.
- B. That the physical characteristics of the site, including but not limited to topography, percolation rate, soil conditions, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development, design, or use contemplated.
- C. That the site is not physically suitable for the proposed density of development.
- D. That the design of the subdivision or the type of improvements are likely to cause serious public health problems.
- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage.
- F. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.
- G. That the proposed subdivision, its site, or its design adversely affects the flood-carrying capacity of the floodway, increases flood stages and velocities, or increases flood hazards within the floodway fringe or within other areas of the City.
- H. The proposed subdivision is inconsistent with the policies and standards of the State-defined Shoreland Districts and Wetland Districts.

SECTION 1104. SUBDIVISION DESIGN STANDARDS

SECTION:

Subd. 1	Conformity with Comprehensive Plan and Zoning Ordinance
Subd. 2	Land Requirements
Subd. 3	Blocks
Subd. 4	Lots
Subd. 5	Streets
Subd. 6	Cul-de-sacs
Subd. 7	Street Design
Subd. 8	Street Designation
Subd. 9	Addressing
Subd. 10	Alleys
Subd. 11	Sidewalks/Pedestrian Ways
Subd. 12	Public Utilities
Subd. 13	Sewage Disposal and Storm Drainage
Subd. 14	Conditions in Flood Hazard Areas
Subd. 15	Landscaping
Subd. 16	Flood Warning Signs in Flood-Prone Areas
Subd. 17	Drainage
Subd. 18	Easements
Subd. 19	Erosion and Sediment Control
Subd. 20	Protected Areas
Subd. 21	Public Sites and Open Spaces (Park Land Dedication)
Subd. 22	Dedication of Storm Water Holding Areas or Ponds
Subd. 23	Maintenance of Private Open Space
Subd. 24	Minimum Design Features

Subd. 1: CONFORMITY WITH THE COMPREHENSIVE PLAN AND ZONING ORDINANCE. A proposed subdivision shall conform to the Comprehensive Plan, to related policies adopted by the City, and to the official Zoning Ordinance of the City.

Subd. 2: LAND REQUIREMENTS.

- A. Land shall be suited for the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for the purposes proposed by reason of potential flooding, topography or adverse soil or rock formation.
- B. Land subject to hazards to life, health, or property shall not be subdivided until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.
- C. Proposed subdivisions shall be coordinated with surrounding jurisdictions and/or neighborhoods, so that the City as a whole may develop efficiently and harmoniously.

Subd. 3: BLOCKS.

- A. Block length and width or acreage within bounding streets shall be such as to accommodate the size of residential, commercial and industrial lots required in the area by the Zoning Ordinance and to provide for convenient access, circulation control and safety of street traffic.
- B. Block Length: In general, intersecting streets shall be provided at such intervals so as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions should not exceed one thousand two hundred (1,200) feet nor be less than three hundred (300) feet in length, except where topography or other conditions justify a departure from this minimum. In blocks longer than nine hundred (900) feet, ten (10) foot wide

pedestrian rights-of-way and/or easements through the block may be required in locations deemed necessary for the public health, convenience and necessity. Suitable surfacing shall be provided in pedestrian ways.

- C. Block Width: The width of the block shall normally be sufficient to allow two (2) tiers of lots of minimum depth as required by the Zoning Ordinance except adjoining a lake, stream, major drainageway, railroad or arterial or where one tier or lot is necessary because of topographic conditions. Blocks intended for business or industrial uses shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking, deliveries and loading. Such facilities shall be provided with safe and convenient limited access to the street system.
- D. Block Access: Pedestrian ways or bicycle trails ten (10) feet wide may be required in the boulevard area of a block, if pedestrian access to schools or other areas of pedestrian destination is deemed desirable by the Planning Commission and City Council.
- E. Block Shape: Blocks shall be shaped so that all blocks fit readily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow and public open space areas.
- F. Block Use: Blocks intended for commercial, institutional and industrial use must be designated as such and the plan must show adequate off-street areas to provide for parking, loading docks and such other facilities that may be required to accommodate motor vehicles.

Subd. 4: LOTS.

- A. Area: The minimum lot area, width and depth shall not be less than that established by the Zoning Ordinance in effect at the time of adoption of the final plat.
- B. Side Lot Lines: Side lines of lots shall be at right angles to street lines, radial to curved street lines, or radial to lake or stream shores unless topographic conditions necessitate a different arrangement or the City Engineer and/or Zoning Administrator finds such deviation acceptable.
- C. Frontage: Every lot must have the minimum frontage on a City approved public street other than an alley, as required in the Zoning Ordinance.
- D. Access: Each lot shall directly access a public street. In cases where special conditions require an alternative means of access, it shall be subject to the review of the Planning Commission and approval of the City Council.
- E. Setback Lines: Setback or building lines shall be shown on all lots and shall not be less than the setback required by the Zoning Ordinance, as may be amended.
- F. Watercourses: Lots abutting a watercourse, wetland, ponding area, drainageway, channel, or stream shall have additional depth and width, as required to comply with the approved drainage plan for the subdivision and to meet the provisions of the Zoning Ordinance to assure building sites that are not subject to flooding.
- G. Drainage: Lots shall be graded so as to provide drainage away from building locations, subject to review by the City Engineer and the approval of the City Council. A development plan shall be submitted showing all lot grading and drainage provisions.
- H. Features: In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- I. Lot Remnants: All remnants of lots below minimum size for the respective zoning district in which they are located must be added to abutting lots or lots immediately adjoining. For remnants

separated by a public right-of-way, the lot remnants shall be designated an outlot. Lot remnants may be allowed if a plan for future use is found acceptable by the City Council.

- J. Lot boundaries: No lot shall be divided by a boundary line between registered land and abstract property.
- K. Lot corners at street intersections shall be subject to review by the City Engineer and approval by the City Council.
- L. Lot pads: The top of the foundation and the garage floor of all structures shall be a minimum of 18 inches and a maximum of 36 inches above the grade of the crown of the street upon which the property fronts. Exceptions to this standard may be approved by the Zoning Administrator for special circumstances such as increased setback, site topography, flooding potential, septic system operation and the like, provided that proper site and area drainage is maintained and the elevation of the structure is in keeping with the character of the area. The Zoning Administrator may require a certificate of survey as a condition of building permit issuance to assure compliance with this section if lot pads are not installed as part of the subdivision process.
- M. Re-Subdivision of lots: When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate re-subdivision, with provision for adequate utility connections for such re-subdivision. This shall be illustrated on the ghost plat.
- N. Political Boundaries: No singular plat shall extend over political jurisdictional boundaries.
- O. Double-frontage, or lots with frontage on two (2) parallel or non-intersecting streets shall not be permitted except as follows, such double-frontage lots shall have an additional depth of at least ten (10) feet or a reserve strip shall be created in order to allow space for screen planting along the rear lot line:
 - 1. Where rear yards abut arterial streets or highways; or,
 - 2. Where topographic or other conditions render subdividing otherwise unreasonable.
- P. Turn-Around Access: Where proposed residential lots abut a collector street, they shall be platted in such a manner as to encourage turn-around access and egress on each lot and discourage direct access onto such streets.
- Q. Access to Arterial Streets and Major Collector Streets: In the case where a proposed plat is adjacent to a limited access highway, other major highway, or other arterial street, said streets to be defined by the City's Comprehensive Plan, there shall be no direct vehicular access from individual lots to such streets and roads. In the platting of small tracts of land fronting on limited access highways or arterial streets where there is no other alternative, a temporary entrance may be granted, subject to terms and conditions defined by the City Council and applicable County or state agencies. As neighboring land becomes subdivided and more preferable access arrangements become possible, such temporary access permit shall become void.
- R. Access to Minor Collector Streets: Direct vehicular access from individual lots to minor collector streets shall be prohibited where possible and subject to the determination of the City Council. In such cases where direct lot access to minor collector streets is allowed, special traffic safety measures including, but not limited to, provisions for on-site vehicle turn around shall be required.
- S. Outlots: In such cases where outlots are created or exist, their area shall not be utilized in calculating minimums for buildable lot area requirements. Said outlots are also prohibited from qualifying for building permits, until resubdivided.
- T. Monuments. Lot corners shall be designed with one-half inch diameter pipe, eighteen (18) inches in length, and shall be inscribed with the registration number of the registered land surveyor making the survey as prescribed in MN Statutes, Chapter 505.

Subd. 5: STREETS.

- A. Proposed streets shall conform to State, County, and City highway/street plans which have been prepared, adopted and/or filed as prescribed by law.
- B. Streets shall be logically related to the topography, so as to produce usable lots and reasonable grades.
- C. Reserve strips (except for double-frontage lots in isolated cases) and land-locked areas shall not be created.
- D. The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of existing streets in adjoining areas.
- E. Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets in adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. A temporary turn-around facility shall be provided at the closed end, in conformance with cul-de-sac size requirements. Temporary facilities shall not require curb and gutter and the construction standards shall be established by the City Engineer. Construction of said streets shall be to the boundary of the plat.
- F. The arrangement of arterial and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, to their appropriate relationship to the proposed uses of the area to be served and in compliance with the City's Comprehensive Plan.
- G. Provisions for Re-Subdivision of Large Lots and Parcels: When a tract is subdivided into larger than normal building lots or parcels which have the potential for further subdivision with the installation of public utilities, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate re-subdivision, with provision for adequate utility connections for such re-subdivision.
- H. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts with temporary cul-de-sacs, or when designed as cul-de-sac streets.
- I. Private streets shall be prohibited.
- J. Where a subdivision abuts or contains an existing or planned major arterial or a railroad right-of-way, a street approximately parallel to and on each side of such arterial and right-of-way may be required for adequate protection of residential properties and separation of through and local traffic. Such service streets shall be located at a distance from the major arterial or railroad right-of-way suitable for appropriate use of the intervening land, as for park purposes in residential districts, or for commercial and industrial purposes in appropriate districts. Such distances also shall be determined with due regard for the requirements of approach grades and future grade separations.
- K. The use of public streets for temporary, permanent, short-term or long-term loading and unloading shall be prohibited.
- L. Parking design, which requires backing into the public streets shall be prohibited, except in the case of single-family land uses.

Subd. 6: CUL-DE-SAC STREETS.

- A. Cul-de-sac streets, permanently designed as such, shall not exceed five hundred (500) feet in length, including a terminal turn-around which shall be provided at the closed end, with a right-of-way radius of not less than sixty (60) feet. The length shall be measured along the centerline from the nearest intersection to the center point of the cul-de-sac. Cul-de-sac streets shall only be allowed where area topography or other physical site conditions warrant a cul-de-sac, dead-end design.
- B. Where a temporary cul-de-sac is required, the turn-around right-of-way shall be designed according to Subd. 6 (A) above and so as to permit future extension of the street. At such time as such a street is extended, the acreage covered by the turn-around outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turn-around.

Subd. 7: STREET DESIGN.

- A. Widths: Street right-of-way widths shall be subject to review by the City Engineer and approval by the City Council and in conformance with the following guidelines:

	<u>Right-Of-Way Width Street Minimum</u>	<u>Paved Roadway Width Curb Face to Curb Face</u>
Arterial	100 feet	48 feet
Major Collector	80 feet	44 feet
Minor Collector	66 feet	36 feet
Local	60 feet	32 feet
Marginal Access or Frontage Road- Residential	60 feet	28 feet
Marginal Access Or Frontage Road- Commercial-Industrial	80 feet	36 feet
Cul-de-sac turnaround	60 foot radius	45 foot radius
Cul-de-sac street	60 feet	32 feet
Alleys	16 feet	
County State Aid	MN/DOT Standard	MN/DOT Standard

- B. Street Grades: Whenever feasible, street grades shall not exceed the following, with due allowance for reasonable vertical curves:

<u>Street Type Or Class</u>	<u>Percent Grade Maximum</u>	<u>Percent Grade Minimum</u>
Arterial	5%	.5%
Collector	5%	.5%
Local	7%	.5%

- C. Street Intersections: Insofar as practical, streets shall intersect at right angles, unless otherwise approved by the City's Engineer. Intersections having more than four (4) corners shall be prohibited. Adequate land for future intersections and interchange construction needs shall be dedicated.
- D. Tangents: A tangent of at least one hundred (100) feet shall be introduced between reverse horizontal curves on streets.
- E. Deflections: When connecting street lines deflect from each other at one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than five hundred (500) feet for arterials, three hundred (300) feet for collectors, and two hundred (200) feet for all other streets. The City Council may allow greater or lesser sight distances.

- F. Street Intersection Offsets: Street intersection jogs with centerline offsets of less than two hundred (200) feet shall be prohibited. In general, provisions shall be made at intervals not exceeding one-half (1/2) mile for through streets (streets running through the subdivision in a fairly direct manner). Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
- G. Centerline Curvature: The minimum horizontal curvature of streets shall be in accordance with the MN/DOT Highway Design Manual for the type of street and design speed. The minimum radius of curvature shall be three hundred (300) feet.
- H. Vertical Curves: Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall be twenty (20) times the algebraic difference in the percent of grade of the two (2) adjacent slopes. Maximum slope of approach grades at street intersections of 3.0%. Minimum thirty (30) miles per hour design speed.
- I. Corner Radii for Roadways. Roadways of street intersections shall be rounded by a radius of not less than fifteen (15) feet. Roadways of alley-street intersections shall be rounded by a radius of not less than six (6) feet. Corners at the entrances to the turnaround portions of cul-de-sacs shall be rounded by a radius of not less than twenty (20) feet.
- J. Half-Streets: Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted. The probable length of time elapsing before dedication of the remainder shall be considered in this decision. No permanent street improvement shall be permitted within a half street right-of-way. All lots having frontage or access solely from a half street are prohibited from being eligible for building permits.
- K. Dedication: All proposed streets shown on the plat shall be offered for dedication as public streets.
- L. Where a subdivision or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the standards of this Ordinance.
- M. Additional right-of-way and roadway widths may be required by the City to promote public safety and convenience.
- N. Restriction of Access: Access of local streets onto arterial and collector streets shall be discouraged at intervals of less than five hundred (500) feet.
- O. Curb and Gutter: All streets shall have curb and gutter in compliance with established City standards and the City Engineer's specifications.
- P. Streets in Flood Hazard Areas: No street shall be approved if its final surface is lower than two (2) feet below the regulatory flood protection elevation. The City Council may require profiles and elevations of finished streets for areas subject to flooding. Fill may be used for streets, provided such fill does not unduly increase flood heights and provided any such fill would not result in a stage increase violating the requirements of Minnesota Statutes Chapters 104 and 105, as such chapters may be amended, supplemented, or replaced from time to time, and any applicable requirements imposed by FEMA pursuant to its rules and regulations. Drainage openings shall not restrict the flow of water so as to unduly increase flood heights and provided any such drainage opening would not violate the requirements of Minnesota Statutes Chapters 104 and 105, as such chapters may be amended, supplemented, or replaced from time to time, and any applicable requirements imposed by FEMA pursuant to its rules and regulations.

Subd. 8: STREET DESIGNATION.

- A. Purpose – The purpose of this section is to provide a logical street naming and property numbering system which will enable public and private services to locate properties in an expedient manner.
- B. Grid System – A grid system with lines approximately 330' apart on the east-west grid and 660' apart on the north-south grid lines, with each section line corresponding to a grid line. East –west grid lines are labeled numerically and north – south lines are labeled alphabetically.
- C. Address Map – The City of Rush City Address map will be at a scale of 1" = 200' and will illustrate grid lines, block numbers and existing addresses.
- D. Process – Proposed street names will be required upon any preliminary plat considered by the Planning Commission. Upon receipt of a preliminary plat, the proposed street names will be reviewed by the City and/or County for compliance with the standards noted within this policy. Prior to recording of a final plat, the City shall prepare a map assigning addresses for the lots within the platted area. Upon recording of the final plat, the City will forward to the County Auditor, County 911 Coordinator, County emergency management, U.S. Postal Service, emergency service providers, local service providers, utilities and others as identified by the City.
- E. Administration – The City Administrator, or designee, shall be responsible for maintaining the street and addressing system. The responsibility shall be guided by this Policy.
- F. Street Naming.
 - 1. Street Name Pattern: North-South through streets and collector streets north of First Street shall be numerical with numbers progressing from south to north (e.g. First Street, Second Street, Third Street with streets farther north being larger numbers) and end with the suffix "street".
 - 2. Continuance of Street Name: Existing names of streets which temporarily dead-end shall be continued when the development adjacent occurs. Streets which align at an intersection shall also continue with the same name unless the street makes a definite change in classification.
 - 3. Duplication: Street names which sound alike, are spelled or pronounced similarly shall not be allowed. (e.g. Rustle Road and Russell Road). Also, street names which are the same or similar to a street name in an adjacent township shall be avoided. Also duplication of portions of street names should be avoided (e.g. River Road, Riverside Lane, River Ridge Circle).
 - 4. Street Names which include directions or suffixes. Street names which include suffixes or directions shall be avoided (e.g. Bay Road, Circle Drive, East Street) to avoid confusion.
 - 5. Street Suffixes: Street suffixes shall be chosen according to the following standard classification:
 - i. Avenue- A street, road or public way which runs in a north-south direction.
 - ii. Bay – A permanently closed cul-de-sac running in any direction, in which lots are located that typically back up to a body of water.
 - iii. Boulevard – A street, road or public way which runs in a southwest to northeast direction.

- iv. Circle – A secondary street that begins and circles back to end on the same street, or a permanently closed cul-de-sac.
 - v. Court – A permanently closed cul-de-sac running in any direction.
 - vi. Drive – A meandering major route.
 - vii. Lane – A short street or street whose name shall be related to, but not duplicate any part of the base street from which it extends and returns.
 - viii. Parkway – A meandering major route which offers scenic amenities.
 - ix. Place – A permanently closed cul-de-sac running in any direction.
 - x. Road – A street, road or public way which runs in a northwest to southeast direction.
 - xi. Street – A street, road or public way which runs in an east-west direction.
 - xii. Way – A short street, such as a half-block.
6. Cul-de-sacs: cul-de-sacs shall have a different name from the street it extends from, but use a suffix for a cul-de-sac (e.g. Bay, Circle, Court or Place).
7. Street Name Amendments: Requests for a street name change shall be made in writing to the City Administrator, or designee, who shall proceed with public notice for a public hearing before the Planning Commission and final action by the City Council. All residents owning property on the subject street shall be notified of the hearing, along with property owners within twenty (20) feet of the intersection of their street and the subject street. No amendments shall be considered for “new” names if the changes are based solely on the fact the name is “unpopular” with individuals. The application for a street name change shall include the following:
- i. Street name change proposal (from what to what)
 - ii. Location of street (using Grid number and letter)
 - iii. Reason(s) for the request in name or number

Subd. 9: ADDRESSING.

- A. Separate Addresses: Each principal building shall bear the address assigned to the frontage on which the front entrance is located. When a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate address.
- B. Odd-Even: Odd numbers are to be on the west and north sides of streets and even number so on the east and south. Once the primary direction of a street has been determined, the even and odd numbers should never switch sides of the same street, even if it curves and changes direction.

- C. Interval: Number intervals should follow a discernable scheme to establish consistent numbering patterns. A numbering interval of 4 should be used in standard single-family developments (e.g. 104, 108, 112, 116 on the north side and 101, 105, 109, 113 on the south side). The interval may be flexible and increase as necessary to account for curving streets, cul-de-sacs or duplexes. Changes in hundred blocks should occur at street intersections or at evenly spaced intervals.
- D. Cul-de-sacs: All numbers on the cul-de-sac will be either odd or even, depending on the side of the street it is located, with the number splitting at the middle of the circle of the cul-de-sac.
- E. Circles: These streets begin and end at the same street but have two entrances. If there are houses on both sides of these street. The houses or buildings on the north or west side of the circle shall have even numbers. The houses or buildings on the south or west side of the circle shall have odd numbers. The smallest address number should be at the east entrance or north-south circles, and at the north entrance of east-west circles.
- F. Duplexes and Multiple-Family Units: Duplex units should be assigned two numbers, one for each unit. Townhomes, condominiums and attached single-family units, which are intended for owner-occupancy, should be addressed with separate numbers for each unit. Apartment complexes shall receive an address. Individual units within the apartment shall be identified by number or letter.
- G. Corner Lots: All corner lots should initially be assigned a number for each street frontage, if the site is buildable from either frontage. When the building permit is issued the address shall be assigned which conforms with the building's orientation and front entrance.
- H. **Street Address Amendments:** Requests for a street address change shall be made in writing to the City Administrator, or designee, who shall forward the request for final action by the City Council. The application for a street address change shall only be approved if:
 - i. The proposed address is consistent with the addressing system
 - ii. The Fire Chief, Sheriff's Department and Ambulance have reviewed the request and have indicated the change will not interfere with location of the property for public safety.
 - iii. Upon approval, the City Administrator, or designee shall notify the Post Office, Sheriff's Department, Fire Department and Ambulance, and any other relevant parties of the decision concerning the street address change.

Subd. 10: ALLEYS.

- A. Location Requirements: Alleys or service drives shall be prohibited. In commercial and industrial districts, the City Council may waive this requirement where no other definite and assured provisions are possible for service access. All loading and unloading facilities shall be located wholly within the private property, and no such facilities shall be located on or in such a way as to obstruct the free use of the City streets.
- B. Widths: The right-of-way width of any permitted alleys or service drives shall be at least sixteen (16) feet.
- C. Cul-de-Sacs: Cul-de-sac alleys shall be prohibited. If found to be unavoidable, they shall be provided with adequate turnaround facilities at the dead end as determined by the City.
- D. Grades: All centerline gradients in permitted alleys shall be at least five-tenths (0.5) percent and shall not exceed four (4) percent.
- E. Prohibited: No alleys shall be permitted in residential areas.

Subd. 11: SIDEWALKS-PEDESTRIAN WAYS. Adequate provisions for pedestrian movement within the subdivision, along the subdivision, and to adjoining property shall be provided in compliance with the Comprehensive Plan and policies established by the City Council. All sidewalks and pedestrian ways shall be designed and constructed according to established City standards.

Sidewalks will typically be required within the street right-of-way; however, in some cases in addition to other open space, dedication of easement to provide connections to public trails will be required where shown on the Comprehensive Plan. Where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities, pedestrian easements with rights-of-way widths of not less than ten (10) feet shall be required. In those cases where the City Council deems it appropriate and as designated by the Comprehensive Plan, sidewalks of not less than five (5) feet in width shall be provided (i.e. along highways, collectors, arterials, etc.). Where a proposed plat abuts or includes an arterial street, sidewalks of not less than five (5) feet in width shall be provided on both sides of the paved surface, unless the City Council identifies a trail as an alternative. Where the proposed plat abuts or includes a collector street, sidewalks of not less than five feet (5') in width may be required on one side of the street. In all cases where sidewalks are provided provisions shall be made for handicapped access.

Subd. 12: PUBLIC UTILITIES.

- A. Water Supply: Extensions of the public water supply system, when available, shall be designed so as to provide public water service to each lot. All water systems located in flood-prone areas, whether public or private, shall be floodproofed to a point at or above the regulatory flood protection elevation. Where a connection to the City water system is presently available, water distribution facilities including pipefittings, hydrants, valves, etc., shall be installed to serve all properties within the subdivision. Public water facilities shall be installed as required by standards and specifications as approved by the City Council and City Engineer. Size of water mains shall conform to the policies of the City. Looping of water mains shall be required when feasible.
- B. Sewage Disposal: Extension of the public sanitary sewer system, when available, shall be designed so as to provide public sewer service to each lot. Sanitary sewers shall be installed to serve all properties in the subdivision where a connection to the City sanitary sewer system is available or where detailed plans and specifications for sanitary sewers to serve the subdivision are available. Sanitary sewer shall be installed as required by standards and specifications approved by the City Council and the City Engineer. Sanitary sewer lines shall be extended to the edges of the development to facilitate future subdivisions.
- C. Storm Water Management Facilities: Storm water management facilities, where required, shall be designed to convey the flow of surface water without damage to persons or property. The system shall insure drainage at all points along streets and provide drainage away from buildings. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to protect against surface erosion and siltation of surface water and to prevent the discharge of excess runoff onto adjacent properties. All storm water management plans shall be approved by the City Engineer.

Subd. 13: SEWAGE DISPOSAL AND STORM WATER MANAGEMENT FOR AREAS WITHOUT CENTRAL OR PUBLIC SERVICES. In areas being platted without central or public sewers, the on-site sewer system, including the size and relative location of same, shall be in conformance with City, State and Federal requirements including specifically any FEMA rules and regulations pertinent to on-site sewer and water. When such requirements conflict, the most restrictive shall apply. In addition to these standards, the following requirements shall also apply unless in conflict with a more restrictive requirement referenced above:

- A. The subdivision shall be subject to soil and percolation tests being made to determine whether or not the lot sizes proposed will meet minimum standards of health and sanitation due to limitations

of soils as shown on existing soils maps. Such tests shall be made at the expense of the applicant and a sketch map shall be submitted with the preliminary plat to identify the specific locations where tests were made.

- B. No cesspools or seepage pits shall be allowed.
- C. The City may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics.
- D. Storm Water Management Facilities: Storm water management facilities, where required, shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from building and on-site waste disposal to accommodate frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to protect against surface erosion and siltation of surface water and to prevent the discharge of excess runoff onto adjacent properties.
- E. Storm Water Management Standards: All developments are responsible for control of surface or storm water to equal or improve pre-development conditions. Developmental drainage systems shall be provided that accept flow from upstream areas, that control, convey, and pond development runoff, that limit outflow to the natural pre-development rate, and that do not have detrimental impacts on downstream properties. All pipe conveyance shall be to five (5) year design return frequency in residential areas and ten (10) year design frequency in commercial/industrial areas. Flood protection shall be provided for one hundred (100) year design return frequency. All ponding, detention basins or retention basins shall be designed for 100 years frequency storm condition with a positive outlet. In areas without a positive outlet, additional storage may be required. Flood protection for public and personal property shall be two feet plus any encroachment above the flood plain. All storm runoff shall be calculated by Soil Conservation Service Method TR55, or by other methods approved the City Engineer.

Subd. 14: LANDSCAPING. In order to achieve an appropriate and complete quality landscaping of the site, the following minimum number of plant materials shall be provided as indicated below:

- A. One tree having a trunk diameter (measured 12 inches above the ground) of not less than one and one-half inches (1 ½") may be required to be planted in a naturalistic way in the front yard of each lot in a residential subdivision, except corner lots shall have two (2) trees planted. In commercial and industrial subdivisions, one tree for every one thousand square feet of total building floor area, or one tree for every one hundred feet of site perimeter, whichever is greater, shall be required. Planted trees shall be accepted by the City only after one growing season as a live and healthy plant. Trees shall not be allowed to be planted in boulevard areas. The Planning Commission and Council may allow the required trees to be planted in one area, such as along an arterial street or between incompatible zoning districts as a buffer in lieu of plantings on each lot.
- B. Installation. All deciduous and coniferous trees shall be ball and burlap and staked and guyed per National Nurseryman's Standards. All shrubs shall be potted.
- C. Sodding and ground cover. All open areas of any site not occupied by buildings, parking or storage shall be sodded over four (4) inches of topsoil. Exceptions are as follows: seeding over four (4) inches of topsoil of future expansion areas or areas to be built upon within eighteen (18) months as shown on approved plans; undisturbed areas containing existing natural vegetation which can be maintained free of foreign and noxious materials; and areas designated as open space for future expansion area properly planted and maintained with grass.

- D. Slopes and berms. Final slope grade steeper than the ratio of 3:1 will not be permitted without special approval of treatment, such as terracing or retaining walls. Berming used to provide required screening of parking lots and other open areas shall not have a slope to exceed 3:1.
- E. Use of Landscaping for screening. Where natural materials, such as trees or hedges are approved in lieu of required screening by means of walls or fences, density and species of plantings shall be such to achieve ninety (90%) percent opaqueness year round.
- F. Maintenance Policy. It is the responsibility of the property owner to ensure that the landscaping is maintained in an attractive condition. The owner shall replace any damaged or dead trees, shrubs, ground cover and sodding.
- G. Erosion Control. All open disturbed areas of any site shall be seeded as an erosion control measure.
- H. Clear Cutting. No clear cutting of woodland areas shall be permitted. Shade trees of six (6) inches or more in caliper shall be saved unless it can be demonstrated that there is no other way to develop the site.
- I. Wetland, Shoreland and Marsh ares: Land and vegetation within one hundred (100) feet of any Shoreland or marsh area shall be preserved and not altered in any way, shape or form except seed or sod.
- J. Landscaping may be permitted in utility and drainage easement or road right-of-way with the approval of the Zoning Administrator.
- K. No plantings that may interfere with traffic visibility shall be permitted within the intersection sight distance triangle.

Subd. 15: CONDITIONS IN FLOOD HAZARD AREAS. All developments in flood hazard areas shall include:

- A. Construction and modification of sewage, water supply and drainage facilities to meet the standards of this Ordinance and to promote the health, safety and general welfare.
- B. Construction of channel modifications, dikes, levees and other protective measures to include filling in.
- C. Imposition of operational controls, sureties and deed restrictions enforceable by the City to restrict the type and design of uses. Such restrictions shall include floodproofing of intended uses mandated by the Minnesota State Building Code. Structurally dry floodproofing standards for construction shall be in accordance with the Minnesota State Building Code.

Subd. 16: FLOOD WARNING SIGNS IN FLOOD-PRONE AREAS. The limits of the areas which have been or would be inundated by the 100-year flood shall be delineated as reasonably practical at three hundred (300) foot intervals by means of firmly placed markers of sufficient size to be easily read from a distance of twenty (20) feet. The markers shall record the maximum known depth of flooding or height to the flood protection level, whichever is greater. All flood warning signs in flood-prone areas shall be in accordance with the above requirements or any other additional requirements as provided by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study and the Flood Insurance Rate Map. The subdivision markers shall meet the following specifications:

- A. The markers shall be on substantial permanent metal posts.
- B. The markers shall have notification painted white and shall be stenciled or otherwise lettered with the inscription "100-year flood elevation". This lettering is to be of a permanent nature.

- C. The marker shall be firmly placed in the ground and be at least two (2) feet above the ground.
- D. The cost of preparing and installing such markers shall be borne by the applicant and the markers shall be installed prior to the sale of lots and construction of any buildings or structures.

Subd. 17: DRAINAGE. A complete and adequate drainage system design shall be required for the subdivision and may include a storm sewer system or system of open ditches, culverts, pipes, catch basins and ponding areas, or a combination thereof.

Subd. 18: EASEMENTS. All easements shall be dedicated by appropriate language on the final plat as required by law and provisions of this Ordinance.

- A. Drainage and Utility Easements: Easements of a minimum of ten (10) feet wide or a width equal to the required side yard setback established by the respective zoning district in which the property is located, whichever is least, centered on rear and other lot lines, shall be provided for drainage and for public and private utilities. Lot easements shall be a minimum of ten (10) feet when no easement exists on the adjoining parcels. When it is not practical to center easements, the fully required easement width may be required within one property. Said easements shall have continuity of alignment from block to block. The easements, when approved, shall not thereafter be changed without the approval of the City Council pursuant to established City Code procedures, as may be amended.
- B. Drainage: Easements shall be provided along each side of the centerline of any natural watercourse or drainage channel to a width sufficient to provide proper maintenance and protection and to provide for storm water runoff. Where necessary, drainage easements corresponding with lot lines shall be provided. Such easements for drainage purposes shall not be less than twenty (20) feet in width or a width equal to the required side yard setback established by the respective zoning district in which the property is located, whichever is less. All drainage easements shall be so identified on the plat and shall be graded and sodded in accordance with the Ordinance requirements, prior to the issuance of building permits for the site.
- C. Sight: Sight easements beyond required zoning setback regulations may be required by the City, County, or MN/DOT to protect major intersections on the street and highway system.
- D. Trail/Pedestrian Way Easement: In addition to other open space, dedication of easements to provide connections to public trails will be required where determined by the City Council, if the trail or pedestrian way is not located in a right-of-way. Where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities, pedestrian easements with rights-of-way widths of not less than ten (10) feet may be required.

Subd. 19: EROSION AND SEDIMENT CONTROL. The following guidelines shall be applied in the subdivision:

- A. The development shall conform to natural limitations presented by topography and soil so as to create the least potential for soil erosion.
- B. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. Appropriate control measures shall be installed prior to development when necessary to control erosion. The smallest practical area of land shall be exposed at any one period of time.
- C. When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the development agreements.
- D. Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the areas to be planted. The soil shall be restored to a minimum depth of four (4) inches or a depth

as may be established by the City Engineer and shall be of a quality at least equal to the soil quality prior to development.

- E. Natural vegetation shall be protected wherever possible.
- F. As determined by the City Engineer, runoff water shall be diverted to a sedimentation basin before being allowed to enter the natural drainage system. Storm water runoff from the developed site shall not, at any time, exceed the runoff rate existing prior to development except as may be approved by the City Council.
- G. The City shall have the authority to remove the topsoil for its own purposes from all dedicated streets within its corporate boundaries. Said topsoil shall be utilized in the development project from which it is taken unless otherwise specified as part of a development agreement.
- H. Erosion and siltation control measures shall be completed and coordinated with the different stages of construction, at the developer's expense, and approved by City staff. Appropriate control measures shall be installed prior to development when necessary to control erosion. Silt fences shall be installed in the front of all lots, prior to issuing a building permit. The silt fence shall be installed right behind the curb or if a sidewalk is in place right behind the sidewalk. The developer will be responsible for seeding or sodding the boulevard before a Certificate of Occupancy will be issued.

Subd. 20: PROTECTED AREAS. Where land proposed for subdivision is deemed environmentally sensitive by the City, due to the existence of wetlands, drainage ways, watercourses, floodable areas, vegetation, or steep slopes, the design of said subdivision shall clearly reflect all necessary measures of protection to ensure against adverse environmental impact. Based on the necessity to control and maintain certain sensitive areas, the City shall determine whether said protection will be accomplished through lot enlargements and redesign or dedication of those sensitive areas in the form of outlots.

In general, measures of protection shall include design solutions which allow for construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the applicant shall be required to demonstrate that the proposed design will not require construction on slopes over eighteen (18) percent, or result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary.

Subd. 21: PUBLIC SITES AND OPEN SPACES (PARK LAND DEDICATION)

- A. As a prerequisite to final plat approval, and at the sole determination of the City, applicants and/or developers shall dedicate land for parks, playgrounds, public open spaces or trails and/or shall make a cash contribution to the City's Park and Trail Fund that is related to the anticipated effect of the plat on the park and trail system. The amounts listed in this Section are the City's best estimate of the dedication or cash contribution needed to offset the effect on those systems. The requirement may also be met with a combination of land and cash if approved by the City Council.
- B. Land to be dedicated shall be reasonably suitable for its intended use as determined by the City and shall be at a location convenient to the public to be served. Factors used by the City Council in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access, and location.
- C. The applicant shall confer with City Staff, Planning Commission and the City Council at the time the preliminary plat is under consideration, to secure a recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds or other public property. The preliminary plat shall show the location and dimensions of all areas to be dedicated in this manner. Such contribution requirement recommendation(s) will be sent to the Planning Commission for review and comment and subsequently to the City Council for its approval.

- D. When a proposed park, playground, recreational area, or other public ground has been indicated in the City's official map or Comprehensive Plan and is located in whole or in part within a proposed plat, it shall be dedicated to the City. If the applicant elects not to dedicate an area in excess of the land required hereunder for a proposed public site that the City feels is in the public interest to acquire, the City may consider acquiring the excess land through purchase, condemnation, or negotiation.
- E. Land area conveyed or dedicated to the City shall not be used in calculating density requirements of the City Zoning Ordinance and shall be in addition to and in lieu of open space requirements for planned unit developments.
- F. Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas shall not be used for credit against the requirement of dedication for park and recreation purposes, unless the City Council finds it in the public interest to do so.
- G. The City, upon consideration of the particular type of development, may require that a lesser parcel of land should be dedicated due to particular features of the development. In such cases, a cash contribution shall be required above the land dedication to insure that compensation is received for the full amount of the impact on the City's park and trail system.
- H. In all new residential subdivisions, ten (10) percent of the gross area subdivided and in commercial and industrial subdivisions, two (2) percent, or a different percentage as the City Council shall determine to be reasonably necessary as a result of the subdivision approval, shall be dedicated for public recreation space or other public use as established by City Council resolution. The dedicated percent of the gross area subdivided shall be in addition to property dedicated for streets, alleys, easements, or other public ways. No areas may be dedicated for public use until such areas have been approved by the City Council as suitable and necessary for the health, safety, convenience, and general welfare of the City.
- I. When a subdivision is proposed, the developer shall make a dedication of land for public park use, or shall pay a fee in lieu of such land dedication as follows:
 - 1. Residential Development: Ten (10) percent of the gross land area being subdivided, or a fee, pursuant to City Council resolution, in lieu of land dedication. The decision on land or fees is solely the City's.
 - 2. Commercial and Industrial Development: Two (2) percent of the gross area being subdivided, or a fee pursuant to City Council resolution in lieu of land dedication. Whether land or cash is required is left solely to the discretion of the City. For purposes of this Section, fair market value shall be determined by reference to appraisals, accepted purchase agreements, comparable market transactions or other pertinent records, at the discretion of the City Council. Undeveloped land shall mean raw land with only those improvements present on the property on the date of plat approval. Said amounts are the City's best estimate of the effect of the subdivision on the City's park system.
- J. When a residential subdivision is approved, the developer shall pay a fee, pursuant to City Council resolution, in lieu of dedication of land for trail purposes. Said amount is the City's best estimate of the effect of the residential subdivision on the City trail facilities of the park system.
- K. The City may elect at its sole discretion to receive a combination of cash, land, and development of the land for park use. The potential cash donation generated by the dedicated land and/or the value of the development of land shall be calculated. That amount shall be subtracted from the cash contribution required by the Subsection I above.
- L. Planned unit developments with mixed land uses shall make cash and/or land contributions in accordance with this Section based upon the percentage of land devoted to the various uses.
- M. Park cash contributions are to be calculated and established at the time of final plat approval.

- N. Cash contributions for parks and trails shall be deposited in either the City's Park Fund or multi-purpose trail fund and shall only be used for park acquisition or development, and trail acquisition or development as determined by the City. Additionally, said funds may be utilized anywhere within the City park and trail systems.
- O. Wetlands, ponding areas, and drainageways accepted by the City may not be considered in the park land and/or cash contribution to the City.
- P. Property being replatted with the same number of lots and same number of dwelling units shall be exempt from all park land dedication requirements. If the number of lots or the number of dwelling units is increased, or if land outside the previously recorded plat is added, then the park land dedication and/or park cash contributions shall be based on the additional lots and on the additional land being added to the plat. If the additional land does not create additional lots, then each one-third (1/3) acre added shall be considered a new lot for purposes of calculating the dedication requirements.
- Q. When land is dedicated and deeded to the City for park purposes, it shall be the responsibility of the City to maintain such dedicated property.
- R. Land dedication to the City shall be in the form of lots or outlots with approved lot and block numbers.
- S. Parks bordered on one (1) or more sides by existing creeks or streams shall ensure access to the park is provided from an arterial roadway or collector street and that pathways that allow emergency motorized vehicle traffic within the park are present.
- T. All new parks shall provide access ways, from all practical directions, as determined by the Planning Commission. All access ways shall be in compliance with the American with Disabilities Act. The City may require the developer to install trails or pedestrian ways in addition to park land dedication or fee-in-lieu of contributions.
- U. The Developer shall be responsible for grading and seeding of required parkland, to City specifications.
- V. Park land dedication shall be in addition to open space required in Section 1104, Subd. 4 O or land or a reserve strip which may be required to serve as a buffer in between incompatible land uses.

Subd 22: DEDICATION OF STORM WATER HOLDING AREAS OR PONDS. Upon approval by the City Council, the applicant may be required to dedicate an easement to the public land for storm water holding areas or ponds. The dedication shall not be considered part of the dedication for parks and recreation purposes or trail/bikeway purposes.

Subd. 23: MAINTENANCE OF PRIVATE OPEN SPACE. In the event certain land areas or structures are provided within the subdivision for private recreational use or as service facilities, the owner of such land and buildings shall enter into an agreement with the City to assure the continued operation and maintenance to a predetermined reasonable standard. These common areas may be placed under the ownership of one of the following depending upon which is most appropriate:

- A. Dedicated to the public where a community-wide use would be anticipated.
- B. Applicant's ownership and control.
- C. Property owners association ownership and control, provided all of the following conditions are met:
 - 1. The property owners association must be established prior to the sale of any lot.

2. Membership must be mandatory for each owner and any successor in interest.
3. The open space restrictions must be in perpetuity, not for a given period of years.
4. The association must be responsible for liability insurance, local taxes and the maintenance of the recreational area and facilities.
5. Landowners (homeowners) must pay their prorated share of the cost, and any assessment levied by the association then can become a lien on the property in accordance with law.
6. The association must be able to adjust the assessment to meet changed needs.

Subd. 24: MINIMUM DESIGN FEATURES. The design features set forth in this Ordinance are minimum requirements. The City may impose additional or more stringent requirements concerning lot size, streets and overall design as deemed appropriate considering the property being subdivided based upon site considerations and the Rush City Comprehensive Plan.

SECTION 1105. CONSTRUCTION STANDARDS

SECTION:

Subd. 1	Monuments
Subd. 2	Streets and Alleys
Subd. 3	Sidewalks
Subd. 4	Public Utilities
Subd. 5	Drainage
Subd. 6	Building Site Improvements for Flood-Prone Areas
Subd. 7	Utilities Location
Subd. 8	Street Lighting Requirements
Subd. 9	Trees
Subd. 10	Identification
Subd. 11	Planting, Gateways, Entrances
Subd. 12	Inspection
Subd. 13	Certificate of Occupancy

Subd. 1: MONUMENTS.

- A. Monuments shall be placed at all block and lot corners, angle points, points of curves in streets and at intermediate points as shall be required by the City. Monuments shall be metal and shall be placed by a Registered Land Surveyor. Monument placement shall meet the current accepted standards of practice for surveying including the Chisago County Surveyor requirements.
- B. All lot corners and survey control monuments shall be set and in place at the time the plat is recorded. An exception to this requirement may be granted for up to one (1) year by the City Council, provided such approval is made part of the development contract and a financial guarantee in a form determined by the City Attorney is provided.
- C. Stakes showing the locations of easements shall be provided by the applicant upon request of the City. The stakes shall be wood laths and will be used only to insure the proper location of utilities on the easements. The stakes shall not be intended to be permanent survey monuments.
- D. It is the developer's responsibility to ensure that the monuments are in place. In the event that a monument is disturbed or removed throughout the course of construction the City and its agents assume no liability.

Subd. 2: STREETS AND ALLEYS.

- A. Grading: The full width of the right-of-way of each street and alley dedicated in the plat shall be cleared and graded in accordance with the plan approved by the City Engineer. Boulevards shall be graded to an approved gross slope not less than two (2) percent, nor more than six (6) percent.
- B. Paving: All streets and alleys shall be improved with a concrete or bituminous surface. Streets to be paved shall be surfaced for a seven (7) ton axle weight capacity for local residential and a nine (9) ton axle weight capacity for all other streets, using current MN/DOT design standards. Streets not to be paved shall be improved in accordance with standards established by the City Engineer. No building permit shall be issued for any lot or parcel in a subdivision prior to the installation of the first lift (base course) of bituminous surfacing or concrete surfacing on the streets thereof.
- C. Soil Investigation: To determine subgrade soils classification and bearing capacity of the soils in the proposed development, a soil investigation report shall be prepared, according to City specifications, under the supervision of a soils engineer associated with a qualified soils testing service. A report of the results of the soils investigation shall be provided to and approved by the City Engineer.

- D. **Concrete Curb and Gutter:** All curb shall be concrete with integral gutter. The standard curb shall be vertical face (Type B-6-18) in accordance with generally accepted design templates. In new residential developments where access locations to lots are not known, a surmountable curb in accordance with generally accepted design templates may be used subject to the approval of the City Council, except at catch basin inlets and at curb returns.
- E. **Boulevards:** All boulevards shall have at least four (4) inches of top soil (black dirt) placed on them and then shall be sodded or seeded.

Subd. 3: SIDEWALKS. Sidewalks shall be concrete, a minimum of five (5) feet in width, and shall be constructed to the satisfaction of the City Engineer. Sidewalk grades shall not exceed five (5) percent.

Subd. 4: PUBLIC UTILITIES. Water and sewer lines shall be installed and connected to the public system to serve all lots within the proposed subdivision under the provisions of applicable statutes and ordinances. The City Council shall require the installation of water and sewer mains, at the applicant's expense or under the provisions of applicable statutes and ordinances, unless said applicant can prove to the City Council that extension of the existing water system is not feasible in the development of the subdivision and that adequate water facilities will be otherwise provided, in which case the City Council may permit the installation of individual wells.

- A. **Watermain:** Watermains shall be sized shall be a minimum of six (6) inches, according to City policy and approved by the City Engineer. Watermain shall include ductile iron pipe and shall meet all the requirements of the City Engineer's Association of Minnesota standard utility specification for watermain and service line installation and American Water Works Association standard.

The minimum depth of cover over watermains shall be seven and one-half (7.5) feet. The minimum size of house services in residential areas shall be one (1) inch. Each lot shall be provided with an individual service and shut-off.

Mains shall be valved at intervals determined by the City Engineer. Resilient wedge gate valves shall be installed as main valves. Valves shall also be installed at street intersection and branches in the distribution system or in locations as determined by the City Engineer.

"Dead end" mains shall be looped if exceeding the allowed length of a cul-de-sac. The distribution system may require installing a larger main to benefit the entire water service in the City. The City Engineer shall determine location and size of main.

An individual well, if permitted by the City Council, shall be constructed in accordance with the Minnesota State Well Code. The applicant shall provide evidence that lots proposed for individual wells will have a good chance of securing an adequate supply of potable water.

- B. **Fire Hydrants:** Installation shall be pursuant to plans approved by the City Engineer and local fire fighting authority and shall be located in accordance with Insurance Service Office (ISO) standards.

Hydrants shall be placed so that all areas requiring fire protection are within 250 feet of a hydrant. All hydrants shall have resilient wedge gate valves and shall be easily accessible to fire fighting personnel and equipment.

- C. **Sanitary Sewer:** Sanitary sewer shall be a minimum of eight (8) inch pipe and shall be of a material approved for use in the City by the City Engineer. Sanitary sewer grades and installation shall conform to the Recommended Standards for Sewage Works latest edition by the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers and the City Engineers Association of Minnesota standard utilities specification for sanitary sewer. Main size will be

determined by the sewage flow and grade in accordance with the City of Rush City Sanitary Sewer Comprehensive Plan.

Size of pipe shall be determined by lateral service and/or trunk service. Trunk service shall be the responsibility of the property served and the City Council shall establish cost distribution policy. Lateral service shall be the responsibility of the property serviced and cost shall be borne by the serviced property.

Services longer than seventy-five (75) feet shall be furnished with a clean out extending to ground service.

Sanitary sewer service shall be a minimum of four (4) inches and shall be installed in accordance with the City's standard detail templates.

Each lot shall be served by an individual service. Direct connection of services to manholes is prohibited unless authorized by the City Engineer.

- E. **Storm Sewer.** Storm sewer drainage facilities, including piping and required ponding, shall be designed and installed according to City Policy and approved by the City Engineer. Minimum pipe size shall be twelve (12) inches. Minimum culvert size shall be fifteen (15) inches. Catch basins shall be installed so that overland drainage does not exceed six hundred (600) feet.
- F. **House Services:** Each house service, as approved by the City Engineer, shall be run from the main to the property line, where a cap or plug shall be placed until the service is extended to the structure.
- E. **Reproducible Mylar** "record" drawings showing all utilities and improvements shall be furnished to the City by the applicant of all required improvements in developments where the applicant has been responsible for improvements. Such "as-built" drawings shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvements.

Subd. 5: PRIVATE SEWAGE DISPOSAL.

- A. If an exception is made and the City Council allows for the installation of private sewage disposal, but the subdivision will be able to be served by sanitary sewer within six (6) years, the City may require that sewer mains and service connections be installed within the subdivision and the entire system connected to a temporary, private central sewage treatment mechanism. The cost for such improvements is to be borne by the applicant.
- B. In areas being developed for building sites with lots totaling twenty thousand (20,000) square feet or more for soil absorption sewage disposal and where the City does not have plans to provide public sewer and water within six (6) years, individual on-site sewage disposal systems may be provided for each lot.
- C. There shall be no overflow outlets from septic tanks or seepage pits allowing effluent to flow to any waterway, drainage way, or roadside ditch.
- D. The applicant or owner shall be required to provide appropriate soil borings and percolation tests in order to determine proper sewage system design. Where on-site residential sewer systems are to be installed, the rules and regulations of the Minnesota Pollution Control Agency (MPCA), Minnesota Individual Sewage Treatment Systems Standards (Minnesota Rules Chapter 7080) as may be amended, are to be followed.
- E. Any means or methods of sewer disposal shall be allowed to exist only if in compliance with FEMA rules and regulations, requirements of the MPCA, and Minnesota Rules Chapter 7080 as may be amended.

Subd. 6: DRAINAGE. All surface and underground drainage systems shall be installed by the applicant to adequately collect and convey all natural drainage that accumulates on the developed property. All such systems shall provide complete collection and a permanent solution for the conveyance of drainage water and shall be subject to City review and approval.

Subd. 7: BUILDING SITE IMPROVEMENTS FOR FLOOD-PRONE AREAS.

- A. No lot will be sold or building constructed in an area subject to flooding prior to completion of all flood protection works or measures planned for such lot and necessary facilities.
- B. No subdivision shall be approved for floodway areas if anticipated levees, fill, structures or other features will individually or collectively increase flood flows or damages. The City Council shall reasonably assume an equal degree of encroachment on the opposite side of the watercourse in calculating possible effects of the proposed uses.
- C. New building sites for any structures, residences, motels, resorts and all manufactured home parks/subdivisions, and similar uses for human occupation shall not be permitted in floodway areas. These uses may be permitted outside the floodway if building sites are filled to a height not less than two (2) feet above the regulatory flood protection elevation for the particular area. Required fill areas must extend fifteen (15) feet beyond the limits of extended structures. If the subdivision is not serviced with sewer, it must include areas for on-site waste disposal at or above the flood protection elevation in accordance with FEMA rules and regulations.
- D. Building sites for structures other than those used for human occupancy outside of floodway areas shall ordinarily be filled as provided above. However, the City Council may allow subdivision of areas for commercial and industrial use at a lower elevation if the applicant protects the areas to the regulatory flood protection elevation by levee, flood walls, channel modification or other protective techniques; or if the applicant agrees to protect uses through structural floodproofing, flood warning systems or other techniques specified in this Ordinance.
- E. Should the City Council determine that only a part of a proposed plat can be safely developed, it shall limit development to that part and require that the specifications for development be consistent with its determination.
- F. When someone other than the applicant intends to develop the plat, and the City Council determines that additional use controls are required to insure safe development, it may require the applicant to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on the face of the final recorded plat.

Subd. 8: UTILITIES LOCATION. Except as expressly allowed by the City, all utilities shall be placed underground. All utilities (gas, electricity, telephone, cable, street lighting, etc.) shall be installed by a single contractor at one time and bundled in a common trench, except as allowed by the City Engineer. All underground work shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

Subd. 9: STREET LIGHTING REQUIREMENTS. The City shall approve light standards and spacing.

Subd. 10: TREES. One tree having a trunk diameter (measured 12 inches above the ground) of not less than one and one-half inches (1 ½") may be required to be planted in a naturalistic way in the front yard of each lot in the subdivision, except corner lots shall have two (2) trees planted. Planted trees shall be accepted by the City only after one growing season as a live and healthy plant. Trees shall not be allowed to be planted in boulevard areas. The Planning Commission and Council may allow the required trees to be planted in one area, such as along an arterial street or between incompatible zoning districts as a buffer in lieu of plantings on each lot.

Subd. 11: IDENTIFICATION. Every buildable lot shall be identified by a sign that indicates the lot and block number and address, if available, which is approved by City staff prior to issuing any building

permits. These signs can be removed as lots are developed.

Subd. 12: PLANTING, GATEWAYS, ENTRANCES. Entrance areas shall be improved with weed free sod or the area shall be controlled with hay bales or riprap to avoid erosion, as approved by the City Engineer. The planting of trees, the type and spacing on public property will be subject to the regulations of the City Council. No planting, gateways, entrances and similar improvements may be made on public property except with permission and approval of the Council.

Subd. 13: INSPECTION. All required improvements shall be inspected by the City Engineer or City approved consultant during construction, at the expense of the applicant.

Subd. 14: CERTIFICATE OF OCCUPANCY. No certificate of occupancy shall be issued by the City Building Official for any building in the subdivision prior to all improvements outlined in the development agreement having been installed and completed, including all punch list items identified by the City Engineer and accepted by the City. Exceptions to this provision may be granted by the City Council at its discretion as part of the development contract.

SECTION 1106

REQUIRED IMPROVEMENTS AND FINANCIAL ARRANGEMENT

SECTION:

Subd. 1	Construction Initiation
Subd. 2	Improvements Required
Subd. 3	Construction Plans, Inspection, Warranty
Subd. 4	Payment for Installation of Improvements
Subd. 5	Agreement Providing for the Private Installation of Improvements
Subd. 6	Financing and Participation by the City
Subd. 7	Financial Guarantee
Subd. 8	Trunk Facilities
Subd. 9	Alternate Installation

Subd. 1: CONSTRUCTION INITIATION. No site grading or construction of any improvements shall begin until the final plat had been approved by the City Council, construction plans and specifications have been reviewed and approved by the City Engineer, all financial securities required by Section 1107.07 are posted, and a subdivision agreement as required by Sections 1107.05 and 1107.06 is executed. An exception for advanced grading of property having received only preliminary plat approval may be granted by the City Council if recommended by the City Engineer, and if it involves the exchange of materials from one portion of the site, which has been final platted, to other areas within the project. Any such work shall be addressed by the subdivision agreement and covered by appropriate financial assurances.

Subd. 2: IMPROVEMENTS REQUIRED. Prior to the approval of a final plat by the City Council, the applicant shall have agreed, in the manner set forth below, to install the following improvements on the site, in conformity with approved construction plans and in conformity with all applicable standards and ordinances:

- A. Monuments: Monuments are to be placed in the subdivision in accordance with Section 1105, Subd. 1 of this Ordinance.
- B. Grading: The full width of the right-of-way of each street dedicated in the plat shall be cleared and graded as outlined in Section 1105 Subd. 2 (A) of this Ordinance.
- C. Pavement: All streets and alleys shall be improved with concrete or bituminous surface, except as may be approved by action of the City Council as part of a development contract. Pavement standards are outlined in Section 1105 Subd. 2 (B) of this Ordinance.
- D. Curb and Gutter: There shall be concrete curb and gutter installed along both sides of all streets and alleys to the standards listed in Section 1105 Subd. 2 (D) of this Ordinance. Alleys may be exempt upon approval by the City Engineer.
- E. Water Mains: In the case where mains from a public water system are available, the applicant shall be required to install water mains in the plat and connect the same to the public water system.
- F. Public Sanitary Sewer: In all cases where trunk line sanitary sewer facilities are available, the applicant shall be required to install sanitary sewers in the plat and connect the same to the trunk line sewers.
- G. Drainage Facilities: Such facilities and easements shall be installed under City approval as will adequately provide for the drainage of surface waters, and storm sewer system may be required. Drainage way easements or land dedication may be required when such easements or land is needed in the public interest for purposes of flood plain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purpose.

- H. Miscellaneous Facilities: Tree planting, street name signs, traffic control signs, oversized utility trunk lines, pedestrian ways, streetlights, bikeways, pavement marking and other improvements may be required.

Subd. 3: CONSTRUCTION PLANS, CONSTRUCTION REVIEW, WARRANTY AND INSURANCE.

- A. Construction plans for the required improvements conforming in all respects with the standards and ordinances of the City shall be prepared at the applicant's expense by a professional engineer who is registered in the State of Minnesota, and said plans shall contain professional certification. Three (3) sets of construction plan specifications, quantities of construction items, a proposed construction schedule and a preliminary itemized construction estimate shall be submitted to the City for approval by the City Engineer and Public Works Department and for preparation of an estimate of the total costs of the required improvements. The City shall have thirty (30) working days to review submitted construction plans and provide written comments regarding any changes to said plans. Upon approval, such plans shall become a part of the required written agreement and the applicant shall provide five (5) sets of the following information prior to initiating any construction, including site grading:
 - 1. Full sized construction plans and specifications.
 - 2. Reduced eleven by seventeen (11 x 17) inch sets of construction plans and specifications.
 - 3. Final construction schedule.
 - 4. Itemized copy of the contractor's actual bid.
- B. All required improvements on the site that are to be installed under the provision of these regulations shall be inspected during the course of construction by the City Engineer at the applicant's expense, and acceptance by the City shall be subject to the City Engineer's certificate of compliance with the contract.
- C. The applicant and/or developer shall provide to the City a written warranty that all required improvements on the site meet or exceed all City standards and that such improvements have been inspected and tested in regards to the City standards. The applicant and/or developer shall be responsible for having all such inspections and testing completed at their expense.
- D. Insurance. The Developer will cause each person with whom Developer contracts for the construction and installation of any Improvements to furnish the City with evidence of complete insurance coverage, including but not limited to workers' compensation, liability and property damage insurance in amounts acceptable to the City, and no construction shall commence until the City receives evidence of such insurance in writing.

The Developer shall take out and maintain until six (6) months after the City has accepted the public improvements, public liability and property damage insurance covering personal injury, including death, and claims for property damage which may arise out of Developer's work or the work of its subcontractors or by one directly or indirectly employed by one of them. Limits for bodily injury and property damage shall not be less than \$1,000,000 for one person and \$2,000,000 for each occurrence. The City shall be named as an additional insured on said policy, and Developer shall file a copy of the insurance coverage with the city prior to the City signing the plat.

Subd. 4: PAYMENT FOR INSTALLATION OF IMPROVEMENTS.

The required improvements as listed elsewhere are to be furnished and installed at the sole expense of the applicant. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such lands, to be allocated in accordance with City policies.

Subd. 5: AGREEMENT PROVIDING FOR THE PRIVATE INSTALLATION OF IMPROVEMENTS.

- A. Prior to the installation of any required improvements or any site grading by the applicant and prior to approval of the plat, the applicant shall enter into an agreement in writing with the City requiring the applicant/ developer to furnish and construct said improvements at their sole cost and in accordance with plans and specifications and usual contract conditions. This shall include provision for review and approval of details of construction by the City Engineer. The agreement shall require all public and private utility material standards and installation requirements be met and shall be approved by the City Engineer.
- B. The agreement shall require the applicant to make an escrow deposit or furnish an irrevocable letter of credit, a certified check, or other security as is determined by the City. The amount of the deposit or penal amount of the security is to be based on the City Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection, engineering, legal, planning, and administrative services. The deposit or penal amount shall equal one hundred twenty-five (125) percent of the actual contractor's bid and/or City Engineer's estimate of the same.
- C. The time for completion of the work and the several parts thereof shall be determined by the City Council, upon recommendation of the Engineer after consultation with the applicant and specified in the required written agreement. It shall be reasonable with relation to the work to be done, the seasons of the year, and proper coordination with construction activities in the plat and subdivision. Failure to complete the required improvements by the date set forth in the required written agreement, including all punch list items, shall be considered a default on the part of the applicant. The City shall then have the right to hire an independent contractor to complete the work including administrative, engineering, surveying, and legal costs from the financial security deposited with the City as part of the required written agreement.
- D. No applicant/developer shall be permitted to start work on any other subdivision improvements without special written approval of the City Council.

Subd. 6: FINANCING AND PARTICIPATION BY THE CITY.

- A. Prior to City Council approval of the final plat and as included in the Subdivision Agreement the Developer shall be required to provide a financial guarantee to assure installation of all required improvements at his/her expense or shall submit to the City a petition for public improvements with the project expenses to be financed by the City and assessed against the subject property. Petitions for public improvements shall be submitted to the City for consideration by October 1st of the year preceding the proposed construction.
- B. The Owner or Developer, if privately financing the project shall deposit with the City one of the following:
 - 1. Cash escrow deposit submitted to the City in an amount of one hundred twenty-five percent (125%) of the total cost as estimated by the City Engineer of such improvements. Improvement costs shall include all construction costs incurred in making such improvements, all expense incurred by the City for engineering, planning, and legal fees, and all other expenses in connection with the making of such improvements. The total cost shall include costs of inspection by the City Engineer. The City shall be entitled to reimburse itself out of such deposit for any cost or expense incurred by the City for completion of the work in case of default of the Developer under such agreement and for any damages sustained on account of any breach thereof.

Immediately upon completion of said work, the Developer may submit to the city copies of invoices for work completed and approved by the City Engineer. The City may then release a portion of the escrow funds. At no time shall the escrowed amount be less than one hundred twenty-five percent (125%) of the remaining construction costs. Upon completion and

acceptance of the work and termination of any liability the remaining balance of the escrow deposit shall be refunded to the developer.

2. Letter of Credit: The Developer may deposit with the City from a bank or other reputable institution a letter of credit providing authorization and guarantee to the City that the City may draw on the developer's account, amounts not to exceed the financial guarantee.

The required financial guarantee shall be in an amount equal to one hundred twenty-five percent (125%) of the total cost as estimated by the City Engineer for the improvements. Improvement costs shall include all construction costs incurred in making such improvements, all expense incurred by the City for engineering, planning, and legal fees, and all other expense in connection with the making of such improvements. The total cost shall include costs of inspection by the City Engineer.

The letter of credit shall be irrevocable, and shall provide for thirty- (30) days notice to the City and approval of the City Council of any change, amendment or termination. The City shall accept the letter of credit as a financial guarantee only after review and approval.

Immediately upon completion of said work, the Developer may submit to the city copies of invoices for work completed and approved by the City Engineer. The City may release a portion of the letter of credit. At no time shall the amount of the letter of credit be less than one hundred twenty-five percent (125%) of the remaining construction costs. Upon completion and acceptance of the work and termination of any liability the letter of credits shall be released.

3. Performance Bond: The developer may furnish a public contractor's performance bond as prescribed by Minnesota Statutes, with corporate surety in a penal sum equal to one hundred twenty-five percent (125%) of the City Engineer's cost estimate for the required improvements to be furnished and/or installed by the developer. Prior to its acceptance, the City Attorney shall approve the performance bond. The term of the performance bond shall not exceed two to three years at which time if the improvements are not constructed, the bond shall be forfeited and the City shall install the improvements from bond proceeds. In addition to the bond, a certified check shall be submitted from the developer in the amount of the estimated inspection costs and all engineering expenses for the required improvements to be furnished and/or installed by the developer. Said check is to be submitted at the time of submission of the performance bond.

The City Council will not accept dedication of required improvements nor release a performance bond until the City Engineer has submitted a statement that all required improvements have been satisfactorily completed. Upon such approval and recommendation, the City Council shall thereafter accept the improvements of dedication in accordance with the established procedure.

- C. Construction Review. All required public improvements shall be subjected to field observation by the City Engineer during construction at the expense of the developer. The contract shall contain a provision for supervision of construction by the City Engineer and shall grant to the Engineer the authority to correlate the work to be done under such contract by any subcontractor authorized to proceed there under with other work being done or contracted by the City in the vicinity.
- D. The Owner or Developer, if publicly financing the project through the City's assessment process (MN Statute 429) shall deposit with the City one of the following at the time of execution of the Developers Agreement. The financial guarantee shall be held by the City during the construction period until all improvements have been substantially completed and approved:
 1. Cash escrow deposit submitted to the City in an amount of one hundred percent (100%) of awarded bid price of such improvements. Improvement costs shall include all construction costs incurred in making such improvements, all expense incurred by the City for

engineering, planning, and legal fees, and all other expense in connection with the making of such improvements. The total cost shall include costs of inspection by the City Engineer. The City shall be entitled to reimburse itself out of such deposit for any cost or expense incurred by the City for completion of the work in case of default of the Developer under such agreement and for any damages sustained on account of any breach thereof.

Upon substantial completion and acceptance of the work and termination of any liability the remaining balance of the escrow deposit shall be refunded to the developer.

2. Letter of Credit: The Developer may deposit with the City from a bank or other reputable institution a letter of credit providing authorization and guarantee to the City that the City may draw on the developer's account, amounts not to exceed the financial guarantee.

The required financial guarantee shall be in an amount equal to one hundred percent (100%) of the total cost for the improvements. Improvement costs shall include all construction costs incurred in making such improvements, all expense incurred by the City for engineering, planning, and legal fees, and all other expense in connection with the making of such improvements. The total cost shall include costs of inspection by the City Engineer.

The letter of credit shall be irrevocable, and shall provide for thirty (30) days notice to the City and approval of the City Council of any change, amendment or termination. The City shall accept the letter of credit as a financial guarantee only after review and approval.

Upon completion and acceptance of the work and termination of any liability the letter of credits shall be released.

3. Performance Bond: The developer may furnish a public contractor's performance bond as prescribed by Minnesota Statutes, with corporate surety in a penal sum equal to one hundred percent (100%) of the City Engineer's cost estimate for the required improvements to be furnished and/or installed by the City on behalf of the developer. Prior to its acceptance, the City Attorney shall approve the performance bond. The term of the performance bond shall not exceed five years at which time if the improvements are not constructed, the bond shall be forfeited and the City shall install the improvements from bond proceeds. In addition to the bond, a certified check shall be submitted from the developer in the amount of the estimated inspection costs and all engineering expenses for the required improvements to be furnished and/or installed by the developer. Said check is to be submitted at the time of submission of the performance bond.

The City Council will not accept dedication of required improvements nor release a performance bond until the City Engineer has submitted a statement that all required improvements have been satisfactorily completed. Upon such approval and recommendation, the City Council shall thereafter accept the improvements of dedication in accordance with the established procedure.

- E. The Owner or Developer, if publicly financing the project through the City's assessment process (Statute 429), shall deposit with the City on an annual basis one of the following financial guarantees until such time that the principal and interest on assessments have been paid in full. The guarantee shall be provided to the City by December 15th of each year for the following calendar year.

1. Cash escrow deposit submitted to the City in an amount equal to the following year's principal and interest assessments against the lots within the subdivision and the City shall be entitled to reimburse itself out of such deposit for any delinquent assessments as of November 15th in the following year.

Immediately upon sale of a lot and payment of its assessments and/or payment of fees for city services (planning, legal, engineering, etc.), the Developer may submit to the city a request to release a portion of the escrow funds. Upon sale of the lots and payment of

assessments the remaining balance of the cash escrow deposit shall be refunded to the developer. The City may release a portion of the escrow funds, but at no time shall the escrowed amount be less than the estimated annual principal and interest assessments for the following year.

2. Letter of Credit: The Developer may deposit with the City from a bank or other reputable institution a letter of credit providing authorization and guarantee to the City that the City may draw on the developer's account, amounts not to exceed the financial guarantee.

The letter of credit shall be submitted to the City in an amount equal to the following year's principal and interest assessments against the lots within the subdivision, and the City shall be entitled to reimburse itself out of such deposit for any unpaid assessments which occur.

Immediately upon sale of a lot and payment of its assessments and/or payment of fees for city services (planning, legal, engineering, etc.), the Developer may submit to the city a request to release a portion of the letter of credit. The City may release a portion of the letter of credit, but at no time shall the amount be less than the estimated annual principal and interest assessments for the following year. Upon sale of the lots and payment of assessments the remaining balance of the letter of credit shall be released.

- K. **Administration Fee.** All new plats, developer financed and Statute 429 public improvement projects may be charged an administration fee for the reimbursement of staff time in accordance with the local improvement policy.
- L. **Developer's Agreement.** Before the Council approves a final plat the owner/developer shall execute a developer's agreement for the new subdivision. The Development Agreement, which shall be recorded at the Chisago County Recorder's Office following filing of the plat, shall include:
 1. The proposed legal description of the land which will result upon being platted;
 2. A warranty, such as a current (30 day or less) title opinion, that the developer is the fee owner, unless the agreement is a three-way agreement (city, developer and owner);
 3. Method of financing public improvements and engineer's estimated cost of said improvements;
 4. An itemization of trunk area charges for water, sanitary sewer and storm sewer, as applicable;
 5. A description of parkland dedication or the fee-in-lieu of and the land the dedication includes. The agreement should identify whether or not park land dedication for outlots is included with this phase;
 6. An itemization of other fees associated with the subdivision including legal fees, engineering fees and fees for administering the assessment process, as applicable;
 7. Erosion control standards;
 8. A provision that no private building 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 made or arranged for in a manner approved by the City Council. No certificate of occupancy shall be granted until all public improvements have been approved and accepted by the City Council.
 9. A listing or schedule of when and what improvements, subject to inspection and approval by the City Engineer, shall be required as recommended by the Planning Commission and approved by the City Council.

10. A provision requiring certification by the City Administrator or City Engineer that the improvements, agreements and documents meet the minimum requirements of all applicable ordinances, upon review and acceptance of construction plans.
11. A provision containing all conditions, if any, imposed by the City Council upon approval of the Final Plat.
12. A provision requiring all improvements to be inspected by the City Engineer during construction at the expense of the Developer. Additionally, the Subdivision Agreement shall also contain a provision for supervision of review of plans by the City Engineer.
13. A list of all required permits which must be obtained by various entities.

Subd. 7: FINANCIAL GUARANTEE.

A. The contract provided for in Section 1106 Subd. 5 and 6 shall require the applicant to make an escrow deposit or provide a certified check or irrevocable letter of credit as determined by the City. The escrow deposit, certified check or irrevocable letter of credit shall conform to the requirements of this Section.

B. Escrow Deposit, Certified Check:

1. If an escrow deposit or certified check is required, the escrow deposit or certified check shall be filed with the City Clerk in a sum equal to the total costs calculated as provided in Sections 1106, Subd. 5 and 6 above, as estimated by the City for all the improvements to be furnished and installed by the applicant pursuant to the contract, which have not been completed prior to approval of the plat. The total costs shall include costs of inspection by the City.
2. The City shall be entitled to reimburse itself out of said deposit or check for any cost or expense incurred by the City for completion of the work in case of default of the applicant under said contract, and for any damages sustained on account of any breach thereof.
3. Upon completion of the work and termination of any liability, the balance remaining in said deposit or check from Section 1106 Subd. 7 (B) above shall be refunded to the applicant.

C. Irrevocable Letter of Credit

1. If the applicant is required to furnish an Irrevocable Letter of Credit, the penal sum shall be payable to the order of the City and delivered to the City in an amount calculated as provided in Section 1106 Subd. 5 and 6 above, as estimated by the City Engineer of all the improvements to be furnished and installed by the applicant pursuant to the contract, which have not been completed prior to the approval of the plat. The total costs shall include costs of inspection by the City.
2. The Irrevocable Letter of Credit shall be approved as to form by the City Attorney and filed with the City Administrator.
3. The City shall be entitled to reimburse itself out of said letter of credit for any cost and expense incurred by the City for completion of the work in case of default of the applicant under said contract, and for any damages sustained on account of any breach thereof.

Subd. 8: TRUNK FACILITIES.

Where a larger size water main, sanitary sewer, storm drain or similar facility is required to serve areas outside the subdivision, the larger facility required shall be constructed. Additional costs shall be allocated pursuant to established City policies.

Subd. 9: ALTERNATE INSTALLATION.

The City may elect to install any or all of the required improvements pursuant to a cash escrow agreement or other financial arrangements with the applicant.

SECTION 1107. ADMINISTRATION AND ENFORCEMENT

SECTION:

- Subd. 1 Registered Land Surveys
- Subd. 2 Metes and Bounds
- Subd. 3 Restrictions on Conveyance and Recording
- Subd. 4 Variances, City Council Approval, Standards
- Subd. 5 Building Permits
- Subd. 6 Violations and Penalty
- Subd. 7 Schedules of administrative Fees, Charges and Expenses

Subd. 1: REGISTERED LAND SURVEYS.

All registered land surveys shall be filed subject to the same procedures as required for the filing of a preliminary plat for platting purposes. The standards and requirements set forth in these regulations shall apply to all registered land surveys. Unless the City Council approves, a registered land survey shall not be used to divide a parcel of land into lots for the purpose of transfer of ownership or building development, if any of the tracts do not have the required frontage on a dedicated public street.

Subd. 2: PERMITS.

- A. Except as otherwise provided by state statutes all electric and gas distribution lines or piping, roadways, curbs, walks and other similar improvements shall be constructed only on a street, alley, or other public way or easement which is designated on an approved plat, or properly indicated on the official map of the City. No permit for the erection of any building shall be issued unless the building is to be located upon a parcel of land abutting on a street or highway which has been designated upon an approved plat or on the official map or which has been otherwise approved by the City, and unless the buildings conform to the established building line. This limitation on issuing permits shall not apply to planned developments approved by the City pursuant to the zoning ordinance. No permit shall be issued for the construction of a building on any lot or parcel conveyed in violation of the provisions of this section.

Subd. 3: RESTRICTIONS ON CONVEYANCE AND RECORDING.

- A. No conveyance of land to which the regulations are applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat made after such regulations become effective. The foregoing provision does not apply to a conveyance if the land described:
 - 1. was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, Chapter 287, whichever is the later, or of the adoption of subdivision regulations pursuant to a home rule charter, or
 - 2. was the subject of a written agreement to convey entered into prior to such time, or
 - 3. was a separate parcel of not less than 2-1/2 acres in area and 150 feet in width on January 1, 1966, or
 - 4. was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980, or
 - 5. is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width, or

6. is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.
- B. In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the City may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded.
 - C. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this subdivision shall forfeit and pay to the City a penalty of not less than \$100 for each lot or parcel so conveyed.
 - D. The City may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.
 - E. Building permits shall be withheld for buildings on tracts which have been subdivided and conveyed by the metes and bounds method, except as set out in (A) above.
 - F. The City may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts. Past City repair or maintenance of any such tracts does not obligate the City to continue the same in the future.

In any case where compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purposes of the subdivision regulations, the City Council may waive such compliance under the provisions of this Ordinance and the conveyance may then be filed or recorded.

Subd. 4: VARIANCES, CITY COUNCIL APPROVAL, STANDARDS.

- A. Findings: The City Council may approve a variance from the minimum standards of this Ordinance (not procedure provisions) when, in its opinion, exceptional and undue hardship may result from strict compliance. In approving any variance, the City Council shall prescribe any conditions that it deems necessary to or desirable to the public interest. In making its approval, the City Council 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 approved when the City Council finds that each and every one of the following apply:
 1. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his/her land.
 2. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which the property is situated.
 3. That the granting of the variance will not increase the flood hazard or flood damage potential.
 4. That the use proposed by the applicant would not result in a stage increase violating Minnesota Statutes 104 and 105, as amended from time to time, and any applicable requirements imposed by FEMA.
 5. That the variance is to correct inequities resulting from an extreme physical hardship such as topography.

6. Hardships relating to economic difficulties shall not be considered for the purpose of granting a variance.
7. That the hardship is not a result of an action or actions by the owner, applicant, or any agent thereof.

B. Procedures:

1. Request for variances, as provided within this Section, shall be filed with the City on an official application form. Such application shall be accompanied by a fee as provided for by City Council resolution. Such application shall also be accompanied by five (5) large scale copies and thirteen (13) reduced scale (not less than 11" x 17") copies of detailed written and graphic materials fully explaining the proposed change, development, or use. If, in the opinion of the Zoning Administrator, reduced scale drawings are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to endure legibility. The request for variance shall be placed on the agenda of the Planning Commission meeting occurring after the date of submission of the application. The request shall be considered as being officially submitted when all the information requirements are complied with.
2. Proof of Ownership or Authorization: The applicant shall supply proof of title and the legal description of the property for which the variance is requested, consisting of an abstract of title or registered property abstract currently certified together with any unrecorded or equitable ownership interest and, if applicable, supply documented authorization from the owner(s) of the property in question to proceed with the requested variance.
3. Upon receipt of said application, the Planning Commission shall set a public hearing following proper hearing notification as applicable. Notice of said hearing shall consist of a legal property description and description of request, and be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of said hearing shall be mailed to surrounding area property owners at least ten (10) days prior to the hearing. Requests affecting and located within platted areas of the City shall be noticed to all property owners at least ten (10) days prior to the hearing. Requests affecting and located within non-platted areas of the City shall be noticed to all property owners within three hundred fifty (350) feet of the outside boundary of the property in question. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the record of the proceeding.
4. For properties within the Shoreland Overlay Districts, the Wild and Scenic River Corridor District, and/or the Floodway or Flood Fringe Overlay Districts, the City shall submit to the Minnesota Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten (10) day's notice of the hearing.
5. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Section provided a bona fide attempt has been made to comply with the notice requirements of this Section.
6. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the Planning Commission.
7. The Planning Commission, City Council and/or Zoning Administrator shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in

relations to all pertinent sections of this Ordinance. Failure of an applicant to supply all necessary supportive information may be grounds for denial of the request.

8. The applicant or a designated representative thereof shall appear before the Planning Commission and/or City Council to answer questions concerning the proposed variance.
9. The City Council shall reach a decision on the variance within sixty (60) days after receipt of a complete application.
10. The City Council shall not act upon a variance or appeal until they have received a staff report, with findings of fact and a recommendation, and a Planning Commission recommendation to the City Council. Said Planning Commission recommendation in favor of the variance request must pass with a simple majority of the Planning Commission, whether present, absent, or abstaining.
11. A variance of this Ordinance shall require passage by a simple majority vote of the entire City Council, whether present, absent, or abstaining.
12. Whenever an application for a variance has been considered and denied by the City Council, a similar application and proposal for the variance affecting the same property shall not be considered again by the City Council for at least six (6) months from the date of its denial except as follows:
 - a. If the City Council determines that the circumstances surrounding a previous application have changed significantly.
 - b. If the City Council decides to reconsider the matter by a simple majority vote of the entire City Council, whether present, absent, or abstaining.

Subd. 5: BUILDING PERMITS.

No building permit shall be issued for any construction, enlargement, alteration, repair, demolition or moving of any building or structure on any lot or parcel until all the requirements of these regulations have been fully met or exceptions from this requirement have been formally established by a development contract.

Subd. 6: VIOLATIONS AND PENALTIES.

- A. Sale of Lots from Unrecorded Plats: It shall be a misdemeanor to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with, any plan, plat or replat of any subdivision or area located within the jurisdiction of this Ordinance unless said plan, plat or replat shall have first been recorded at the Chisago County Recorder's Office.
- B. Receiving or Recording Unapproved Plats: It shall be unlawful for an individual to receive or record in any public office any plans, plats of land laid out in building lots and streets, alleys or other portions of the same, intended to be dedicated to public or private use, the plat has been approved by the City Council and contains the required signatures."
- C. Misrepresentations: It shall be a misdemeanor for any person owning an addition or subdivision of land within the City to represent that any improvement upon any of the streets, alleys or avenues of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the City Council, or has been supervised or inspected by the City, when such improvements have not been so constructed, supervised or inspected.
- D. Penalty: Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor. Each day during which compliance is delayed or such violation continues or occurs shall constitute a separate offense and may be prosecuted as such.

Subd. 7: SCHEDULES OF ADMINISTRATIVE FEES, CHARGES AND EXPENSES.

- A. Fees and charges, as well as expenses incurred by the City for engineering, planning, legal, and other services related to the processing of applications under this Ordinance shall be established by resolution of the Council and collected by the City Administrator for deposit in the City's accounts. Fees shall be established for the processing of requests for platting, major and minor subdivisions, review of plans, and such other subdivision-related procedures as the Council may from time to time establish. The Council may also establish charges for public hearings, special meetings, or other such Council actions as are necessary to process applications.
- B. Such fees, charges and estimated expenses (as well as a deposit, if so required by the Zoning Administrator) shall be collected prior to City action on any application. All such applications shall be accompanied by a written statement between the City and the applicant/landowner (when the applicant is not the same person or entity as the landowner, both the landowner and the applicant must sign the agreement) whereby the applicant/landowner agrees to pay all applicable fees, charges and expenses as set by Council resolution as provided above, and which allows the City to assess the above fees, charges and expenses against the landowner if such monies are not paid within thirty (30) days after a bill is sent to the applicant/landowner.
- C. These fees shall be in addition to building permit fees, inspection fees, trunk storm water facility costs, zoning fees, charges, expenses and other such fees, charges and expenses currently required by the City or which may be established in the future.

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PASSED THIS _____ DAY OF _____, 2004

CITY OF RUSH CITY, CHISAGO COUNTY, MINNESOTA

Mayor

ATTEST:

SEAL

Daniel P. Hoffman, Administrator