CITY OF TAYLORS FALLS ZONING ORDINANCE

CHAPTER THREE

SUBDIVISION REGULATIONS

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CITY OF TAYLORS FALLS ZONING ORDINANCE

CHAPTER THREE

SUBDIVISION REGULATIONS

This Chapter of the City of Taylors Falls Zoning Ordinance shall be known as the City of Taylors Falls Subdivision Regulations and may be referred to in this chapter as "this chapter" or "this ordinance" or "the subdivision ordinance."

SECTION 3000.001 INTENT AND PURPOSE

Subd. 1 The process of dividing raw land into home sites, or separate parcels for other uses, is one of the most important factors in the growth management of the City. Few activities have a more lasting effect upon its appearance and environment. Once the land has been subdivided into lots and the streets, houses, and other structures have been constructed, the basic character of this permanent addition to the City has become firmly established. It is then virtually impossible to alter its basic character without substantial expense. In most subdivisions, roads and streets must be maintained and various public services must be provided. The welfare of the entire City is thereby affected in many important respects. It is, therefore, to the interest of the general public, the developer, and the future owners that subdivisions be conceived, designed and developed in accordance with sound rules and proper standards. To the extent authorized by law, it is the purpose of these regulations to:

A. Balance development opportunities with the need for conserving Taylor Falls' small town historic character and its great natural scenic beauty.

B. Encourage well-planned, orderly, efficient, and attractive subdivisions by establishing standards for design and construction.

C. Provide for the health, safety and general welfare of residents by requiring properly designed streets, 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.

SECTION 3000.002 SCOPE AND APPLICABILITY

Subd. 1 **Regulations.** The regulations contained in this chapter shall apply to any division of land into two or more parcels for the purpose of transfer of ownership, building development or tax assessment purposes by platting, replatting, registered land survey, conveyance, sale, contract for sale or other means by which a beneficial interest in land is transferred.

Subd. 2 **Effective date.** After the effective date of this Ordinance:

A. No land shall be subdivided or platted nor shall any plat or deed be recorded except as provided in this chapter and approved by the City as having fulfilled the requirements of this Chapter and the other chapters of the City of Taylors Falls Zoning Ordinance.

B. Any parcel of land, either platted or unplatted, that has been combined for tax purposes, or for any other reason, cannot be re-separated without approval in the manner prescribed in this Chapter.

Subd. 3 **Parcel Size Subject to this Ordinance.** Pursuant to Minnesota State Statutes §462.358, Subd. 4b, single parcels of commercial or industrial land of not less than five (5) 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 (5) acres in area or 300 feet in width, and residential or agricultural land of not less than ten (10) 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 ten (10) acres in area or 500 feet in width, shall be exempt from the requirements of this Ordinance except that a certificate of survey and description of such land shall be filed with the Zoning Administrator.

Subd. 4 **Conflict**. The provisions of this Ordinance are in addition to and not in replacement of the Taylors Falls Code of Ordinances or building code. Any provisions of said codes relating to platting shall remain in full force and effect. Whenever there is a difference between minimum standards or dimensions specified herein and those contained in other official regulations, resolutions, or ordinances of the City, the more restrictive standards shall apply.

Subd. 5 **Approvals Necessary for Acceptance of Subdivision Plats**. Before any plat shall be recorded or be of any validity, it shall be reviewed by the Planning Commission and approved by the City Council as having fulfilled the requirements of this Ordinance.

Subd. 6 **Restrictions on Filing and Recording.** No conveyance of land to which the regulations of this Ordinance are applicable shall be filed or recorded in the Office of the Chisago County Recorder 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:

A. Was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, Chapter 287, whichever is later or

B. Was the subject of a written agreement to convey entered into prior to such time, or

C. Was a separate parcel of not less than 2½ acres in area and 150 feet in width on January 1, 1966, or

D. Was a separate parcel of not less than five acres in area and 300 feet in width on July 1,1980, or

E. Is a single parcel of commercial or industrial land of not less than five (5) 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 (2) or more lots or parcels, any one of which is less than five (5) acres in area or 300 feet in width, or

F. Is a single parcel of residential or agricultural land of not less than twenty (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 (2) or more lots or parcels, any one of which is less than twenty (20) acres in area or 500 feet in width.

SECTION 3000.003 ADMINISTRATION

Subd. 1 The Zoning Administrator shall administer these regulations.

Subd. 2 Whenever there is a difference between the minimum standards or dimensions required in this Chapter and any other standards or dimensions in other sections of the City of Taylors Falls Zoning Ordinance or other applicable regulations, the most restrictive standards or dimensions shall apply.

Subd. 3 The platting and subdivision of open space design subdivisions shall be coordinated with the requirements contained in the Zoning Regulations, Chapter Two.

Subd. 4 In the case of a request to divide a lot which is part of a recorded plat or metes and bounds description where the division is to permit the adding of a parcel of land to an abutting lot or to otherwise exchange property between adjacent lots and the newly created property line will not cause either lot to be in violation with this Chapter or the Zoning Ordinance, the division may be approved by the Zoning Administrator after submission of a survey and legal description of each by a licensed land surveyor showing the original lot and the proposed new lot lines. The newly acquired land must be combined on the same deed for recording purposes as the remainder of the owner's property.

Subd. 5 No structure shall be built or placed on a lot in a new plat until the road and drainage improvements are substantially completed. With regard to road improvements, substantially complete shall mean that the gravel base is in and has been approved by the City engineer.

Subd. 6 Building Permit Refusal. No building permits shall be issued by the City for the construction of any building, structure, or improvement to the land or to any lot in a subdivision as defined herein until said land or lot has been determined by the City to be in compliance with all requirements of this Ordinance.

Subd. 7 Consent for subdivision of property shall be required from the owner of the property.

Subd. 8 Creation of a security interest in a portion of a parcel less than the entire parcel does not entitle the property to be subdivided even in the event of foreclosure of the security interest unless the parcel is in conformance with this Chapter and the Zoning Ordinance.

Subd. 9 Fees for plat reviews and other services rendered under this Chapter shall be established by the Taylors Falls City Council and as identified in Section 3000.016.

Subd. 10 The applicant shall reimburse the City for all administrative, engineering, planning and legal expenses incurred by the City in connection with the application.

SECTION 3000.004 PLATTING PROCEDURE

Subd. 1 <u>Sketch Review</u>.

A. The sketch plan state is a pre-application procedure undertaken to benefit the potential applicant. In order to ensure that all applicants are informed of the procedural requirements and minimum

standards of this Chapter, and the requirements or limitations imposed by other City regulations prior to the development of a preliminary plat, the subdivider shall first meet with City Staff and City Consultants to review the first draft of the sketch plan.

B. The owner shall then meet with the Planning Commission, and shall prepare and submit 15 copies and a reproducible print of the sketch plan containing the following information:

1. Tract boundaries map at a minimum scale of one inch equals 100 feet, including approximate lengths and boundaries.

2. General location map showing the proposed subdivision in the City and showing County and State Highways, school locations, commercial uses, and all significant developments adjacent to the proposed subdivision.

3. Proposed name of the proposed subdivision.

4. Resource Inventory that includes:

    a. Hydrologic characteristics, including surface water bodies, floodplains, wetlands, natural swales and drainageways.

    b. Context: general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch: 400 feet.

5. Proposed general street and lot layout with lot sizes of individual parcels designated.

6. General location of proposed public and private open space areas.

7. Current zoning and land use of the property and adjacent parcels.

8. Existing topography.

9. North arrow.

10. Graphic scale.

11. An explanation of the proposed subdivision and its purpose.

C. The owner shall also submit fifteen (15) copies and a reproducible yield plan showing the maximum number of lots that could be permitted using the performance standards for lots in a conventional subdivision in accordance with the City of Taylors Falls Zoning Ordinance. The yield plan will identify areas of significant cultural, natural, and historic value in an effort to protect these areas.

D. The Planning Commission shall review the sketch plan with the subdivider and provide comments on the sketch plan to the extent to which the proposed subdivision conforms with this Ordinance, the Comprehensive Plan, Zoning Regulations, and other City ordinances and official controls in effect. The Planning Commission will take no formal or informal action at this stage of review and discussion that occurs at this meeting cannot be construed as approval or denial of the proposed plat. Submission of a proposed sketch plan shall not constitute formal filing of a preliminary plat.

E. The subdivider shall consult with the Park and Recreation Committee at the time the sketch plan is under consideration to secure its recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds, trails, open space or other public property.

F. Following the Planning Commission and Park and Recreation Committee's review of the sketch plan, the applicant shall hold a neighborhood meeting at a neutral location to present the sketch

plan. Invitees to the neighborhood meeting shall include all property owners within 350 feet of the proposed development, and a neighborhood meeting notice shall be placed in the official newspaper. A meeting summary shall be provided to the Planning Commission at the Preliminary Plat Public Hearing.

Subd. 2 **Preliminary Plat**

A. After receiving comments on sketch plan from the Planning Commission, Park and Recreation Commission, and the neighborhood meeting, the applicant shall prepare and submit fifteen (15) copies and a reproducible print of the preliminary plat to the Zoning Administrator. Such preliminary plat submission shall contain the information as described in Section 3000.006, Preliminary and Final Plat Requirements.

B. Once the Zoning Administrator has determined that the application is complete and all required documents have been submitted, the Zoning Administrator shall set the date for the Public Hearing. If the application as been deemed incomplete, the Zoning Administrator shall notify the applicant in writing with fifteen (15) days.

C. Upon acceptance of the preliminary plat for filing, the Zoning Administrator shall refer two (2) copies of the preliminary plat to the Planning Commission for its examination and report; one (1) copy to the City Planner; one (1) copy to the City Engineer for his examination and report; one (1) copy to the County Engineer if plat abuts a county road; one (1) copy to the State Highway District Engineer at least thirty (30) days prior to the hearing, if plat abuts a State highway; one (1) copy each to the telephone company, gas company, electric company, cable television company; one (1) copy to the Commissioner of Natural Resources if any portion of the plat lies within any shoreland district as defined in Minnesota Statutes, Sections 103G.005 and 103F.221; and one (1) copy to other public jurisdictions where appropriate and when required. Copies of the report by the engineer shall be given to the Planning Commission.

D. The Zoning Administrator shall cause notice of said hearing to be published in the official newspaper at least 10 days prior to the hearing, and shall also cause a notice to be mailed at least ten (10) days before the hearing to the subdivider and to the last known address of all owners of property located within 350 feet of the proposed plat.

   The Planning Commission shall hold a public hearing on the preliminary plat at its next regular meeting following filing of the preliminary plat provided filing is made at least 20 days before the next scheduled Planning Commission meeting. In the case that the plat abuts a state highway which requires a 30 day hearing notice to the State Highway District Engineer, the hearing must be held following that review period.

E. The Planning Commission shall make its report to the Council within sixty (60) days following acceptance for filing, unless a delay is requested or agreed upon in writing by the applicant prior to action by the Planning Commission in which case a delay may be granted, or denied, by the Planning Commission as it shall determine. The report shall contain recommendations and reasons for approving, disapproving, or modifying the preliminary plat. If the report is not made within this time period, the preliminary plat shall be forwarded to the Council as though it had been recommended for approved.

F. The Council shall approve or disapprove the preliminary plat within 120 days of the date on which the acceptable and complete application was filed with formal request for approval, unless an extension of the review period has been requested or agreed upon in writing by the applicant. If the report of the Planning Commission has not been received within 60 days of the filing of an acceptable application,

the Council may act on the preliminary plat without such a report. In the event that the Council takes no action within the 120 day period without an extension period, the plat shall be deemed preliminarily approved. The approval of a preliminary plat by the City Council indicates to the subdivider that he may proceed toward fulfilling the necessary steps for approval of the final plat in accordance with the terms of approval.

G. If the preliminary plat is not approved, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant.

H. If the subdivider desires to amend the preliminary plat as approved, he may resubmit the amended plat which shall follow the same procedure except for the public hearing and fee unless the amendment is, in the opinion of the City Council, of such scope as to constitute a new plat, or to materially alter the approved preliminary plat, in which case all of the elements herein before enumerated under this Subdivision shall be complied with.

I. Council approval of a preliminary plat for a parcel of land shall remain in effect for a period of twelve (12) months from the date of Council approval. If all or a portion of the final plat has not been submitted for approval within the period allowed by this Ordinance, the applicant must re-start the platting procedure.

J. The Planning Commission reserves the right to recommend and the City Council reserves the right to deny or require changes to any subdivision plan that does not meet the standards contained in the City Zoning Ordinance.

K. Prior to preliminary plat approval for property located in a Shoreland District or St. Croix River District, the proposed subdivision must have the approval of the Minnesota Department of Natural Resources. The Zoning Administrator shall be responsible for forwarding copies of the proposed plat to the DNR.

Subd 2 **<u>Final Plat</u>**

A. If the preliminary plat has been approved by City Council, the subdivider shall submit fifteen (15) copies and a reproducible print of the final plat with the Zoning Administrator not later than twelve (12) months from the date of Council approval of the preliminary plat or the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause is granted by the Council.

B. The subdivider may file a final plat limited to such portion of the preliminary plat which the proposed to record and develop at the time provided that such portion must conform to all requirements of this Ordinance.

C. Upon receiving the plat for filing, the Zoning Administrator shall forward copies of the final plat to the City Planner, City Engineer and Planning Commission for their report and recommendations on approval of the plat to the Council. Furthermore, one copy of the plat shall be submitted to the County Engineer if the plat abuts a County road; one copy to the State Highway District Engineer if the plat abuts a State highway; one copy to the school district; one copy each to the telephone company, gas company, electric company, cable television company; one copy to the Commissioner of Natural Resources if any portion of the plat is within any shoreland district as defined in Minnesota Statutes, §103G.005 and 103F.221; and one copy to other public jurisdictions where appropriate and when required.

D. Before a final plat is approved by the Council, the City Attorney shall submit a Developer's

Agreement to the Council for their review and approval. The Agreement shall be binding on the subdivider, his/their heirs, personal representatives and assign. The Agreement shall state that the subdivider will cause no private construction to be made on said plat or file or cause to be filed any application for building permits for such construction until all improvements required under this Ordinance have been made or arranged for in the manner and conforming to the requirements as set forth herein. Said Developer's Agreement shall be submitted for Council consideration in conjunction with the final plat. Subsequent to approval of the agreement by the Council, the agreement shall be executed on behalf of the City by the City Clerk and by the Mayor.

E. Prior to approval of the final plat by the Council, the subdivider shall deposit with the Zoning Administrator all financial guarantees as required in Section 300.016 of this Ordinance.

F. The subdivider shall cause record drawings of all improvements to be filed with the City Engineer within thirty (30) days of final acceptance by the City of said improvements.

G. The City Council, after receiving the final plat, Developer's Agreement, and recommendations from the Planning Commission and the City Engineer, may approve, disapprove, or set forth conditions for approval. The subdivider will be notified in writing as to the Council's decision. Failure to act upon the plat within sixty (60) days after filing of the final plat with the Zoning Administrator shall be deemed approved.

H. Upon approval of the final plat the subdivider shall provide two (2) hard shells, one (1) reproducible copy, and two (2) copies of the final plat for execution by City officials. Any payments in lieu of land dedication for public use shall be paid at the time of execution. Land to be dedicated must either be dedicated on the plat, or if donated as an outlot, the warranty deed must be accepted by the City prior to execution. Within one-hundred twenty (120) days after approval by the City Council the subdivider shall record the final plat with the County Recorder in accordance with County regulations and within ten (10) days of recording furnish the City with a copy of the final plat, including a linen and a hard shell, showing evidence of the recording; otherwise, the approval of the final plat by the City Council will become null and void.

I. The Zoning Administrator will cause the Developer's Agreement to be recorded in the Office of the County Recorder, all fees for which shall be borne by the subdivider.

J. In order to preserve an appropriate flexibility in the development plans for a large project that is to be developed or phased over a number of years, a preliminary plan for the entire development shall be approved after a public hearing by Planning Commission and approval by City Council, just as if it were a preliminary plat. The developer would then seek approval of the final plan in stages prior to progressing with development. No additional public hearings need be held unless the developer proposes to make a substantial change from the plans or conditions. Enlargement, intensification of use or similar changes shall be considered substantial changes. Each plan or phase shall be approved by the Planning Commission and then the City Council just as a final plat would be approved in Section 3000.006.

SECTION 3000.005 PRELIMINARY AND FINAL PLAT REQUIREMENTS

Subd. 1 **Application Requirements.** The following information shall be submitted prior to preliminary plat review:

A. Fifteen (15) copies and a reproducible print of the preliminary plat containing all information called for in Subd. 2 of this Section.

B. An abstractor's certificate showing the names of all property owners within three hundred and fifty (350) feet of the property being platted.

C. Platting application forms shall be submitted by the subdivider.

D. A financial guarantee as provided in Section 3000.015 of this Ordinance.

Subd. 2 **Preliminary Plat Specifications.** Graphic scale for any maps shall not be more than one hundred (100) feet to one (1) inch.

A. Identification and Description.

1. Proposed name of the subdivision. This name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the City.

2. Legal description of the property.

3. Name and address of the record owner and any agent having control of the land; the name and address of the subdivider, land surveyor, engineer and designer of the plan.

4. North point and vicinity map of area showing well-known geographical points for orientation within a ½ mile radius.

5. Date of preparation.

B. Existing Conditions.

1. Boundary lines shall be shown clearly and to such a degree of accuracy that conforms to the final plat in that no major changes are necessary in preparing said plat.

2. Existing zoning classifications for land in and abutting the subdivision.

3. Total acreage of plat and square feet of lots.

4. Location, right-of-way width, and names of existing or platted streets or other public ways, parks and other public lands, significant physical features/natural resources, permanent buildings and structures, easements and section, corporate and school district lines within the plan and to a distance of three hundred (300) feet beyond.

5. Location and size of existing sewers, water mains, culverts, wells, septic systems, drain tile, or other underground facilities within the preliminary plat and to a distance of one hundred (100) feet beyond. Such data as grades and location of catch basins, manholes, hydrants, and street pavement width and type shall also be shown.

6. Boundary lines of adjoining land within 150 feet, identified by name and ownership, and including all contiguous land owned or controlled by the subdivider.

7. All wetlands shall be field delineated by a qualified and experienced wetlands delineator and shown appropriately on the preliminary plat. A copy of the wetland delineation report shall be submitted. Mapping must show surveyed location of all wetland boundary markers.

8. Topographic data, including contours at vertical intervals of not more than two (2) feet, except in those areas where the slope is less than one percent (1%) a one (1) foot vertical interval shall be shown. Watercourses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. National Geodetic Vertical Datum 1929 Adjustment or North American Vertical Datum of 1988 shall be used for all topographic mapping, except where benchmarks are not available within one-half (½) mile of site. Benchmarks shall be established on-site and shown on map. At the discretion of the Zoning Administrator, spot elevations may substitute for the one-foot contour intervals. All slopes greater than twenty-four (24%) percent shall be delineated.

9. A copy of all proposed private restrictions and covenants.

10. If the proposed subdivision is a rearrangement or a replat of an existing plat, the lot and block arrangement of the original plat along with its name shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated.

C. Subdivision Design Features.

1. Layout of proposed streets showing right-of-way widths and proposed names of streets.

2. Locations and widths of proposed alleys, pedestrian ways and utility easements.

3. Lot and block numbers, preliminary dimensions of lots and blocks and area of each lot. The buildable area of each lot, excluding slopes over 24%, required setbacks and drainage easements shall be noted. The proposed building pad shall also be noted.

4. Proposed front, side and rear building setbacks as well as setbacks from water bodies.

5. Location and size of proposed sanitary sewer lines and water mains or proposed City sewer and water systems.

6. Gradients of proposed streets and sewer lines. Plans and profiles showing locations and typical cross-sections of street pavement including curbs, gutters, sidewalks, drainage easements, servitude right-of-ways, manholes and catch basins.

7. Areas (other than streets, alleys, pedestrian ways and utility easements) intended to be dedicated or reserved for public use including the size of such area(s) in acres.

8. Grading and drainage plan for entire subdivision. If any fill or excavation is proposed in a wetland or lake, approval may be required from the Minnesota Department of Natural Resources, Army Corps of Engineers, Local Governmental Unit and/or Watershed Management Organization.

9. Erosion and sediment control plan.

11. Landscape Plan for trees in the right of way and required by the landscaping ordinance prescribed by Section 2000.014 Screening and Landscaping.

12. Tree preservation plan, if applicable.

13. If the parcel to be created in the subdivision is larger than one (1) acre and the land is within the Residential Transitional and Rural Countryside zoning districts, a ghost plat shall be submitted in compliance with the requirements in this Section.

D. Other Information Required by Zoning Administrator, City Engineer, Planning Commission or City Council.

1. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; type of business or industry so as to development on traffic, fire response and public safety and density of population.

2. Provisions for sewage disposal, surface water drainage, flood control, and source of water supply.

3. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require the subdivider to submit a sketch plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions and land use. If the plat contains either a temporary or permanent cul-de-sac, a plan showing the potential for development of adjacent property may also be required.

4. A draft of further restrictions to the plat in the way of protective covenants or deed restrictions shall be submitted if they exist.

5. A report on the feasibility of the existing treatment facilities and collection system to handle the anticipated additional service load created by the proposed subdivision, along with the distance from the subdivision to the nearest public sewer.

6. A report on the feasibility of the existing water system to service the anticipated additional needs of the proposed subdivision along with the distance from the subdivision to the nearest water main.

7. If on-site water supply and sewage disposal are planned where public water and sewer are not available, the subdivider shall file a report prepared by a registered civil engineer on the feasibility of individual on-site sewer and water systems on each lot, and shall include soil boring information and analysis and percolation tests to verify conclusions.

8. An economic feasibility study, done by the City, on the impact on City roads and utilities.

9. A full build-out sketch of the proposed subdivision from the intersection of State and County right-of-ways or other public places.

10. The Zoning Administrator, the Planning Commission the City Engineer or the City Planner, may request such other information as deemed necessary.

Subd. 3 **<u>Final Plat Review.</u>** The following information shall be submitted for final plat review.

A. General

The final plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall conform to all State and County requirements and the requirements of this Ordinance.

B. Specific

1. Data required by State statute to fully describe the land to be platted including accurate angular and lineal dimensions for all lines, bearings, angles, and curvatures used to describe boundaries, streets, alleys, easements, areas to be reserved for public use. Dimension of lot lines shall be shown in feet and hundredths. The allowable error in closure for any portion of a final plat shall be one (1) foot in 7,500 feet. Pipes or steel rods shall be placed at the corner of each lot, at points of deflection and at the intersection of street centerlines.

2. A numbered identification system for all lots and blocks. Blocks shall be numbered in the center of the block.

3. A boundary line survey of the property to be included within the plat including the measured distances and angles and the true distance and bearing between a known point on the boundary and the nearest official monument, all monuments and survey irons to be indicated on the plat, each angle point of the boundary perimeter shall be so monumented; which boundary survey shall be accurately described on the plat.

4. City, County, and/or section lines accurately tied to the lines of the subdivision by distances and angles.

5. Radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs.

6. Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision of record in the City, shall be lettered in prominent print at the top of the plat, together with the name of the City, Section Township, Range, County, and State wherein the subdivision lies.

7. Accurate location of all 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.
8. Graphic scale and north point.

9. Names of all streets to be dedicated including their exact locations. A sequence of street names shall be followed that is consistent with the pattern that has been established by policy in the particular area under consideration. All dimensions shall be shown for streets.

10. Location of water bodies and low lands that are susceptible to frequent floodings shall be indicated by proper identification symbols.

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

12. Judicial and county ditches shall be shown by dimensions, angles, and bearings.
13.The names and platting of adjoining subdivisions shall be dotted on the plant to a distance from the boundaries of the plat under consideration of not less than 100 feet. Dimensions of adjoining plats need not be shown; but the lot, block, and street arrangement must be shown. Where adjacent land is not platted it shall be so indicated.

14. In case of a re-arrangement or re-plat, the original platting of the subdivision shall be indicated by dashed lines on the final plat.

15. Name and address of the registered land surveyor making the plat and certification in the form required by Minnesota Statutes §505.03, as amended, as to the accuracy and survey of the plat, that the survey was made by him, and that all monuments and markers shown therein exist as located and that all dimensional details are correct.

16. Certification showing that all taxes and special assessments due on the property have been paid in full.

17. Notarized certification in accordance with Minnesota Statutes §505.03, as amended, must be provided on the plat by all owners of any interest in the land and any mortgage holder of record of the plat adoption and of the dedication of streets, easements and other public areas.

18. A certified copy of the plat restrictions which shall include a provision that, in all instruments of sale or conveyance given before all improvements required by this Ordinance have been made, the consignee shall agree to and approve such improvements and the assessment of their cost.

19. Any private restrictions or protective covenants covering the plat must be submitted along with the final plat.

20. Form of approval by the City Council as follows:

    Approved by the City Council of Taylors Falls, Minnesota,
    this _____ day of _____ , _____ .

    Signed _____
    Mayor

    Attest _____
    Clerk

21. Form of approval of the City Engineer as follows:

    Approved by the City Engineer of the City of Taylors Falls, Minnesota,
    this _____ day of _____ , _____ .

SECTION 3000.006 MINOR SUBDIVISION

Subd. 1 In the case of a subdivision situated in a locality where conditions are well-defined and no new roads or other public infrastructure is needed, the City may waive a portion of the platting requirements.

If a subdivision results in three (3) or fewer parcels and is located where conditions are well defined, the City may exempt the subdivider from complying with some of the requirements of this Ordinance. In a request to subdivide a lot which is a part of a recorded plat, or where the subdivision is to permit adding a parcel of land to an abutting lot, or to create not more than three (3) new lots and the newly created property lines will not create the need for a new road, result in multiple accesses, nor cause any resulting lot to be in violation of these regulations or the zoning ordinance, the division may be approved or denied by the City Council after review by the Planning Commission. At a minimum, the following information must be submitted:

A. A certificate of survey shall be prepared by a licensed land surveyor showing the original lot and boundaries of the newly created lots.

B. Topographic data at (ten) 10 foot contour intervals. Data at two (2) foot contours and flood plain information may be required if deemed necessary by the Zoning Administrator.

C. Buildable area on the parcels and the proposed building pad.

D. Driveway access points. Driveway permits or letter of intent must be approved by the Chisago County Department of Public Works or MNDOT if access to a County or State road is required.

E. Drainage, grading and erosion control plans. Drainage easements must be dedicated as necessary. Road right-of-way must be dedicated as necessary.

F. Wetland delineation report and map. All wetland areas and DNR protected waters shall be protected with a drainage easement up to the 100-year flood elevation or the wetland boundary, whichever is more restrictive.

G. Soil testing for the installation of an on-site sewage disposal system (if applicable).

H. Sanitary sewer and water utility plans (if applicable).

I. If the parcels to be created in the subdivision is larger than one (1) acre and the land is within the Residential Transitional and Rural Countryside zoning districts, a ghost plat shall be submitted in compliance with the requirements in this Section. A Development Agreement must be entered into specifying the number of density units allocated among the parcels (refer to Chapter 2 of the Zoning Ordinance) and approved by the City Council.

J. Prior to approval of a minor subdivision, the City reserves the right to require the dedication of streets, utility and drainage easements, or public park land or cash in lieu of land.

Subd. 2 The Zoning Administrator shall review all minor subdivisions for compliance with the Zoning Ordinance prior to submission to the Planning Commission for their recommendation.

Subd. 3 In cases where the new lot and resulting lots created exceed 20 acres and have 500 feet of frontage on a public road, subdivision approval is not required.

Subd. 4 The subdivider shall provide a copy of the recorded survey to the City.

SECTION 3000.007 GHOST PLATTING

Subd. 1 **Purpose.** The ghost platting process is used for the following purpose:

A. Foster discussion and consideration of long-term development of neighborhoods at greater density than is currently permitted to guide efficient and equitable expansion of urban services such as sewer and water.

B. To ensure that adequate public right of way and easements are identified and dedicated to serve the community.

C. To adequately plan for future development of public facilities such as parks and trails.

D. To ensure that adequate land area is identified for future storm water management facilities.

E. To place structures on lots in a configuration that does not unduly hinder future provision of public services, future subdivisions, or redevelopment.

Subd. 2 **Applicability.** If the parcels to be created in the subdivision is larger than one (1) acre and the land is within the Residential Transitional or Rural Countryside zoning districts, a ghost plat shall be submitted in compliance with the requirements in this Section.

Subd. 3 **Ghost platting specifications**. In the event that a ghost plat is required, the design of the ghost plat shall include the following:

A. The proposed street layout for the urban subdivision overlay may, at the discretion of the City Council, be required to integrate with the rural plat to maximize the use of existing built roadways and connections to off-site systems. All future street right-of-ways and public easements in the ghost plat may, at the discretion of the City Council, be required to be platted as part of the rural plat to secure the integrity of future urban platting.

B. Lot size and arrangement shall be required to be based on urban residential densities that range from one (1) to four (4) units per acre. The City Council has the discretion to request a ghost plat at a greater density.

C. Areas for potential park land dedication and trail connections shall be identified as Outlots that are suitable for dedication to the City if required by the City Council.

SECTION 3000.008 GENERAL DEVELOPMENT STANDARDS

Subd. 1 No land may be subdivided into buildable lots when it is unsuitable for reasons of flooding, inadequate drainage, soil and rock formations with severe limitation on development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of residents of the City or future residents of the subdivision.

Subd. 2 The City reserves the right to decline approval of a subdivision if it is not does not meet the standards contained in the City Zoning Ordinance.

Subd. 3 Any Mandatory Environmental Assessment Worksheet or Impact Statement as required by the Minnesota Environmental Quality City Council Regulations shall be submitted by the developer as part of the application for preliminary plat approval.

Subd. 4 The proposed subdivision shall conform to the Comprehensive Plan and Policies as adopted by the City.

Subd. 5 Where a subdivision abuts or impacts an existing City Street, County Road or County State Aid Highway, additional right-of-way may be required to be dedicated so long as the additional right-of-way is reasonably proportional to the impact of the subdivision on the health, safety and welfare of the City.

SECTION 3000.009 PARK AND TRAIL DEDICATION REQUIREMENTS

Subd.1 **Park Land Dedication Requirements**

To satisfy park dedication requirements, subdividers and developers of land shall be required to dedicate land to the City for park, playground, trails and public open space, in accordance with one of the following three criteria, at the option of the City:

A. The dedication of land shall be based on the net developable land area of the proposed subdivision, proposed type of dwelling unit and density. The formula for land dedication is:

Dwelling unit density	Land to be dedicated
0 – 1.9 units per acre	9%
2.0 – 3.5 units per acre	10%
3.6 – 5.9 units per acre	11%
6 – 10 units per acre	12%
10 + units per acre	additional .5 % for each unit over 10

B. A cash contribution in lieu of land dedication based upon an established dollar amount per dwelling unit in accordance with the fee schedule attached to this Ordinance as Appendix A in Chapter One. The Zoning Administrator shall provide the fee schedule to the City Council at its organizational meeting each year, or such other times as the City Council may direct.

C. In lieu of such dedications and when determined by the City, the developer may be required to dedicate a portion of land with the balance to be paid in fees. In such cases, the following procedures will be used:

1. The City shall calculate the total amount of land for park area which could be required in accordance with this policy.

2. From the total amount of land calculated in (A) above, the City shall subtract the actual amount of land the City needs for parks land in the proposed development.

3. The balance of the park area otherwise required shall be calculated as a percentage and shall be multiplied by the approved project density, (i.e. number of dwelling units) and current per dwelling unit park dedication fee to yield the total such park dedication requirement.

   The required land dedication and/or payment of fees in lieu of land dedication shall be made at the time of final plat approval. A vacant or undeveloped parcel shall be subject to this park

dedication requirement if it is again subdivided.

Subd. 2 Trail Dedication Requirements

To satisfy trail dedication requirements, subdividers and developers of land shall be required to dedicate trail fees in accordance with one of the following two criteria, at the option of the City:

A. A cash contribution based upon an established dollar amount per dwelling unit established in Appendix A of Chapter One. The Zoning Administrator shall provide the fee schedule to the City Council at its organizational meeting each year, or such other times as the City Council may direct.

B. At the discretion of the City, some or all of the trail dedication fees may be waived if the developer installs trails.

Subd. 3 General Standards for Park and Trail Dedication

A. Lands for Public Use. Pursuant to Minnesota Statutes §462.358, Subdivision 2 (b), as amended and this Ordinance, all owners or developers, as a prerequisite to approval of a plat, subdivision or development of any land, shall convey to the City or dedicate to the public use, a reasonable portion of any such land for public use as streets, roads, sewers, electric gas and water facilities, storm water drainage and holding areas or ponds, similar utilities and improvements or parks, playgrounds, trails or open space, said portions to be approved and acceptable to the City.

B. Dedicated Land Requirements. Any land to be dedicated as a requirement of this Ordinance shall be reasonably adaptable for its proposed use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, tree cover, access and location.

C. Miscellaneous Requirements for Park Dedications. The following requirements shall apply to all dedications or conveyances for park, playground, trails or public open space purposes.

1. Land conveyed or dedicated pursuant to provisions of this Ordinance shall, at the option of the City Council, be located outside of drainage ways, floodplains, and ponding areas after the site has been developed.

2. As part of their development contract approval responsibilities, owners and developers shall be responsible for making certain improvements to the developments for park, playground, trail and public open space purposes including, but not limited to, finished grading and ground cover for all park, playground, trail, and public open spaces within their developments.

3. Standards for Location. The Park and Recreation Commission shall make a recommendation to the Planning Commission prior to preliminary plat approval, as to the location and type of park facility required for each development. The Park and Recreation Commissionshall consider the Taylors Falls Parks & Trails Master Plan (Appendix G of the Comprehensive Plan), other resources, and factors of density and site development in making its recommendation.

4. Where a proposed park, playground, trail, open space or other recreational area that has been indicated on the official map and/or Comprehensive Plan in Appendix G, is located in whole or in part within a proposed subdivision, such proposed sites may be designated as such and may be dedicated to the City, at the determination of the Council.

5. Land areas so conveyed or dedicated for park, playground, trail and open space purposes may

not be used by an owner or developer as an allowance for purposes of calculating the density requirements of the development as set out in the Zoning Ordinance

6. Open space privately owned and maintained shall not be given credit for parkland dedication unless it remains open and is easily accessible to the general public. Where private open space for park, playground, trail, open space, or other recreation purposes is provided in a proposed subdivision, and such space is to be privately owned and maintained by the future residents of the subdivision, the following standards shall be met:

    a. The private ownership and maintenance of the open space shall be adequately provided for by written agreement.

    b. The private open space shall be restricted for park, playground, trail, open space, or recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the tract and which cannot be eliminated without the consent of the City Council.

    c. The proposed private open space shall be reasonably adaptable for use for such purposes, taking into consideration such factors as size, shape, topography, geology, access, and location of the private open space.

Subd. 4 <u>Required Improvements</u>

Developers shall be responsible for making certain improvements to their developments for park, playground, trail, and public open space purposes:

A. To provide finished grading and ground cover for all parks, playground, trail and public open spaces within their developments as part of their Development Agreement or site plan approval responsibilities.

B. To construct, pave and complete all trails planned by the developer but not identified in the City's Parks & Trails Master Plan (Appendix G in the Comprehensive Plan) concurrently with the roads in their developments.

C. To construct and pave all trails through and abutting their developments identified in the City's Parks & Trails Master Plan. Such trail improvements shall be undertaken at the same time as other public improvements are installed within the development. City staff may recommend deviation from this policy in the case of individual hardship in terms of the timing of installation of such trail facilities. The City will credit the acreage and cost of paving required for trails identified in the City's Parks & Trails Master Plan against the developments total park dedication requirements. The amount to be credited will be established at the time of final plat or site plan approval, based on engineering cost estimates for such work as determined by the City.

D. No park or trail dedication credit will be given to sidewalks that are constructed in the street right-of-way.

E. The City, upon review, may determine that the developer may create and maintain some form of on-site recreation for use by the site residents such as play lots and open play spaces.

SECTION 3000.010 MINIMUM DESIGN STANDARDS

Subd. 1 **<u>Street Plan</u>**.

A. Proposed streets shall conform to the Taylors Falls Engineering Design Standards which is attached to this Ordinance.

B. Streets shall be logically related to the topography so as to produce useable lots and reasonable grades.

C. Access shall be given to all lots and portions of the tract in the subdivision and to adjacent un-subdivided parcels unless the topography clearly indicates that such connection is not feasible. Reserved strips and land-locked areas shall not be created.

D. Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. Streets must be paved to the subdivision boundary except when this requirement is modified or waived by the City Council for good cause shown.

E. Local streets shall be laid out to discourage their use by through traffic. Thoroughfares shall be reserved for through traffic by providing marginal access streets, interior streets for serving lots, or other means.

F. Half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, reasonable assurance for dedication of the remaining part of the street can be secured.

G. Whenever a tract to be subdivided adjoins an existing half or partial street, the part of the street within such tract shall be platted and dedicated if the dedication results in a reasonable subdivision design for the area.

H. Dead-end streets shall be prohibited except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sac streets.

I. Private streets and reserve strips shall be discouraged. All streets should be dedicated for public use.

J. Where a subdivision abuts or contains an existing or planned principal arterial highway, a street approximately parallel with and on each side of such thoroughfare 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 thoroughfare suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial and industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

K. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

Subd. 2 **<u>Cul-de-Sac Streets</u>**.

A. Cul-de-sac streets shall be allowed only in those cases where it serves as a temporary turn-around until such time as the street is extended, or when it is unfeasible or impractical for the street to be extended due to the physical characteristics of the area.

B. For the purposes of this Ordinance, whether a new cul-de-sac is proposed or an existing cul-de-sac is to be extended, the beginning of the cul-de-sac road shall be measured from the point at which there is no secondary access. The end is to be measured at the center of the cul-de-sac.

C. Lots with frontage at the end of the cul-de-sac shall have a minimum of sixty (60) feet of road frontage and meet the lot width requirement at the building setback line for the zoning district in which the property is located.

D. Temporary cul-de-sacs are those in which it can be clearly shown that the road could reasonably continue and would result in a through road at some time in the foreseeable future. At the time of platting, the City Council will determine whether the road should be extended to the property line or if an escrow to cover the future costs of extending the road to the property line will be required.

E. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to said property line in such a way as to permit future expansion of the street into the adjoining tract. At such time as a street is extended, the acreage covered by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turnaround.

F. Unless determined to be acceptable by the City Engineer, cul-de-sacs shall not be longer than seven hundred and fifty (750) feet in length, including the terminal turn-around. The required terminal shall be nearly circular in shape.

G. The minimum paved radius for a cul-de-sac shall be forty (40) feet and a minimum right-of-way radius of sixty (60) feet.

Subd. 3 **Street Design.**

All streets shall conform to the City of Taylors Falls Engineering Design Standards (attached).

Subd. 4 **Public Utilities**.

A. Extensions of the public water supply system, when available, shall be designed to provide public water service to each lot.

B. Extensions of the public sanitary sewer system, when available, shall be designed to provide public sewer service to each lot.

Subd. 5 **Easements.** All easements shall conform to the City of Taylors Falls Engineering Design Standards (attached).

Subd. 6 **Street Names and Signs.**

A. Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street. In that event, it shall bear the same name of the existing or platted street.

B. All street signs shall be provided and installed by the City at the expense of the subdivider.

Subd. 7 **Lot Requirements.**

A. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines or radial to lake or stream shores unless topographic conditions necessitate a different arrangement. Lots proposed with irregular lot lines for the sole purpose of meeting a specific zoning requirement are prohibited.

B. Each lot shall have frontage on an improved public street. Access to the lot shall be from the frontage of the lot.

C. No lot shall have less area or width than is required by zoning regulations applying to the area in which it is located.

D. Lots designed for commercial or industrial purposes shall provide adequate off the street service, loading and parking facilities.

E. Through or double frontage lots shall not be permitted except where such lots abut an arterial or highway or as a means to overcome specific disadvantage of topography and orientation. Such lots shall have an additional depth of ten (10) feet and require screen planting along the rear lot line.

F. Lots abutting upon a watercourse, drainage way, channel, or stream shall have an additional depth or width, as required, to assure building sites that are not subject to flooding.

G. Lots with lakeshore frontage shall be designed so that the lot lines extended shall maintain the closest approximation to riparian right.

H. All remnants of lots below minimum lot size left over after subdividing a larger tract must be added to adjacent lots or a plan shown for future use, rather than allowed to remain as unusable parcels. A development agreement (major subdivision) shall be recorded restricting the use and ownership of said parcel.

I. In the case where the proposed plat is adjacent to a major arterial, there shall be no direct vehicular access from individual lots to such streets and roads.

K. In any area where property is likely to become urbanized, a ghost plat may be required showing a potential and feasible way in which the lot or lots may be replatted in future years for more intensive use on the land. The placement of buildings or structures upon such lots shall allow for potential re-subdivision.

M. All lots abutting a lake, river, pond, or wetland shall contain a building site two (2) feet or more above the regulatory flood elevation and access to both the subdivision and to the individual building sites shall be no lower than two (2) feet above the regulatory flood protection elevation. The lowest floor elevation shall be shown on the face of the final plat, as recorded, and shall be a minimum of three (3) feet above the 100 year flood elevation or three (3) feet above the ordinary high water mark, whichever is greater.

N. Lots shall be elevated above the abutting street with sufficient grade away from the house to provided for drainage into a drainage easement or street with a storm sewer system.

Subd. 8 **<u>Erosion Control During Construction.</u>**

A. The development shall conform to the natural limitations presented by topography and soil in order to create the least potential for soil erosion.

B. Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control erosion.

C. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

D. When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the development agreement.

E. Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. Topsoil shall be restored or provided to a depth not less than four (4) inches and shall be of a quality at least equal to the soil quality prior to development.

F. Natural vegetation shall be protected wherever practical.

G. Runoff water shall be diverted to a sedimentation basin before being allowed to enter the natural drainage system.

H. All other erosion and sediment control standards specified in the Taylors Falls Engineering Design Standards shall be complied with.

SECTION 3000.011 REQUIRED IMPROVEMENTS

Subd. 1 No improvement within a subdivision shall take place until preliminary plat approval has been granted by both the City and the County; a Developer's Agreement (major subdivision) has been signed outlining what work can be done; and a financial guarantee has been posted with the City in accordance with this Chapter.

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

A. All subdivision boundary corners, block and lot corners and road intersection corners. Points of tangency and curvature shall be marked with survey monuments meeting the minimum requirements of state law. All federal, state, county or official benchmarks, monuments or triangulation stations adjacent to the property shall be preserved in precise precision unless a relocation is approved by the controlling agency. These monuments shall be set prior to any improvements being constructed on individual lots. All lot corner pipes or irons shall be a minimum of one-half (½) inch in diameter and fourteen (14) inches in length and shall be inscribed with the license number of the land surveyor making the survey. All unmonumented quarter corners and section corners shall be set by the County Surveyor.

B. The full width of the right-of-way of each street and alley dedicated in the plat shall be graded in accordance with approved plans.

C. All streets and alleys shall be improved with concrete or bituminous surface except as may otherwise be approved by action of the City.

D. Along both sides of an urban designed street, curb and gutter shall be installed.

E. Sidewalks of not less than five (5) feet in width shall be provided on one side of all streets. Provisions shall be made for handicapped access. Sidewalks of not less than five (5) feet in width shall be provided on one side of dead ends or cul-de-sacs when the dead end or cul-de-sac is a stub for future development. Sidewalks along roads that will act as major pedestrian thoroughfares will be required to provide sidewalks of not less than five (5) feet on both sides of the street.

F. Boulevard trees shall be planted as follows:

   a. For single family residential lots, boulevard trees shall be planted every fifty (50) feet in the right-of-way.

   b. For other than single family residential lots, the Council shall determine the number of tree plantings based on lot dimensions, zoning, and anticipated usage of each lot. Tree species and planting specifications shall be determined by the Council in accordance with City standards or City Engineer recommendations.

   c. Trees shall have a minimum caliper of two (2.0) inches.

   d. Trees in the right-of-way shall be inspected after one (1) year of planting to ensure survivability.

   e. Boulevard trees are in addition to requirements of required landscaping provided for in Section 20000.014.

G. In the case where mains from a public water system are available, the subdivider shall be required to install water mains in the plat and connect the same to such public water system.

H. Drainage facilities and easements shall be installed as will adequately provide for the drainage of surface waters in accordance with the approved plan.

I. Tree planting, street name signs, traffic control signs, oversized utility trunk lines, pedestrian ways and other improvements may be required.

J. Sanitary sewers, sewer services, and appurtenances shall be installed to serve all properties and lots in the subdivision where a connection to the City's sanitary sewer system is available. Sewer services of 4" minimum diameter shall be installed from the main sewer to the right-of-way line. Sanitary sewer construction shall conform to the standards of the City and of the Minnesota Pollution Control Agency for such work.

K. Where a connection to the City water system is available, water distribution facilities, including fire hydrants, valves, water services, and appurtenances, shall be installed to serve all properties and lots within the subdivision.

   Watermain sizing shall be by the City Engineer. The minimum main size shall be eight (8) inches in diameter. Water services of one (1") inch minimum diameter shall be installed from the main to the right-of-way line minimum. Watermain construction shall conform to the standards of the City and of the Minnesota Department of Health.

L. Where City sewer and water facilities are not available for connection, private restrictions shall be filed with the final plat and incorporated in each deed, calling for the installation on each lot of an individual sewerage disposal system and potable water system meeting fully the requirements of the City, County and State officials having jurisdiction.

M. Storm sewers and appurtenances, including holding ponds, shall be constructed consistent with the City drainage plan to adequately serve all properties in the subdivision and upland and adjacent areas where runoff from such areas passes through the subdivision. The grade and drainage requirements for each plat shall be approved by the City Engineer at the expense of the applicant. In an area not having municipal storm sewer trunk the applicant shall be responsible, before platting, to provide for a storm water disposal plan without damage to properties outside the platted area, and said storm water disposal plan shall be submitted to the City Engineer who shall report to the City Council on the feasibility of the plan presented. No plat shall be approved before an adequate storm water disposal plan is presented and approved by the City Engineer and City Council. The use of dry wells for the purpose of storm water disposal is prohibited.

N. All utility improvements including but not limited to electric, telephone, gas, and cable television shall be installed to serve all properties and lots in the subdivision.

Subd. 3 Construction plans for the required improvements shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota. Construction plans shall contain his certificate. These plans, together with the quantities of construction items, shall be submitted to the City Engineer for his approval and for estimate of the total costs of the required improvements. Upon approval, the plans shall become a part of the required contract described below. The tracings of the plans approved by the City engineer plus two (2) prints shall be furnished to the City to be filed as a public record.

Subd. 4 Required improvements are to be furnished and installed at the sole expense of the subdivider. However, if the cost of an improvement would, by general policy, be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision maybe made for the payment of a portion of the cost by the City.

Subd. 5 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 improvements, representing the benefit to such lands, to be assessed against the same. In such a situation, the subdivider will be required only to pay for such portion of the whole cost of said improvements as will represent the benefit to the property within the subdivision.

Subd. 6 Prior to the installation of any required improvements and prior to approval of the plat, the subdivider may be required to enter into a contract, in writing, with the City requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans, specification and usual contract conditions. Included in such contract will be:

A. Provisions for supervision of details of construction by the City and granting the City authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the City in the vicinity.

B. A requirement for the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance bond as described in this ordinance. On request of the subdivider, the contract may provide for completion of part or all of the improvements prior to the acceptance of the plat; in such event, the amount of the financial guarantee may be reduced in a sum equal to the estimated cost of improvements so completed prior to the acceptance of the plat.

C. The time for connection of the work and the several parts thereof. Such time shall be determined by the City and County upon recommendation of the City and County after consultation with the

subdivider. The time shall be reasonable with relation to the work to be done, the seasons of the year and proper correlation with construction activities in the plat and subdivision.

Subd. 7 No subdivider shall be permitted to start work on any other subdivisions without special approval of the City if the developer has previously defaulted on work or commitments.

Subd. 8 All required improvements on the site that are to be installed under the provisions of this regulation shall be inspected during the course of construction by the City Engineer at the subdivider's expense. Acceptance by the City shall be subject to the City Engineer's certificate of compliance with the contract.

SECTION 3000.012 LAND SURVEYS AND CONVEYANCE BY METES AND BOUNDS

Subd. 1 **Land Surveys**. It is the intention of this Ordinance that all registered land surveys in the City shall be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards set forth in this Ordinance for preliminary plats and that the Planning Commission shall first approve the arrangement, sizes, and relationship of proposed tracts in such registered land surveys, and that tracts to be used as easements or roads shall be so dedicated. Unless such Planning Commission review and City Council approval in accordance with the standards set forth in this Ordinance have been obtained, building permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys. Moreover the City may refuse to accept these tracts as streets or roads, or to improve, repair, or maintain any such tracts unless so approved.

Subd. 2 **Conveyance by Metes and Bounds.** No conveyance of land in which the land conveyed is described by metes and bounds shall be made or recorded if the parcels described in the conveyance are less than the requirements stipulated in Section 3000.002, Subdivision 4, Scope and Applicability, unless such parcel was a separate parcel of record at the effective date of this Ordinance. Building permits will be withheld for buildings on tracts which have been subdivided and conveyed by this method and the City may refuse to take over tracts as streets or roads or to improve, repair, or maintain any such tracts.

SECTION 3000.013 VARIANCES

Subd. 1 **General Conditions**. The Board of Adjustments and Appeals may grant a variance from the provisions of this Ordinance, except from procedural provisions, when, in its opinion, unusual hardship may result from strict compliance. In granting any variance, the Board shall prescribe only conditions that it deems necessary or desirable for the public interest. In making its findings, as required herein below, the Board 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, the probable effect of the proposed subdivision upon traffic conditions in the vicinity, and the general effect on the environment. No variance shall be granted unless the Board finds:

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

B. That the variance is to correct inequities resulting from an extreme physical hardship such as topography, etc.

C. 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 said property is situated.

Subd. 2 **Procedures**.

A. Requests for a variance or appeal shall be filed with the Zoning Administrator on an official application form. The procedure for a variance shall be as described in Section 1000.007.

SECTION 3000.014 SHORELANDS

Those areas of land within the City encompassed by the Shoreland District of the Taylors Falls Zoning Ordinance must not only conform with the Subdivision provisions, but must also conform to the provisions of the Zoning Ordinance. In the event of conflict between the two provisions, the Zoning Ordinance will be controlling.

A preliminary and final plat or minor subdivision which includes any lands located entirely or partially within the Shoreland District, as defined in Minnesota Statutes §105.485 and 104.02, shall be submitted to the Commissioner of Natural Resources as set forth in Section 505.300, Subdivision 2., paragraph 3. and Section 505.300, Subdivision 3., paragraph 3.

Copies of all plats within the Shoreland District shall be submitted to the Commissioner of Natural Resources within ten (10) days of final approval by the City.

SECTION 3000.015 FINANCIAL GUARANTEES

Subd. 1 **A Cash Escrow Deposit.** A Cash Escrow Deposit shall be made with the City as estimated by the City Engineer, City Planner and Staff, of all expenses to be incurred by the City, including but not limited to costs for inspection, testing, and administration. The subdivider shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant's project.

1. "Materials" shall include, but not be limited to, maps, graphs, charts, drawings, etc., and all printing or reproduction of same.

2. "Staff and/or Consulting Time" shall include any time spent in researching for, presenting information, or actual production of materials.

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

Subd. 2 **Irrevocable Letter of Credit.** The applicant may be required deposit an irrevocable letter of credit from a bank or other reputable institution or individual subject to the approval of the City. Such letter of credit shall certify the following:

1. That the creditor does guarantee funds in an amount equal to one hundred twenty five percent (125%) of the total cost, as estimated by the City Engineer, for completing all required improvements.

2. That in the case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall pay to the City immediately, and without further action, such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.

3. That this letter of credit may not be withdrawn or reduced in amount until released by the City.

Subd. 3 **Fee Schedule.** Any fees required by this Section shall be in accordance with the fee schedule attached to this Ordinance as Appendix A. Fees shall be payable at the time applications are filed with the Zoning Administrator and are not refundable unless the application is withdrawn prior to referral to the Planning Commission.

SECTION 3000.016 SEPARABILITY

Subd. 1 It is hereby declared to be the intent that the several provisions of this regulation are separable in accordance with the following:

A. If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment.

C. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

SECTION 3000.017 AMENDMENTS

The procedure for amending this Ordinance is the same as prescribed for its adoption.

SECTION 3000.018 COMPLIANCE

Subd. 1 **Conditions for Recording**. No plat of any subdivision shall be recorded in the 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. 2 **Building Permits.** No building permits will be issued by the City of Taylors Falls 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 complied with and until such site improvements as roads, utilities, curbs, and gutters are installed or until agreements for the installation have been prepared, legally accepted by all parties involved, and filed in the County Recorder's Office.

SECTION 3000.019 VIOLATIONS AND PENALTY

It shall be unlawful to sell, trade, or otherwise convey or offer 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 portion of the City unless said plan, plat, or replat shall have first been recorded in the County Recorder's Office of the County.

It shall be unlawful to receive or record in any public office any plan, plats, or replats of land laid out in building lots, streets, or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on, or adjacent thereto, and located within the jurisdiction of this Ordinance, unless the same shall bear thereon, by endorsement or otherwise, the approval of the Council.

Any one violating any of the provisions of this Ordinance shall be guilty of an offence established in Section 1000.015 Enforcement.