

**CHAPTER 10**  
**SUBDIVISION ORDINANCE**

	<u>Page</u>
Section 1    General Provisions .....	10-3
Section 2    Definitions .....	10-7
Section 3    Design Standards for Subdivisions .....	10-13
Section 4    Required Improvements .....	10-27
Section 5    Required Agreement and Bonds .....	10-31
Section 6    Standard Platting Procedure .....	10-33
Section 7    Plat Specifications .....	10-39
Section 8    Premature Subdivisions .....	10-45
Section 9    Administration .....	10-47



## SECTION 1

### GENERAL PROVISIONS

Section:

10-1-1	Purpose
10-1-2	Scope
10-1-3	Administration
10-1-4	Conveyance by Metes and Bounds

**10-1-1: PURPOSE:** The City Council of the City of Nowthen, being aware of the responsibility which it has for the adoption of rules and regulations designed for the protection of the health, safety, convenience, and general welfare of the community, deems it necessary to provide regulations for the subdividing of property within the City for the following purposes:

1. To encourage well planned, efficient building sites to prevent the use of land that is not feasible for subdivision.
2. To provide for the health and safety of residents by requiring properly designed and located streets and building sites that meet City standards.
3. To place the cost of improvements against those benefiting from their construction.
4. To secure equitable handling of all property subdivisions by providing uniform procedures and standards.
5. To assure that the general design of subdivisions complies with the City Zoning Ordinance, State Building Code, and other pertinent regulations of the City of Nowthen, Anoka County, and the State of Minnesota.
6. To assure that all land within a subdivision is contiguous. (Ordinance #2, adopted November 14, 2006)

**10-1-2: SCOPE:**

- A. The rules and regulations governing subdivision of land contained herein shall apply throughout the City. All subdivisions of land shall equal or exceed the standards as set forth in this Section.
- B. Except in the case of resubdivisions, this Section shall not apply to any lot or lots forming a part of a subdivision recorded in the county offices prior to October 12, 1982. The City Council may determine that pre-existing lots that are not

buildable under the terms of this Section must be combined or other stipulated conditions must be met to protect the public health, safety, and welfare prior to issuing a building permit.

- C. It is not intended by this Section to repeal, annul, or in any way interfere with existing provisions or other laws or ordinances except those specifically repealed by, or in conflict with, this Section, or with restrictive covenants running with the land.
- D. Where this Section imposes a greater restriction upon the land than is imposed or required by such existing provision of law, ordinance, contract, or deed, the provision of this Section shall control. (Ordinance #2, adopted November 14, 2006)

**10-1-3: ADMINISTRATION:**

- A. Hereafter, all subdivisions of land, as defined herein, made within the City shall be subject to and shall conform with these regulations and to other applicable plans and regulations, including land use plans, and zoning regulations and ordinances.
- B. The Planning Commission is hereby authorized and directed to assist the City Council in the review of subdivision plats and the approval of preliminary plats, to administer these regulations, and to exercise such powers and duties as are granted herein, with the assistance of such planning or engineering services as it may require, with the approval of the City Council. (Ordinance #2, adopted November 14, 2006)

**10-1-4: CONVEYANCE BY METES AND BOUNDS:**

- A. Minnesota Statutes 462.358, Subdivision 4b. No conveyance of land shall be filed or recorded if the land is described in a conveyance by metes and bounds, or by reference to an unapproved Registered Land Survey made after April 21, 1961, or to an unapproved plat. The foregoing provision does not apply to a conveyance if land described:
  - 1. Was a parcel of record January 14, 1972 (date of the original Burns Township Subdivision Ordinance).
  - 2. Was subject to a written agreement to convey, entered into prior to January 14, 1972.
  - 3. Was a separate parcel of not less than two and a half (2 1/2) acres in area and one hundred fifty (150) feet in width on January 1, 1966, or:

4. Was a single parcel of not less than five (5) acres in area and three hundred (300) feet in width on July 1, 1980, or:
  5. Is a single parcel whose conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than twenty (20) acres in area or five hundred (500) feet in width.
- B. Waiver. 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 Council may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded.
- C. Penalty Provision. 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 \$100.00 for each lot or parcel so conveyed. The City may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.
- D. The City Council emphasizes the point that A LEGAL CONVEYANCE DOES NOT IMPLY A BUILDABLE LOT. Any land division intended to be used for residential development must be accepted by the City Council and meet all City standards as specified in Section 10-3-5 of this Chapter. (Ordinance #2, adopted November 14, 2006)



**SECTION 2**  
**DEFINITIONS**

Section:  
10-2-1        Inclusions  
10-2-2        Terms

**10-2-1:        INCLUSIONS:** Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular. The word SHALL is mandatory, and the word MAY is permissive. The word PERSON includes a corporation and unincorporated association. (Ordinance #2, adopted November 14, 2006)

**10-2-2:        TERMS:**

**ATTORNEY:** The attorney employed by the City, hereinafter referred to as the Attorney.

**ADMINISTRATOR:** The individual charged with enforcement of this Section by the City Council. Unless noted, this will be the City Clerk.

**BUILDABLE SITE:** A one (1) acre contiguous parcel of land, as part of a lot, at the proposed building site, that meets standards as herein specified by the City as a residential building site.

**BUILDING SETBACK LINE:** Is a line parallel to the side property line, rear property line or street right-of-way beyond which property owners or others have no legal right to extend a building or any part thereof without securing a variance from the City Council. The minimum horizontal distance between a structure and lot line, ordinary high water mark, or right-of-way easement. Distances are to be measured from the most outwardly extended portion of the structure at ground level. (Ordinance 2013-03, adopted April 9, 2013)

**COMPREHENSIVE PLAN:** The Comprehensive Development Plan, made and adopted by the City, indicating the general locations recommended for major thoroughfares, streets, parks, public buildings, zoning districts, and other public improvements, as well as policy statements, goals, and standards contained in the approved plan.

**COUNTY:** Anoka County, Minnesota.

**CLUSTER DEVELOPMENT:** A subdivision development planned and constructed so as to group housing units on smaller lots while still meeting the overall density

regulations of this Ordinance and the Zoning Ordinance. Maximum density of one home per five (5) acres. Lots of less than five (5) acres shall not be considered for conditional use.

**CONTIGUOUS:** All land within a subdivision cannot be separated by anything except a local, collector or arterial street.

**EASEMENT:** A right of use given to a person or entity over the property of another for the purpose of constructing and maintaining streets, trails, sidewalks, driveways, and/or utilities including, but not limited to, wetlands, ponding areas, drainage ways, sanitary sewers, water mains, storm sewers, electric lines, telephone lines, and gas lines. (Ordinance 2013-03, adopted April 9, 2013)

**EASEMENT ACCESS:** Access to a parcel of land via an easement over a strip of land which is granted from one property owner to another to allow driveway access to a property. (Ordinance 2013-03, adopted April 9, 2013)

**ENGINEER:** The Registered Engineer retained by the City, hereinafter referred to as the Engineer.

**GOVERNING BODY:** The City Council of the City of Nowthen.

**GRADE OR SLOPE:** The rate of vertical rise or drop from any fixed horizontal line or point.

**LOT:** A parcel or tract of land intended as a unit for transfer of ownership or for development having frontage along an improved public road, which must be of sufficient area and dimension to meet minimum zoning requirements for width and area. For parcels which are platted or abut streets which are platted, the gross area of the lot shall be measured within the lot lines. In any platted area, minor subdivision, or metes and bounds division, "new lots" shall mean the total number of lots shown. (Ordinance 2013-03, adopted April 9, 2013)

**LOT AREA:** The gross area of a lot in a horizontal plane bounded by the lot lines.

- A. In determining the size of a lot for building purposes, measurements can be taken to the centerline of the road in cases where parcels are described by metes and bounds, where platted streets do not exist or whereby the sole means of access is from an established roadway easement.
- B. In determining overall development density, except for minor subdivisions of three or fewer lots, when density calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:
  - 1. Fractions of 0.50 or above shall be rounded up; and
  - 2. Fractions below 0.50 shall be rounded down.



C. For lots of record and preliminary platted lots having legal standing on April 9<sup>th</sup>, 2013, the gross area of the lot shall include measurements taken to the centerline of the adjacent roadway(s) if the area is required to meet lot size minimums or for the purposes of obtaining a conditional or interim use permit. (Ordinance 2013-03, adopted April 9, 2013)

**LOT DEPTH:** The mean horizontal distance between the front lot line and the rear lot line of a lot.

**LOT, FLAG:** An “L” shaped lot utilizing a narrow strip of land to access a public street in order to accommodate back lot or rear property division and development without the required minimum lot frontage on a public street.

**LOT, FRONT/FRONTAGE:** The front of a lot shall be considered to be that boundary abutting a public right-of-way having the least width. If the lot is a Flag Lot or obtains access by an easement, the front shall be the side from which access is gained, except when a future road is planned to traverse or lie adjacent to the lot, the front shall be the side with the least width to abut the future road.

**LOT LINE:** The property line bounding a lot, including any portion of the lot that may extend into the public right-of-way.

**LOT LINE, REAR:** That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**LOT WIDTH:** The lot width shall be measured at right angles to the depth at the building setback line. In the case of property abutting on a curved street, the frontage shall be measured on the arc at the building setback line. (Ordinance 2013-03, adopted April 9, 2013)

**METES AND BOUNDS DESCRIPTION:** A description of real property which is not described by reference to a lot or block as shown on a map, but is described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property, or delineates a fractioned portion of a section, lot or area by described lines of portions thereof.

**PARCEL:** Is a separate tract of land, including a lot, having specific boundaries capable of being conveyed and recorded.

**PARCEL OF RECORD:** Is any parcel of land which individually or as part of a subdivision, has been recorded in the office of the County Recorder, as of the effective date of this Chapter. (Ordinance 2013-03, adopted April 9, 2013)

**PLANNING COMMISSION:** The City of Nowthen Planning and Zoning Commission.

**PUBLIC STREET or RIGHT-OF-WAY:** Land or easement dedicated for public use and open to public travel which serves as the means of access to properties which front upon it and/or gain access to it. Right-of-way held in trust for public use under the jurisdiction of the City through an approved subdivision, but not necessarily built, accepted or maintained by the City, shall be considered a public street for the purposes of this Chapter. (Ordinance 2020-02; Adopted June 9, 2020)

**RIGHT-OF-WAY:** The land covered by a public street or other land dedicated for public use.

**SKETCH PLAN:** A drawing showing the proposed subdivision of property. This plan should be as accurate as possible, but does not need to be drawn to exact scale.

**STREETS:**

- A. **ARTERIAL STREETS:** A street or highway designed to carry large volumes of traffic between various sectors of the City, County, and beyond.
- B. **COLLECTOR STREET:** A street that carries traffic from minor streets to arterials.
- C. **CUL-DE-SAC:** Is a short, minor street with only one outlet and a vehicular turnabout.
- D. **DRIVEWAY:** A private roadway designed to serve only one parcel.
- E. **LOCAL STREET:** A street of limited continuity used primarily for access to the abutting properties and the local need of the neighborhood
- F. **STREET WIDTH:** Is the shortest distance between the lot lines delineating the right-of-way of a street.

**SUBDIVIDER/OWNER:** Is a person, firm, corporation, or other legal entity having sufficient proprietary interest in land in order to subdivide the same under this Section.

**SUBDIVISION:** Means the separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use, or any combination thereof, except those separations:

- A. Where all the resulting parcels, tracts, lots, or interests will be twenty (20) acres or larger in size and five hundred (500) feet in width for residential uses

- B. Creating cemetery lots;
- C. Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.

**ZONING ORDINANCE:** The Nowthen Zoning Ordinance. (Ordinance #2, adopted November 14, 2006)



## SECTION 3

### DESIGN STANDARDS FOR SUBDIVISION IMPROVEMENTS

Section:

10-3-1	Purpose
10-3-2	Street Standards
10-3-3	Street Surfacing
10-3-4	Subdivision Design Standards
10-3-5	Lot Buildability Standards
10-3-6	Requirements for Alternative Drainfield Site
10-3-7	Tree Protection
10-3-8	Park Land Dedication

**10-3-1: PURPOSE:**

- A. A preliminary plat and a final plat shall be made in accordance with such design standards as are applicable thereto, said standards being established for the purpose of building and accomplishing a coordinated, adjusted, and harmonious development of the City which will, in accordance with existing and future needs, best promote the public health, safety, order, convenience, and general welfare, efficiency, and economy in the process of development.
- B. Where any of the design standards are found not applicable to a proposed land subdivision, or would cause practical difficulty or impose a hardship not intended, the Planning Commission may consider variances as provided for in Section 10-9-6 herein. (Ordinance #2, adopted November 14, 2006)

**10-3-2: STREET STANDARDS:** The following design standards are hereby established for land subdivision:

- A. Street patterns shall follow substantially the patterns shown on applicable plans or shall be equal or superior to the platted lots when developed; they shall not prevent reasonable and desirable development of adjoining subdivided or unsubdivided lands in conformity with applicable plans and standards; they shall be such as to discourage through traffic on minor streets in the subdivision; they shall be suited to the topography of the land and to drainage needs; and they shall be oriented with regard to practical minimum walking distances to present and planned schools and to playgrounds and parks.
- B. The street pattern shall relate to trunk highways and all limited-access major thoroughfares so that access points and crossings are satisfactorily limited.

Required design shall be the provision of local service streets along the right-of-way of any such facility or the rearing of lots upon the right-of-way, with intersections limited as necessary. In general, provision 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).

- C. The location, width, and alignment of trunk highways and major thoroughfares shall conform to the official map, to the major thoroughfare plan, and to any other applicable plans, including state and county highway plans. All street right-of-way widths shall conform to the following minimum dimensions:

<u>Classification</u>	<u>Right-of-Way Requirement</u>
Minor Arterial	150 feet
Collector	120 feet
Local	66 feet
Cul-de-sac	66 foot radius (132 feet outside diameter)

- D. An additional 20 foot easement for trail purposes shall be provided adjacent to all newly platted roads. In general, a Trail Easement shall be provided on one side of all public roads.
- E. Different widths may be required depending on anticipated traffic volumes, planned function of the street, character of abutting land uses, and right-of-way secured on adjoining properties.
- F. Half-width streets are not acceptable except as found practically necessary by the City Council and only with the assurance of dedication of the other half when adjoining property is subdivided. For protecting the City in developing and maintaining streets bordering the City limits, where a half-width street dedication is proposed, the subdivider shall furnish one of the following with the preliminary plat:
  1. Assurance that the remaining half outside the City limits has or will be dedicated, or;
  2. A warranty deed for the remaining half outside the City limits, or;
  3. An easement for street, drainage and utility purposes, signed by the owners of the part outside of the City limits.
- G. All proposed streets shall be offered for dedication as public streets, with NO PRIVATE STREETS shown.

- H. Streets shall intersect or intercept each other at right angles with variations of not more than twenty (20) degrees permitted when considered necessary. Intersections with more than four (4) corners are prohibited.
- I. When connecting street lines deflect from each other at any 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 three hundred (300) feet for minor and collector streets, and of such greater radii as the City Council shall determine for special cases.
- J. Minimum centerline radii of local minor streets shall be not less than one hundred (100) feet; centerline radii of major and secondary thoroughfares should be not less than three hundred (300) feet.
- K. Tangents of at least fifty (50) feet in length shall be introduced between reverse curves on collector streets.
- L. Centerline gradients of all streets shall be at least 0.5 percent and, unless topography or other physical conditions prohibit, shall not exceed the following:
  - 1. Collector Streets: Four percent (4%)
  - 2. Minor Residential Streets Six percent (6%)
  - 3. The grades of all streets, alleys, shall be approved by the City Engineer and all engineering costs shall be paid by the developer.
- M. Different connecting street gradients shall be connected with vertical parabolic curves. Minimum length of these curves shall be one hundred (100) feet.
- N. Minor streets shall be so aligned that their use by through traffic will be discouraged.
- O. Jogs in streets shall have centerline offsets of one hundred twenty-five (125) feet or more.
- P. The street arrangements shall not be such as to cause hardship to the owners of adjoining property in platting their own land and providing convenient access to it.
- Q. Where a subdivision borders on or contains a limited access highway, a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land, as for park purposes in residential districts, or for commercial or industrial purpose in appropriate districts may be required. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

R. Cul-De-Sacs/Dead End Streets:

1. Permanent dead end streets without cul-de-sac turnarounds and flag lots are prohibited.
2. Permanent cul-de-sacs shall be allowed only where one or more of the following criteria have been met:
  - a. Area topography or other physical site conditions warrant a cul-de-sac.
  - b. A through street is not physically feasible or desirable due to environmental or access spacing considerations.
3. The length of a permanent cul-de-sac street shall not be less than one hundred fifty (150) feet nor longer than one thousand (1,000) feet and shall include a turnaround at the closed end, with a right of way radius not less than sixty-six (66) feet and paved radius of not less than fifty-one (51) feet. The cul-de-sac turn around shall have property line and outside roadway diameters of not less than one hundred thirty two (132) feet and one hundred two (102) feet respectively. The length of the cul-de-sac shall be measured from the intersection of the centerlines of the cul-de-sac and the intersecting street to the center point of the cul-de-sac right of way turnaround.
4. In areas determined by the City to be environmentally sensitive due to topography, forestation and/or wetlands, deviations to the design standards outlined in subsection 10-3-2.R.3 of this Chapter may be allowed, provided that:
  - a. Such deviations are limited to the following:
    - (1) Paved cul-de-sac radius may be reduced from fifty-one (51) feet to no less than fifty (50) feet for both permanent and temporary cul-de-sacs.
    - (2) Street widths measured edge to edge may be reduced from twenty-four (24) feet to no less than twenty-two (22) feet for permanent cul-de-sacs. No street width reduction shall be permitted for permanent local streets or temporary cul-de-sacs.
  - b. The following standards are met:
    - (1) All lots shall meet or exceed the minimum standards for the applicable zoning district



- (2) Additional lot depth is provided to ensure that the three hundred 300 foot required minimum lot width can be met at the front setback line.
  - (3) All houses shall have an attached accessory garage of three (3) stalls with corresponding front driveway parking apron. The curb cut opening on the street shall, however, meet established standards.
  - (4) All lots shall have a certificate of survey, custom grading plan, and site/building plan prior to the issuance of building permits. (Ordinance 2013-03, adopted April 9, 2013)
- S. All costs incurred in the City Engineer examination and approval of watershedding plan will be paid by the developer. (Ordinance #2, adopted November 14, 2006; Ordinance 2020-03, adopted January 12, 2021)

**10-3-3: STREET SURFACING:**

- A. Minor arterial and collector streets will be constructed to the standards of the Minnesota Department of Transportation and the Anoka County Highway Department.
- B. Local streets shall be designed so the base and subbase requirements, as set forth in the State of Minnesota Highway Department Road Design Manual No. 5-291 for flexible pavement. In all cases, at least the top six (6) inches of the base shall be Class 5 gravel or a material as approved by the City Engineer. (Ordinance #2, adopted November 14, 2006)
- C. Street surfacing requirements may be deferred for local streets through approval of a Conditional Use Permit by the City Council, subject to the following:
  - 1. The property is residentially zoned.
  - 2. The division involves no more than three (3) buildable lots which front upon and gain direct driveway access to the right-of-way required in Section 10-3-3.C.4 below, excluding outlots that may be reserved for future development.
  - 3. Divisions containing an existing principal residential structure which relies upon direct lot frontage or driveway access to the right-of-way required in Section 10-3-3.C.4 below, to meet all applicable City, County or State regulations, shall be considered one (1) of the three (3) lots.

4. Right-of-way is dedicated for public use in accordance with the width requirements contained in Section 10-3-2.
5. The right-of-way shall be considered a shared driveway until such time as the City agrees by resolution to accept and maintain the dedicated right-of-way as a public street, provided:
  - a. Construction Standards. The shared driveway is constructed to meet street base and subbase requirements required by Section 10-3-3.B.
  - b. Emergency Access. The driveway access requirements of Section 11-6-2.J are met and shown on approved plans.
  - c. Maintenance of Shared Driveway. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves their successors and assigns, that maintenance of the shared driveway shall be the sole responsibility of property owners fronting on the dedicated right-of-way and/or gaining access from the shared driveway unless otherwise agreed to in writing by the City. A shared driveway maintenance agreement shall be required, is subject to review and approval of the City Attorney and shall be recorded against all impacted properties.
  - d. Deed Restriction Required. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves their successors and assigns, that no additional property subject to the shared driveway agreement shall be further subdivided or platted without the City's express written consent. Further, the property owners shall acknowledge on behalf of themselves and their successors and assigns, that the properties may be subject to a future assessment pursuant to Minnesota Statute Chapter 429 or other relevant statute for the future improvement of the shared driveway, as constructed to City bituminous road standards, once the right-of-way is accepted by the City. The deed restriction is subject to review and approval of the City Attorney and shall be recorded against all properties impacted. (Ordinance 2020-02, Adopted June 9, 2020)

**10-3-4: SUBDIVISION DESIGN STANDARDS:**

- A. Property lines at street intersections shall be rounded with a radius as required by the City Council, but not less than ten (10) feet.

- B. Street names shall be subject to the Anoka County Name and Numbering System.
- C. Residential blocks shall normally be of sufficient width for two (2) tiers of lots. Block lengths shall be determined by circulation and other needs, with lengths up to one thousand three hundred twenty (1,320) feet permissible when approved by the City Council.
- D. Lots running across a block from street to street should not be used unless rears of such lots abut a major thoroughfare or trunk highway where limitation of access is desired. A screen planting easement, with right of access across it to the highway or thoroughfare denied, shall be provided when deemed necessary by the City Council, with a width as approved by the City Council, but not less than ten (10) feet.
- E. Each lot shall have a minimum of one hundred fifty (150) feet of frontage on a public street for general accessibility, emergency fire vehicle access, refuse collection, and delivery purposes, as required by Zoning Ordinance
- F. Direct vehicular access from individual lots to arterial and collector streets shall be discouraged and may be prohibited by the City Council where the provision of local street access is feasible. In such cases where direct lot access is allowed, special traffic safety measures including, but not limited to, provisions for on-site vehicle turn around and emergency fire vehicle access, shall be required.
- G. **Flag Lots and Access Easements:** Flag lots and access easements shall generally not be permitted, except under unique circumstances and through approval of a Conditional Use Permit where practical difficulties can be shown to exist due to natural features, physical constraints, or existing street and lot arrangements. If the justification for the approval of flag lots exists, the following minimum flag lot standards shall apply:
  - 1. Flag lots and access easements shall only be allowed in residential zoning districts.
  - 2. The creation of a flag lot should not prevent the possibility of future development of other adjacent or interior parcels without a public street being extended to them through the parcel for which the flag lot is requested.
  - 3. The potential negative impacts on neighboring property values are considered, including but not limited to privacy and visual impact, and the subdivision will not have an adverse impact on existing or future residences in the vicinity. Screening may be required via vegetation and/or fencing.

4. Not more than one (1) flag lot may be created as part of any minor subdivision or subdivisions involving up to ten (10) lots. In subdivisions involving ten (10) or more lots, no more than ten (10) percent of the lots may be flag lots.
5. All minimum front, side and rear setbacks for principal and accessory structures can be met on the flag or new lot as well as the parcel from which the lot was split. All setbacks shall be measured from that point where the “flag pole” portion of the flag lot (or the access easement in existing situations) ends. Both lots must be large enough to accommodate the number and square footage of accessory structures as allowed in the Zoning Ordinance.
6. An existing flag lot or lot provided access via an existing easement may not be split without the provision of public street access. Direct access to a public street and ownership of the “flag pole” portion of a flag lot is required. New access easements are prohibited.
7. For lots which will gain access from a local roadway, any new driveway access must be separated from other driveways a distance equal to one-half (1/2) the minimum lot frontage requirement of the zoning district in which it is located unless otherwise approved by the City Council.
8. The width of the “flag pole” or access drive may be no less than sixty-six (66) feet, except as may be allowed by the City Council in situations where no possibility of street extension exists, the width may be reduced to thirty-three (33) feet. No structures of any kind may be built within the “flag pole” portion of the lot or within easements.
9. The driveway surfacing, clearance and radius must be designed to accommodate emergency fire vehicles.
10. The address of the flag lot (or existing parcels accessed via an easement) must be clearly visible from the public street.
11. Drainage and utility easements shall be provided as required herein (Item L of this subsection) or as recommended by the City Engineer and approved by the City Council. The final plat or certificate of survey must include a driveway plan and utility plan.
12. The City Council may require the driveway(s) to be paved or require installation of curb, gutter and other drainage control measures to prevent runoff from entering neighboring properties.
13. If a shared driveway is proposed, a driveway maintenance agreement shall be recorded with Anoka County which insures perpetual shared maintenance and repair of the accessway among property owners.

14. The Zoning Administrator and/or City Clerk have the authority to reduce the required escrow amount(s) for subdivision and coinciding flag lot applications. (Ordinance 2013-03, adopted April 9, 2013; Ordinance 2015-03, adopted August 11, 2015; Ordinance 2015-03, adopted August 11, 2015)
- H. Minimum lot areas and widths shall be according to existing zoning regulations and other applicable regulations with wider corner lots and with whatever additional size shall be deemed required for sanitary water supply and sewage disposal, adequate drainage, and flood control.
- I. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions, which, if preserved, will add attractiveness and stability to the proposed development.
- J. All remnants of lots below minimum size left over after subdivision of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels or outlots.
- K. Side lot lines shall be at right angles or radial to street lines, with slight variation under difficult conditions permissible, with City Council approval.
- L. Easements shall be provided where necessary for drainage, future utilities, screen planting, trail construction or other purposes. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, together with such further width or construction or both, as will be adequate for storm water runoff. Easements for drainage purposes shall be not less than twenty (20) feet in width. In the case of a county ditch, the subdivider shall be required to dedicate a one hundred (100) foot total width of easement.
- M. Reserve strips preventing access to streets shall not be used unless their control is by the City under conditions approved by the City Council.
- N. No plan will be approved for a subdivision which covers an area subject to periodic flooding or which contains extremely poor drainage facilities and which would make adequate drainage of the streets and lots impossible or difficult, unless the subdivider agrees to make improvements which will, in the opinion of the City Engineer, make the area completely safe for occupancy, and provide adequate street and lot drainage.
- O. Where a proposed park or playground shown in the Comprehensive Plan is located in whole or in part within a proposed subdivision, the area of such

proposed park or playground shall be designated as such upon the subdivision plat and not subdivided into lots. If the land included in the subdivision is appropriate for residential uses, the City Council may require that the said area designated for parks and playgrounds be set aside and dedicated to the public for public use as a park and playground as authorized by Section 462.358 of Minnesota Statutes. City Council shall annually establish a park dedication fee in lieu of land dedication that applies to each lot formed within the City.

- P. Trail easements shall be dedicated within or adjacent to all subdivisions. Trails shall be provided to create a continuous trail system within the subdivision and connecting to other adjacent properties. Trail easements shall be provided on at least one side of all streets and as other locations deemed appropriate by the City Council. Trail easements shall be a minimum twenty (20) feet wide.
- Q. The planting of trees, type, spacing, etc., on public property shall be subject to the regulations of the City. No planting gateways, entrances, and similar improvements shall be made on public property except with permission and approval of the City Council.
- R. All land within a subdivision must be contiguous. (Ordinance #2, adopted November 14, 2006; Ordinance 2013-03, adopted April 9, 2013))

**10-3-5: LOT BUILDABILITY STANDARDS:** Any newly created lot after the effective date of this Section must meet the following criteria upon final grading to be considered as a buildable site by City standards:

A. Gross Land Area Required:

Subdivision Type	Gross Land Area (per lot)		Gross Density (of subdivision area)	
	RRA Zoning	RRT Zoning	RRA Zoning	RRT Zoning
<b>Unplatted land, divisions by metes and bounds, Minor Subdivisions</b>	5.0 acres	2.0 acres	5.0 acres	2.0 acres
<b>Platted Lots</b>	2.5 acres	2.0 acres	5.0 acres	2.0 acres

B. All lots must have at least a one (1) acre contiguous parcel at the proposed building site that meets the following physical characteristics:

- 1. A minimum of twenty-three thousand (23,000) square feet of land area with a three (3) foot separation between the final surface elevation of the lot and the highest known water table. The balance of the acre is to have

at least a one (1) foot separation consisting of only existing natural soils. The basement floor elevation should maintain a one (1) foot separation above mottled soil.

2. The highest known water table is to be determined by soil borings indicating mottled soil. The minimum boring depth shall be six (6) feet.
3. The entire acre is to have an average slope of twelve percent (12%) or less. Lots with slope in excess of twelve percent (12%) will be subject to review by the City Engineer.
4. The site is to have soils with physical properties and percolation rates suitable for the construction of an onsite sewage disposal system conforming to City and State standards, and the structural capacity to support normal buildings, driveways, and usable yards. Each site is to include an area situated as to provide for at least one (1) additional drainfield site.
5. The City Engineer may allow deviation from these separations if the applicant submits evidence certified by a licensed geotechnical engineer that a lesser separation can be achieved. Certification by a licensed geotechnical engineer shall include field monitoring of the groundwater with piezometers over a period of 30-60 days to establish the highest anticipated ground water elevation or equivalent method.

Piezometer: an instrument for measuring the pressure of a liquid or gas; a shallow well or standpipe often used in boreholes to monitor the pressure or depth of groundwater.

- C. All lots must be at least three hundred (300) feet in width and depth at the building setback line, and front on publicly dedicated street as shown on the Official Zoning Map. (Ordinance #2, adopted November 14, 2006)

**10-3-6: REQUIREMENT FOR ALTERNATIVE DRAINFIELD SITE:** On each newly created lot in the City, there shall be an area preserved for the construction of two (2) drainfields. The area set aside for these drainfields shall be of a size and so located that drainfields can be constructed that will meet all standards as included in Chapter 9, Section 3 of the City Code. (Ordinance #2, adopted November 14, 2006)

**10-3-7: TREE PROTECTION:** All subdivisions shall be designed, constructed, and maintained in conformance with the following policy: that existing healthy trees on the site are to be preserved to the maximum extent feasible. (Ordinance #2, adopted November 14, 2006)

**10-3-8: PARK LAND DEDICATION:**

- A. In all new subdivisions, as defined in this Section, the subdivider shall be required to make a cash contribution to the City's park fund and to the City's trail fund and/or shall dedicate land for parks, trails, and public open spaces as provided by this Section. The City Council shall annually establish a park dedication fee and a park trail fee that applies to each lot formed within the City.
- B. In all new subdivisions, the subdivider shall be required to grade any trails to design slope and cross section as part of general site grading. Also, the subdivider will be required to construct all local trails to minimum City standards, which includes bituminous surfacing, along with the other improvements. Any regional trails will be improved to City standards by the City.
- C. The park fees shall be established so as to require a total dedication value of approximately 10% of land area or equivalent cash and/or consistent with state statute.
- D. The cash payments received as a result of this provision shall be placed in the Park Fund and used for acquisition or improvement of land for parks, trails, playgrounds, public open space, and storm water holding areas or ponds, development of existing parks and playground sites, public open space, and storm water holding areas or ponds, and debt retirement in connection with land previously acquired for such public purposes.
- E. Land to be dedicated shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park, trail, and recreation areas shall include size, shape, topography, geology, hydrology, access and location.
- F. When a proposed park, trail, playground, recreational area or other public ground has been indicated in the Comprehensive Plan and is located in whole or in part within a proposed plat, it shall be designated as such on the plat and shall be dedicated to the appropriate governmental unit.
- G. The City's Park and Recreation Committee shall review all plats and recommend to the City Council the land and/or cash contribution requirements for proposed subdivisions. Upon consideration of the particular type of development, said Committee may recommend and the City Council may require larger or lesser parcels of land to be dedicated if it is determined that present or future residents would require greater or lesser land for park, trail and playground purposes. (Ordinance 2018-01, adopted February 13, 2018)
- H. The City may elect to receive a combination of cash, land and development of the land for park and trail use. The fair market value of the land the City wants and the value of the development of the land shall be calculated. That amount



shall be subtracted from the cash contribution required by Subsection 10-3-8.A above. The remainder shall be the cash contribution requirement.

1. "Fair Market Value" shall be determined as of the time of filing the final plat in accordance with the following:
  - a. The City and developer may agree as to the Fair Market Value, or
  - b. The Fair Market Value may be based upon a current appraisal submitted to the City by the subdivider at the subdivider's expense.
  - c. If the City disputes such appraisal the City may, at the subdivider's expense, obtain an appraisal of the property by a qualified real estate appraiser, whose appraisal shall be conclusive evidence of the fair market value of the land.
- I. Wetlands, ponding areas and drainage ways accepted by the City shall not be considered in the park land and/or cash contribution to the City.
- J. Applicability of Park & Trail Dedication Fees.
  1. The park and trail dedication requirement shall be applied to all subdivision of land, as defined by this Section, regardless of the type of proposed development and the number of lots created. On plats, this fee will be paid to the clerk prior to signing the official mylars. On other subdivisions, the fee will be paid prior to recording the lot split. (Ordinance #2, adopted November 14, 2006)
  2. In subdivisions which contain an existing residence or principal structure, where the subdivision of land results in the number of lots being increased such that new buildable parcels are created, the per-lot cash dedication fees shall only apply to the net increase of lots and not the parcel which contains the existing residence or principal structure.
  3. In cases where a parcel is vacant or only contains an accessory building, farm structure or a use to be demolished and redeveloped as part of the platting process, the total number of lots shall be subject to the application of dedication fees. (Ordinance 2018-01, Adopted February 13, 2018)



## SECTION 4

### REQUIRED IMPROVEMENTS

Section:

10-4-1	General
10-4-2	Financial Guarantee
10-4-3	Utility Improvements

**10-4-1: GENERAL:** No final plat shall be approved by the City Council unless the improvement described herein, together with the agreements and documents required under these regulations, meet the minimum requirements of all ordinances and regulations of the City.

- A. Minimum lot size: two and one-half (2 1/2) acres, three hundred (300) feet wide at the building setback line, and one hundred fifty (150) feet of frontage on a public street.
  - 1. Lots which contain public street access on the terminus end of a cul-de-sac with side lot lines that are radial from the center of the cul-de-sac, shall have a minimum of seventy-five (75) feet of frontage at the edge of the right-of-way provided special circumstances exist as outlined in Chapter 10 of the City Code to justify use of said cul-de-sac.
  - 2. Where existing lots of record do not meet minimum Zoning Ordinance standards in terms of lot width, lot depth or lot area and contiguous land is owned by the same person(s), the parcels must be combined and shall be considered one parcel under the terms of these regulations. (Ordinance 2013-03, adopted April 9, 2013)
- B. Maximum density: one (1) single family home per five (5) acres. When the gross density is met, there shall be no further divisions in that plat.
- C. No conditional use permits on lots of less than five (5) acres.
- D. Lots less than two and one-half (2 1/2) acres are limited to one (1) accessory structure.
- E. Accessory structures on lots less than five (5) acres are limited to three thousand two hundred (3200) square feet in size and twenty (25) feet in height.
- F. Garage size limit: one thousand two hundred (1200) square feet.

- H. New streets shall be blacktopped by developer as per Street Standard (See Section 10-3-3 of this Chapter).
- I. All land within a plat must be contiguous.
- J. In all new subdivisions, the following requirements shall be installed by the subdivider at their own expense:
  - 1. Monuments of a permanent character as required by Section 505.02, M.S.A., shall be placed at each corner or angle of the outside boundary of the subdivision and pipes or steel rods shall be placed at each corner of each lot and each intersection of street centerlines.
  - 2. The grade and drainage requirements for each plat shall be established by the City Engineer at the expense of the subdivider. Every plat presented for final signature shall be accompanied by a certificate from the Engineer that the grade and drainage requirements have been adequately provided for.
  - 3. Street signs of standard design approved by the City Council shall be installed at each street intersection.
  - 4. Street lights shall be installed per City specifications at street intersections where deemed necessary by the City Council.
  - 5. No new streets in the City shall hereinafter be established as public streets unless the following minimum requirements and provisions have been first complied with:
    - a. All materials used and construction performed on proposed streets in the City shall meet current State of Minnesota Department of Highway specifications.
    - b. All gravel material used shall be crushed to pass a three-quarter inch (3/4") screen and meet the gradation of State of Minnesota Department of Highway specifications for Class 5 gravel aggregate.
    - c. In all cases, the gutter, when required, shall be shaped to a uniform cross-section and thereby compacted before final construction. Ditches shall be sodded where necessary to an elevation which will protect the slopes from erosion under maximum flood conditions.
    - d. The developer or contractor of newly constructed streets shall install culverts where necessary for each property owner on streets constructed by them before said streets are established as public

streets, and all owners of property on established public streets shall provide culverts at their own expense, if necessary.

- e. All roadways, before establishment as public streets, shall be suitably and properly named with the approval of the City Council, and street signs designating said streets shall be erected.
  - g. The City Council may vary or modify these regulations in harmony with the general intent and purpose of these regulations if, in their opinion, practical difficulties or peculiar hardships in the way of carrying out these regulations exist. The City Council may, at its discretion, construct City streets, the cost of which is paid from the City Road and Bridge Fund, at variance to the provisions herein, provided said streets are in areas rural in character. However, such variance or deviation shall not be made without unanimous action of the City Council.
6. An approved trail system shall be provided with each subdivision of land. Each subdivider shall be responsible for grading the trail to provide a stable surface and to provide trail slope, cross section and drainage as required. The subdivider will be required to construct all local trails to minimum City standards, which includes bituminous surfacing. Any regional trails will be improved to City standards by the City. (Ordinance #2, adopted November 14, 2006)

**10-4-2: FINANCIAL GUARANTEE:** For such improvements as may not have been completed by the time of filing the final plat for approval, the City Council may require, in accordance with Section 10-5-1 of this Chapter, the subdivider to furnish surety bond running to the City, a cash deposit, a certified check, or other security as approved by the City Council to assure the performance of such installations by the subdivider within a specified period of time. (Ordinance #2, adopted November 14, 2006)

**10-4-3: UTILITY IMPROVEMENTS:** Where telephone, electric, and gas service lines are placed underground entirely throughout a subdivided area, conduits or cables shall be placed within easements or dedicated public ways, in a manner which will not conflict with other underground service. Transformer boxes shall be located so as not to be hazardous to the public. All drainage and underground utility installations which traverse privately owned property shall be protected by easements. (Ordinance #2, adopted November 14, 2006)



## SECTION 5

### REQUIRED AGREEMENT AND BONDS

Section:

- 10-5-1 Performance Contract
- 10-5-2 Construction Plans and Specs
- 10-5-3 Breach of Contract/Commitments
- 10-5-4 Inspections

#### **Section 10-5-1: PERFORMANCE CONTRACT:**

- A. Before a final plat is approved by the City Council, the owner and subdivider of the land covered by said plat shall execute and submit to the City Council an agreement to make and install, within one (1) year, all improvements required to be installed by him under these regulations in accordance with the plans and specifications approved by the City Council. The agreement shall be accompanied by a cash escrow agreement or a performance bond, to be approved by the City Attorney, in an amount equal to one and one-half (1 1/2) times the City Engineer's estimated cost of said improvements. The performance bond, if one is submitted, shall be conditioned upon:
1. The making and installing of the improvements required under the terms of the regulations within a one (1) year period.
  2. Completion of the work undertaken by the subdivider in accordance with the contract executed by them and for them.
  3. The payment by the owner or subdivider to the City of all expenses of the City, if appropriate, for the preparation of any plans and specifications of the improvements required under these regulations and the inspection and construction by the City Engineer, as well as legal fees and other expenses in connection with such improvements.
- B. If a cash escrow agreement is submitted, such agreement shall provide that payments therefrom for improvements shall be made only on the joint order of the subdivider and the City and the agreement shall further provide that in the event the required improvements are not completed within a one (1) year period, all amounts held under the escrow agreement shall be turned over and delivered to the City and applied by the City to the cost of the required improvements. If the funds available are not sufficient to complete the required improvements, the necessary additional cost shall be assessed against the subdivision. Any balance remaining in the escrow fund after such improvements have been made

shall be returned to the owner or subdivider. The performance contract shall also provide that the subdivider shall provide the City with a bond to provide for maintenance/repair for all new roads in the subdivision for a period of one (1) year from the date of acceptance of the street. (Ordinance #2, adopted November 14, 2006)

**10-5-2: CONSTRUCTION PLANS AND SPECIFICATIONS:** Construction plans and specifications for the required improvements, conforming in all respects with the code and ordinances of the City, shall be prepared at the expense of the subdivider by a professional engineer registered in the State of Minnesota. Such plans and specifications shall be approved by the City Engineer and shall become part of the performance contract. Two (2) prints of said plans and specifications shall be filed with the City Clerk. (Ordinance #2, adopted November 14, 2006)

**10-5-3: BREACH OF CONTRACT/COMMITMENTS:** No subdivider or developer shall be permitted to start work on any other subdivision without special approval of the City, if they have previously defaulted on work or commitments within the City on previous developments. (Ordinance #2, adopted November 14, 2006)

**10-5-4: INSPECTIONS:** All required land improvements to be installed under these regulations shall be inspected at the subdivider's expense during the course of construction. Such inspections shall be by the City Engineer or an inspector appointed by the City Council. (Ordinance #2, adopted November 14, 2006)



## SECTION 6

### STANDARD PLATTING PROCEDURE

Section:

- 10-6-1 Initial Process
- 10-6-2 Preliminary Plat Process
- 10-6-3 Final Plat Process
- 10-6-4 County Review of Final Plat/Recording

**10-6-1: INITIAL PROCESS:** The principal steps to be taken in preparing subdivision plats and securing approval are summarized as follows:

- A. Subdivider meets first with the Planning Commission at a regularly scheduled meeting to discuss the proposed development and requirements and procedure to be followed. A sketch plan of the proposed development provided by the developer is required for this discussion.
- B. Subdivider prepares a preliminary plat in accordance with requirements of Section 10-7-3 of this Chapter showing approximate street grades and drainage, and files four (4) copies of this plan with the City Clerk, together with an outline of the type of water supply, sewage disposal, street improvements, drainage structures, park dedication and trail construction which he intends to provide, and accompanied by the required filing fee. The subdivider shall provide the City with ten (10) copies of the preliminary plat at least twenty-one (21) days prior to the Planning Commission meeting.
- C. All preliminary information is referred to the Planning Commission and City staff for review, if required. (Ordinance #2, adopted November 14, 2006)

**10-6-2: PRELIMINARY PLAT PROCESS:**

- A. The Planning Commission shall hold a public hearing on the preliminary plat. Notice of the hearing shall be published in the official newspaper at least ten (10) days prior to the hearing and shall be sent to all property owners within one thousand three hundred twenty (1,320) feet of any boundary of the subdivision by the City Clerk. At the hearing, all persons present and interested in the subdivision shall be given an opportunity to make presentations.
- B. Within thirty (30) days from the time of the hearing, the Planning Commission shall forward its recommendation to the City Council. The Planning Commission, in its review of the preliminary plat, will take into consideration the requirements of the City and the best use of the land being subdivided. The Planning

Commission shall evaluate the subdivision as to conformance with the adopted Zoning Ordinance and to the goals and policies set out in the Comprehensive Plan. The Planning Commission may recommend the approval, disapproval, or conditioned approval of the preliminary plat and the conditions for such approval. In the case of disapproval or conditioned approval, the reasons for such recommendations shall be stated in the report.

- C. Upon receipt of the Planning Commission's report, the City Council may consider approval of the preliminary plat proposed in the application, subject to receipt of an acceptable final plat and other stipulated conditions. If the City Council disapproves the plat, they shall set forth the reasons and provide the subdivider with a copy. If the plat is disapproved, the subdivider may submit a new preliminary plat. The findings and grounds for City Council action shall be set forth in City Council meeting minutes.
- D. Minnesota State Statutes require that the City Council must approve or disapprove the plat within one hundred twenty (120) days following the delivery of an application completed in compliance with the City Code by the applicant to the City, unless an extension of the review period has been agreed to by the applicant. If the City Council fails to preliminarily approve or disapprove an application within the review period, the application shall be deemed preliminarily approved and, upon demand, the City Council shall execute a certificate to that effect.
- E. After preliminary plat approval by the City, the preliminary plat must be approved by the Anoka County Planning and Advisory Commission. Four (4) copies of the preliminary plat and a copy of the recommendations of the City Council shall be sent to the Anoka County Planning and Advisory Commission not later than ten (10) days before their next regularly scheduled meeting. (Ordinance #2, adopted November 14, 2006; Ordinance 2020-03, adopted January 12, 2021)

**10-6-3: FINAL PLAT PROCESS:**

- A. Following preliminary approval, the applicant may request final approval by the City and upon such request, the City shall certify final approval within sixty (60) days if the applicant has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which the preliminary approval is expressly conditioned, either through performance or execution of appropriate agreements assuring performance.
- B. After approval by the City, and within six (6) months following said date, the subdivider shall submit ten (10) copies of a final plat to the City Clerk, as well as a current certified abstract of title, or registered property abstract, certified to date, evidencing ownership of the premises involved in the plat. If the subdivider does not submit a final plat within six (6) months from date of preliminary plat

approval, and the City Council does not grant an extension, approval of the preliminary plat shall be considered void.

- C. The final plat shall include all changes or modifications required by the City Council as conditions to approval of the preliminary plat, but in all other respects, it shall conform to the preliminary plat as approved. It may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at that time, provided that such portion conforms with all requirements of this Chapter.
- D. The Clerk shall refer two (2) copies of the final plat to the Planning Commission with thirty (30) days of the final plat submission. The Commission shall review the final plat. If the Planning Commission finds the final plat in conformance with these regulations, it shall approve the final plat and submit it to the City Council.
- E. Upon receipt of the City Council report and within sixty (60) days of the final plat filing date, the City Council shall act on the final plat. If the City Council approves the final plat, it shall endorse the plat and return it to the subdivider. If disapproved, the City Council shall attach to the drawing of the final plat a statement of the reasons for such actions and return it to the subdivider.
- F. Any provision or conditions of subdivision that cannot by law be shown on a final plat, such as trail easements, specific property use restrictions or like development restrictions shall be separately described, recorded and guaranteed by the financial guarantee. (Ordinance #2, adopted November 14, 2006)

**10-6-4: COUNTY REVIEW OF FINAL PLAT/RECORDING:**

- A. After City Council approval, the plat must be submitted to Anoka County for review. The subdivider shall forward the following:
  - 1. Two (2) paper copies of the final plat to the Anoka County Surveyor. The final plat is reviewed against the approved preliminary plat and any stipulated conditions.
  - 2. All taxes due on the property and the Anoka County Surveyor's plat review fee shall be paid.
  - 3. Computation sheet with point numbers.
  - 4. ASCII file of point coordinates
  - 5. DXF or DWG drawing of the plat.

- B. The subdivider shall file the final plat and required agreement with the Anoka County Recorder. The subdivider shall record the plat within ninety (90) days after the date of approval, unless the subdivider requests an extension, in writing, and receives approval from the City Council. The subdivider shall, immediately upon recording, furnish the City Clerk with a receipt from Anoka County, a print and full size signed and county-approved mylar of the final plat showing evidence of the recording. No building permits shall be issued for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by Anoka County. If the required information showing evidence of recording is not received within ninety (90) days, the City will record the plat and assess the recording costs, time and materials to the landowner.
1. When the land for which the final plat abuts a state highway, county road, or county state aid highway, a certificate or other evidence showing submission of the preliminary plat to the Minnesota Department of Transportation and/or the County Highway Department shall be filed with the County Recorder of Deeds, along with the final plat.
  2. When the final plat includes outlots to be used for drainage or other City purposes, such outlots shall be deeded to the City prior to the issuance of building permits and shall provide a twenty (20) foot City access for maintenance purposes when not located adjacent to a public right-of-way. This access may also serve as public trail right-of-way if required by the City Council.
- C. If a preliminary plat is final platted in stages, unless otherwise provided in the development contract, all stages must be final platted into lots and blocks, not outlots, within two (2) years after the preliminary plat has been approved by the City Council or the preliminary plat of all phases not so final platted shall be subject to replat to address changes in surrounding area land uses and/or physical features.
- D. After approval and execution of the development contract, the contract shall be recorded.
- E. Media Requirements for Recording a Plat:
1. Anoka County: The developer shall submit three (3) full size mylar copies of the final plat to the Anoka County Surveyor's Office. The three (3) copies must be 22 inch x 34 inch x 4 mil, film transparencies of the final plat or registered land survey. All film transparencies presented for filing shall be made by a photographic process only as required by Minnesota Statute § 508.47, Subd. 4. Failure to use a photographic process may result in rejection of the transparencies.

2. City: One (1) full size print of the final plat, one (1) 11" x 17" reduction of the final plat and dedication page, and one (1) electronic copy in a format compatible with the City's mapping system. (Ordinance #2, adopted November 14, 2006; Ordinance 2013-08, adopted August 13, 2013)



## SECTION 7

### PLAT SPECIFICATIONS

Section:

10-7-1	General
10-7-2	Sketch Plan
10-7-3	Preliminary Plat
10-7-4	Final Plat
10-7-5	Other Conditions

**10-7-1: GENERAL:** In a subdivision for residential use of five (5) or fewer lots where the lots abut existing public streets and utilities, the City Council may waive certain data requirements used in preparing the plat, such as topography, street and utility designs, etc., in the instance such information is not required, based on the City Council's and/or City Engineer's review. (Ordinance #2, adopted November 14, 2006)

**10-7-2: SKETCH PLAN:** It shall be a condition of the acceptance of a subdivision sketch plan that said sketch plan shall include the following data:

- A. Identify property by fraction of section, township, and range.
- B. Names and addresses of the owner(s) and subdivider of the land.
- C. Date of sketch plan submission.
- D. North point.
- E. Total approximate acreage (all acreage must be contiguous).
- F. Location of existing streets, parks and trails within subdivision and to a distance of one hundred (100) feet beyond.
- G. Significant topographical features, such as lakes, ponds, wetlands, and hills.
- H. Proposed land use, and tentative street design and lot layout.
- I. Any areas proposed to be dedicated or reserved for public use, i.e. parks. (Ordinance #2, adopted November 14, 2006)

**10-7-3: PRELIMINARY PLAT:** The following maps and data shall be submitted with the application for preliminary plat approval:

- A. The site map shall be drawn at an appropriate scale, but not smaller than one inch equals one hundred feet (1" = 100') and shall include the full legal description of the land involved in said plat. The subdivider may provide this information in a report.
1. The proposed name of the subdivision, which shall not duplicate or be similar to the name of any plat theretofore recorded in the County.
  2. The names and legal addresses of all property owners located within one thousand three hundred twenty (1,320) feet of the plat boundary.
  3. Boundary line of proposed subdivision clearly indicated.
  4. Existing zoning classification.
  5. A general statement on the approximate acreage and dimensions of the lots.
  6. 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 corporate and section lines.
  7. Boundary lines of all adjoining unsubdivided or subdivided land, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.
  8. Topographic data, including contours, at vertical intervals of not more than four (4) feet, water courses, lakes, ponds, wetlands, marshes, wooded areas, limits of one hundred (100) year flood plains, and other significant physical features shall be shown. U.S. Geotechnical Survey data shall be used if reasonably accessible.
  9. Water table elevation and contours under the entire property determined by field borings to determine as closely as possible the highest known ground water level.
  10. The date of preparation of the preliminary plat.
  11. Graphic scale, north point, and legend
  12. Name and address of subdivider and owner(s) of the land, and the designed and surveyor of said plat. If the subdivider is not the fee owner of the land, the subdivider shall note such interest in the land on the preliminary plat.



13. Soils data, including classification of all surface soil in accordance with U.S. Soil Conservation Service Classification System.
  14. Soil borings and percolation tests in appropriate locations.
  15. Such other data as the City may request or may be necessary for the City Engineer's review. (Ordinance #2, adopted November 14, 2006)
- B. Subdivision Design Map at the same scale as the site map showing:
1. Layout of proposed streets, showing rights-of-way widths and proposed streets. Street names shall conform to the County Street Naming and Numbering System.
  2. Layout of lots and blocks with numbers of each, approximate acreage and lot dimensions scaled to the nearest foot.
  3. Location and width of proposed utility easements. The minimum width of easements for utilities shall be ten (10) feet.
  4. Areas intended to be dedicated or reserved for park, trails and other public use, including their size in acres.
  5. Areas intended for use other than residential or public.
  6. Plans for water supply, sewage collection, and/or disposal.
  7. Centerline gradients of proposed streets.
  8. Other data as may be required by the City or may be necessary for the City Engineer's review. (Ordinance #2, adopted November 14, 2006)

**10-7-3: FINAL PLAT:**

- A. The final plat shall be prepared in accordance with Chapter 505, M.S.A. The plat may consist of more than one (1) sheet numbered progressively.
- B. The plat shall contain the name of the subdivision, lettered in large print, at the top of the plat, together with the location of the subdivision by section, township, range, as well as City of Nowthen and Anoka County.
- C. The plat shall contain a graphic scale and north point, and the date of City Council approval.

- D. The plat shall contain an accurate map of the proposed subdivision at a scale not less than one inch equals two hundred feet (1" = 200'), or appropriate scale which shall show the information set forth in the subdivision of this section, which follow and meet requirements of Chapter 505, M.S.A. The final plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of the State Statutes and these regulations.
- E. Final plats shall comply with the following and show survey data with certification by a registered land surveyor showing:
1. Calculated distances and bearings of the subdivision boundaries, lots, utility easements, alleys, streets, and parcels of land reserved or dedicated to the City;
  2. An accurate location of all monuments;
  3. Location and distances of the nearest established street corners or official monuments, and of the streets intersecting the boundaries of the subdivision;
  4. Complete curve data;
  5. All lots and blocks numbered in numerical order;
  6. All municipal, county, or section lines within the proposed subdivision;
  7. Identification and accurate boundaries of any areas to be dedicated or reserved for public use;
  8. The names of all streets and alleys;
  9. Wetlands and standing water.
- F. The plat shall contain a notarized certification by the owner or owners, and by any mortgage holder of record of the adoption of that plat and the dedication of streets and other public areas, as required by Chapter 505, M.S.A.
- G. The plat shall contain a form of recording the approval of the City as follows:
- Approved by the City of Nowthen, Anoka County, Minnesota, at a regular meeting this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CITY OF NOWTHEN

BY: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk

- H. No plat, replat, subdivision of land, or registered land survey shall be filed or accepted for filing by the Anoka County Recorder unless it is accompanied by a certified copy of a resolution adopted by an affirmative vote of a majority of the City Council approving said plat, replat, subdivision of land, or registered land survey. (Ordinance #2, adopted November 14, 2006)

**10-7-4: OTHER CONDITIONS:** Approval of a subdivision plat as provided herein shall not be a guarantee of the issuance of a building permit for a building on a lot or parcel thereon not in conformity with zoning and other applicable regulations, or one found unsatisfactory or inadequate for the purpose. Further restrictions are:

- A. When subject to flood or storm water overflow, no permit shall be issued until adequate drainage and protection against such conditions shall have been provided.
- B. No permit shall be issued unless the application is accompanied by plans for water supply and for waste and sewage disposal, which have been approved by a Building Official as being sanitary and adequate according to standards and specifications for such installations.
- C. Building permits may be withheld for buildings on lots or parcels of property, or tracts, in what should be a subdivision, as defined herein, unless shown on a subdivision plat approved as provided herein and recorded with a certificate of approval in the office of the County Recorder.
- D. No permit shall be issued unless any other unsatisfactory conditions or inadequacies have been corrected.
- E. No building permit shall be issued by any governing official for the construction of any building, structure, or improvement on any land required to be subdivided by this Chapter until all requirements of this Chapter have been fully complied with. (Ordinance #2, adopted November 14, 2006)



## SECTION 8

### PREMATURE SUBDIVISIONS

Section:

10-8-1: Qualification

10-8-2: Condition establishing Premature Subdivisions

10-8-3: Burden of Establishing

**10-8-1: QUALIFICATION:** Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the City Council.

**10-8-2: CONDITION ESTABLISHING PREMATURE SUBDIVISIONS:** 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.
  4. 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 sub-soils 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 Streets or Highways to Serve the Subdivision: A proposed subdivision shall be deemed to lack adequate streets or highways to serve the subdivision when:
1. Streets which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and 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, Anoka County, 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 soil tests, drainfield areas or other such factors relating to on-site waste disposal systems are judged as inadequate for the use proposed.
- E. 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 for within the next two (2) fiscal years.
- F. 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.
- G. Inconsistency With Comprehensive Plan: The proposed subdivision is inconsistent with the purposes; objectives and recommendations of the duly adopted Comprehensive Plan.

**10-8-3: BURDEN OF ESTABLISHING:** The burden shall be upon the applicant to show that the proposed subdivision is not premature.

## SECTION 9

### ADMINISTRATION

Section:

10-9-1	Applicability
10-9-2	Minor Subdivision
10-9-3	Registered Land Survey
10-9-4	Building Permits
10-9-5	Access
10-9-6	Variance
10-9-7	Amendments
10-9-8	Validity
10-9-9	Enforcement and Penalty

**10-9-1: APPLICABILITY:** Nothing herein shall be construed as to direct or imply that these regulations apply only to residential subdivisions. All subdivisions, be they commercial, industrial, public land use, or otherwise, shall be subdivisions regardless of the proposed land use, if falling within the definition of a subdivision as defined herein. (Ordinance #2, adopted November 14, 2006)

**10-9-2: MINOR SUBDIVISIONS:**

- A. In the case of a subdivision resulting in three (3) or fewer parcels, situated in a locality where conditions are well defined, the City Council may exempt the subdivider from complying with some of the requirements of these regulations, with the exception of lot size requirements and density.
- B. In the case of RESIDENTIAL lot reconfigurations or lot splits involving the creation of no more than one (1) new parcel, the Zoning Administrator may approve the subdivision, provided:
  - 1. The parcel is residentially zoned;
  - 2. The subdivision does not involve the establishment of new streets or extension of existing public streets;
  - 3. The subdivision does not involve the creation of flag lots or access easements;
  - 4. The subdivision does not involve the replatting of previously platted lots or changes to existing easements (such as vacation) and deeding of easements to the City;

5. The subdivision complies with all applicable provisions of this Chapter;
  6. If the proposed subdivision involves unusual elements, requires detailed review or policy decisions, or at the Zoning Administrator's request, the proposed division shall be reviewed by the City Council after Planning Commission review and/or processed as a plat.
- C. In the case of COMMERCIAL/INDUSTRIAL lot reconfigurations or lot splits and ALL OTHER minor subdivisions where the request does not involve previously platted lots and the request is to create not more than two (2) new lots/three (3) total lots, and the newly created property lines will not cause any resulting lot(s) to be in violation of these regulations, the City Council may approve the subdivision after Planning Commission review
- D. A parcel that has been divided by metes and bounds may not be re-divided within a twelve (12) month period or a second time by the same owner. (Ordinance #2, adopted November 14, 2006; Ordinance 2017-03, adopted October 10, 2017)

**10-9-3: REGISTERED LAND SURVEY:** A registered land survey/certificate of survey shall be required for all lot reconfigurations, lot splits, and minor subdivisions. The survey shall be submitted to the City of Nowthen along with the appropriate application(s) and required fees. The survey must show proposed corner monuments as set and the legal description of the proposed parcels.

**10-9-4: PROCESSING:**

- A. In the case of lot reconfigurations or lot splits which may be approved by the Zoning Administrator, the review shall be documented in writing within fourteen (14) days of submission of a complete application.
- B. All other minor subdivisions shall be submitted in preliminary form to the Planning Commission before prepared in final form, and the Planning Commission make recommendations to the City Council relating to the arrangement, sizes, and relationship of proposed tracts to be conveyed for building purposes, tracts to be used for access to building sites, and tracts to be used as easements, for streets, utilities, or drainage.
- C. If not approved as satisfactory, the Planning Commission shall indicate changes desired for conformity with land development standards in the City and subdivision design standards herein.
- D. Unless City Council approval has been obtained as intended, building permits may be withheld for buildings on tracts deemed inadequate or unsatisfactory



when measured by such standards and the City may refuse in the future to take over tracts as streets or roads, or to improve, repair, or maintain any such tracts. (Ord. 2017-03, adopted October 10, 2017)

**10-9-5: ACCESS:** No permit for the erection of any building shall be issued unless such building is to be located upon a parcel of land that is a legally existing lot of record with public access or on a parcel with a minimum of one hundred fifty (150) feet abutting on a public street which has been designated on an approved plat, or which has been otherwise reviewed by the Planning Commission and approved by the City Council. (Ordinance #2, adopted November 14, 2006; Ordinance 2013-03, adopted April 9, 2013)

**10-9-6: VARIANCE:**

- A. The City Council may grant a variance from the regulations contained in this Chapter following a report from the Planning Commission finding that all of the following conditions exist:
1. There are special circumstances or conditions affecting said property, such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his/her land.
  2. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and vicinity. The possibility of increased financial return shall not in itself be deemed sufficient to warrant a variance.
  3. The granting of the variance will not be detrimental to the public welfare or injurious to the other property in the immediate area, and will not have an adverse effect upon traffic or public safety.
  4. In making a finding, the Planning Commission shall consider the nature of the proposed use of the land and existing use of the land in the vicinity, the number of persons who reside or work in the area, and the probable effect of the proposed variance upon traffic conditions in the vicinity.
- B. In granting variances as herein provided, the City Council may prescribe conditions that it deems necessary to protect the public interest.
- C. In making a determination to issue a variance, the City Council shall find that:
1. The proposed project will constitute a desirable and stable community development.

2. The proposed project will be in harmony with adjacent areas.
  3. The variance will not be detrimental to or in conflict with the approved Comprehensive Plan of the City.
- D. The application for any variance shall be made in writing and addressed to the Planning Commission and shall be submitted to the Clerk. Said application shall include the specific variance requested, the location of those variances and how it varies from the provision of this Chapter. The written application shall be submitted to the Planning Commission for their advice and recommendations and they shall consider this request at the next regularly scheduled meeting and submit their report to the City Council at the earliest possible date, not to exceed sixty (60) days after receipt of the written application. Applications for variances from the subdivision regulations shall be accompanied by a fee as established by Section 1-2-2 of the City Code.
- E. If approved by the City Council, a written variance, including the legal description of the property, shall be prepared and a certified copy thereof shall be filed with the County Recorder. (Ordinance #2, adopted November 14, 2006)

**10-9-7: AMENDMENTS:** The City Council may introduce and consider amendments to this Chapter as proposed by the City Council, Planning Commission, or by a petition of any person owning real estate or having documented interest therein, within the City so as to affect the said real estate. Amendments will be referred to the Planning Commission for study and a public hearing. (Ordinance #2, adopted November 14, 2006)

**10-9-8: VALIDITY:** Should any Article, Section, or part of a Section of this Chapter be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Chapter as a whole, or of any other part thereof. (Ordinance #2, adopted November 14, 2006)

**10-9-9: ENFORCEMENT AND PENALTY:** Any person, persons, firm, partnership, corporation, or other legal entity who violates any of the provisions of this Chapter shall be guilty of a misdemeanor as defined by State Law. (Ordinance #2, adopted November 14, 2006)