

MARINE ON ST. CROIX
SUBDIVISION ORDINANCE
AUGUST 10, 2001

SUBDIVISION REGULATIONS

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SECTION 1 TITLE

THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS THE MARINE ON ST. CROIX SUBDIVISION REGULATIONS.

SECTION 2 INTENT AND PURPOSE

201. All subdivision of land hereafter submitting for approval shall fully comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to:

- (1) Encourage well planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.
- (2) Provide for the health and safety of residents by requiring the necessary services such as properly designed streets and adequate sewage and water service.
- (3) Place the cost of improvements against those benefiting from their construction.
- (4) Secure the rights of the public with respect to public lands and waters.

SECTION 3 SCOPE AND LEGAL AUTHORITY

301. The rules and regulations governing plats and subdivision of land contained herein shall apply within the city and other land as permitted by State Statutes. In the event of overlapping jurisdiction within the prescribed area, the extent of jurisdiction shall be determined and agreed upon between this community and the other municipality or municipalities concerned. Except in the case of resubdivision recorded in the office of the County Recorder prior to the effective date of this Ordinance, nor is it intended by this Ordinance to repeal, annul, or in any way impair or interfere the existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this Ordinance, or with restrictive covenants running with the land. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this ordinance shall control.

302. **Amendments.**

The provisions of this Ordinance may be amended by the Marine on St. Croix City Council.

303 **Validity.**

Should a court of competent jurisdiction declare any part of this Ordinance to be invalid, such decision shall not affect the validity of the remainder.

304. **Administration.**

This Ordinance shall be administered by the Marine on St. Croix Zoning Administration Staff.

SECTION 4 RULES AND DEFINITIONS

401. Rules.

- (1) Words used in the present tense include the past and the future tense; the singular number - includes the plural, and the plural includes the singular; the word “shall” is mandatory, and the words “should” and “may” are permissive.
- (2) In the event of conflicting provisions in the text of these regulations, the more restrictive shall apply.

402. Definitions. For the purpose of these regulations, certain terms and words are hereby defined as follows:

Attorney - The attorney employed by the city unless otherwise stated.

Block - The enclosed area within the perimeter of roads, property lines or boundaries of the subdivision.

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

Butt Lot - A lot at the end of a block and located between two corner lots.

City Council – The governing body for the City of Marine on St. Croix.

Cluster Development - A subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded area, and meeting the overall density regulations of this Ordinance and the Zoning Ordinance.

Community - Marine on St. Croix.

Comprehensive Policies Plan - A comprehensive policies plan prepared by the county including a compilation of policy statements, goals, standards, functional classes of land use and for the general physical development of the community and includes any plan or parts thereof.

Contour Map - A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Copy - A print or reproduction made from a tracing.

Corner Lot - A lot bordered on at least two (2) sides by streets.

County - Washington County, Minnesota.

County Board - Washington County Board of Commissioners.

Development - The act of building structures and installing site improvements.

Double Frontage Lots - Lots which have a front line abutting on one street and a back or rear line abutting on another street.

Drainage Course - A watercourse or indenture for the drainage of surface water.

Easement - A grant by an owner of land for a specific use by persons other than the owner.

Final Plat - The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the County Board for approval and which, if approved, will be submitted to the County Recorder.

Key Map - A map drawn to comparatively small scale which definitely shows the area proposed to be platted and the areas surrounding it to a given distance.

Lot - A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.

Mete and Bounds Description - A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

Minimum Subdivision Design Standards - The guides, principles, and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

Natural Waterway - A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.

Owner - An individual, firm, association, syndicate, copartnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceeding to subdivide the same under these regulations.

Pedestrian Way - A public right-of-way across or within a block to be used by pedestrians.

Person - Any individual, firm, association, syndicate or partnership, corporation, trust, or any other legal entity.

Plat - A map or drawing which graphically delineates the boundary land parcels for the purpose of identification and record or title. The plat is a recorded legal document and must conform to all Minnesota State Laws.

Preliminary Plat - The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and County Board for their consideration.

Private Street - A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public but is owned by one or more private parties.

Protective Covenants - Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Right-of-Way - The land covered by a public road or other land dedicated for public use or for certain private use such as land over which a power line passes.

Sketch Plan - A drawing showing the proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.

Streets

- (1) Street - a public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial parkway, throughway road, avenue, lane, place or however otherwise designated.
- (2) Collector Street - a street which carries traffic from local streets to arterials.
- (3) Cul-de-sac - a street turn-around with only one outlet.
- (4) Marginal Access Street – a street that serves six (6) or fewer residential lots.
- (5) Local Street - a street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.
- (6) Arterial Street - a street or highway with access restrictions designed to carry large volumes of traffic between various sectors of the county and beyond.

Street Width - The shortest distance between the lines delineating the right-of-way of a street.

Subdivider - Any person commencing proceedings under the ordinance to effect a subdivision of land hereunder for himself or for another.

Subdivision - The division of a parcel of land after the effective date of this Ordinance, into two (2) or more lots or parcels, for the purpose of transfer of ownership or building development. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Surveyor - The Washington County Surveyor.

Tracing - A plat or map drawn on transparent paper or cloth which can be reproduced by using regular reproduction procedure.

Zoning Ordinance - A zoning ordinance or resolution controlling the use of land as adopted by the County.

SECTION 5 ADMINISTRATION

Before dividing any tract of land into two or more lots or parcels within Marine On St. Croix, the following procedures shall be followed.

501. **Pre-Application Meeting.** Prior to the preparation of a preliminary plat, the subdividers or owners may meet with the Marine On St. Croix Planning Commission, the City Zoning Administration Staff, and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations, and plans in the area to be subdivided. At this time or at subsequent informal meetings, the subdivider may submit a general sketch plan of the proposed subdivision and preliminary proposals for the provision of water supply and waste disposal. The sketch plan can be presented in simple form but should show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and developments, and to the topography of the site.

The subdivider is urged to avail himself of the advice and assistance of the local Planning Commission city staff at this point in order to save time and effort and to facilitate the approval of the preliminary plat.

502. **Preliminary Plat.**

- (1) After the pre-application meeting, the subdivider or owners shall file with the Zoning Administration Staff ten (10) copies of the preliminary plat.
- (2) Within five (5) days of the receipt of the preliminary plat from the subdivider, the Zoning Administration Staff shall submit one (1) copy of the preliminary plat to each of the following: County Engineer, Assessor, Recorder, and County Auditor, plus one (1) copy to the Minnesota State Highway Department if and when a proposed plat is adjacent to a State Highway Department. The Zoning Administration Staff shall notify adjacent landowners, owning unplatted land, of the hearing of a preliminary plat. A copy of the preliminary plat may be viewed in the Zoning Administration Staff's office. Reactions to said plat shall be presented the Planning Commission at the Commission's next regularly scheduled meeting.
- (3) The Zoning Administration Staff shall refer an appropriate number of copies to the City Planning Commission for their review and report.
- (4) Technical Assistance Reports - The City Administrator shall instruct the appropriate staff to prepare technical reports where appropriate and provide general assistance in preparing a recommendation on the action to the City Council. All costs associated with a technical review and preparation of a recommendation shall be borne by the applicant.

- (5) Within forty-five (45) days after the plat has been filed and after reports and certifications have been received as requested, the City Planning Commission shall hold a public hearing on the preliminary plat after notice of the time and place thereof has been published once in the official newspaper at least ten (10) days before the day of the hearing. This shall constitute the public hearing on the plat as is required by state law. Within fifteen (15) days of the date of the public hearing, the Planning commission shall make its report to the Marine on St. Croix City Council.
- (6) The Planning Commission and the Zoning Administration Staff may forward to the City Council favorable, conditional, or unfavorable report, and said reports shall contain a statement of findings and recommendations.
- (7) The City Council shall act to approve or disapprove. If the City Council disapproves the preliminary plat, the grounds for such disapproval shall be set forth in the minutes of the City Council meeting and reported to the owners or subdividers.
- (8) The approval of a preliminary plat is an acceptance of the general layout as submitted and indicates to the subdivider that he may proceed toward final plat in accordance with the terms of approval and provisions of the ordinance.
- (9) During the intervening time, between approval of the preliminary plat and signing of the final plat, the subdivider must submit acceptable engineering plans for all required improvements.
- (10) In the case of all subdivisions, the Planning Commission shall recommend denial of, and the City Council shall deny approval of, a preliminary or final plat if it makes any of the following findings:
 - (a) That the proposed subdivisions is in conflict with adopted applicable general and specific plans of Marine on St. Croix;
 - (b) That the design or improvement of the proposed subdivision is in conflict with any adopted component of the comprehensive plan of Marine On St. Croix;
 - (c) That the physical characteristics of this site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development or use contemplated;

- (d) That the subdivision design or density could adversely impact critical environmental areas or historically significant sites.
- (e) That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.
- (f) That the proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:
 - 1. Roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, sight 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 seriously aggravate an already hazardous conditions and when, with due regard to the advice of the City Engineer, or Washington County or the Minnesota Department of Highways, said roads are inadequate for the intended use.
 - 2. The traffic volume generated by the proposed subdivision would create unreasonably highway congestion or unsafe conditions on streets or highways existing at the time of the application.
- (g) That the subdivision lacks adequate drainage based on the following conditions:
 - 1. Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of existing or proposed structures both on-site or downstream.
 - 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 harmful and irreparable damage from erosion and siltation on downhill or downstream land.
 - 4. Full compliance with Section 405, Environmental Standards, of the Zoning Ordinance has not been demonstrated.
- (h) That the proposed subdivision will lack an adequate water supply if it does not have adequate sources of water to serve the proposed subdivision when developed to its maximum permissible density without causing an

unreasonable depreciation of existing water supplies for surrounding areas.

- (i) That the proposed subdivision will lack adequate waste disposal systems if the City drainfield or community collection system must be expanded to support the subdivision if developed to its maximum permissible density or in subdivisions where public sewer is neither available nor proposed, there is inadequate on-site sewer capacity to support the subdivision if developed to the maximum permissible density.

503. Final Plat.

- (1) The owners or subdividers shall file five (5) copies of the final plat with the Zoning Administration Staff. If this is not done within ninety (90) days, the preliminary plat will be considered void, unless for good cause an extension is requested in writing by the subdivider and granted by the City Council. The owners or subdividers shall also submit at this time an up-to-date certified abstract of title or registered property report.
- (2) The final plat shall have incorporated all changes recommended by the Zoning Administration Staff and Planning Commission as well as the County Engineer regarding county roads, and the City Council as to 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 proposed to record and develop at that time, provided that such portion conforms with all requirements of this ordinance.
- (3) The County Auditor, Attorney, Engineer, and Surveyor shall check the final plat to see that it is in substantial agreement with the preliminary plat as approved by the Planning Commission and that it meets all ordinances and regulations of the County. Two (2) copies of the proposed final plat shall be submitted to the County Surveyor prior to having record copies printed from the original linen plat. One copy of the mathematical closure of the plat also be submitted to the county Surveyor, after which the County Surveyor and the other County officials shall check the proposed final plat and return to the owner or subdivider with any recommended changes or corrections. The owner or subdivider can then order the record copies printed in final form.
- (4) The Zoning Administration Staff shall refer an appropriate number of copies of the final plat to the Planning Commission for its review and report. The report of the Planning Commission shall be submitted to the City Council within thirty (30) days of the date of submission of the plat and the City Council shall act on the

final plat within sixty (60) days of submission of the plat.

- (5) Upon approval of the final plat by the Marine On St. Croix City Council, the subdivider shall record such final plat with the County Recorder, as provided for by that office, within sixty (60) days after the approval. Otherwise the approval of the final plat shall be considered void. The subdivider shall, within thirty (30) days of recording, furnish the Zoning Administration Staff with three (3) black line prints and a reproducible print of the final plat showing evidence of the recording.

504. **Applications.**

- (1) Application Forms, Exhibits, and Fees. The applicant shall file the completed application form together with the required exhibits with the Zoning Administration Staff, and shall pay a filing fee as established by the City Council. Detailed information about required exhibits is found within subdivision subsections for specific subdivision application types.
- (2) Cost Recovery.
 - (a) Purpose. It is the intent of this section to provide that all costs of the City occasioned by subdivision requests shall be borne by the applicant. The reimbursement to the City shall be limited to out-of-pocket costs of the City. Out-of-pocket costs shall include all engineering, legal, planning, or other consultant fees or costs paid by the City for other consultants for expert review of an application.
 - (b) Basic Fee. Each applicant shall pay a non-refundable basic fee at the time an application is presented to the City. This fee is intended to reimburse the City for its reasonable costs for administrative processing of a subdivision application. If this fee proves to be insufficient to cover such costs, such additional costs will be charged as a part of the escrow deposit, or the supplemental escrow deposit.
 - (c) Escrow Deposit. In addition to the non-refundable basic fee, the City may require the applicant to pay an escrow deposit in an amount prescribed by the City Council by resolution. All out-of-pocket costs including, but not limited to, planning, engineering, legal, or other consultant fees or costs, incurred by the City in the processing of the subdivision application shall be paid or reimbursed to the City, from the escrow deposit. Out-of-pocket costs not fully paid or reimbursed from the basic fee shall be paid or reimbursed from this deposit or the supplementary escrow deposit.

- (d) Supplemental Escrow Deposit. At any time while the application is pending and before its final conclusion, if the City Clerk determines that the amount of the escrow deposit is or is estimated to be insufficient to pay for present or anticipated out-of-pocket costs of the subdivision application, a supplementary escrow deposit shall be required by the Zoning Administration Staff to be paid by the applicant. The one or more supplementary zoning deposits shall be in an amount sufficient to pay all out-of-pocket costs of the City.
- (e) Refunds – Administrative Costs. The basic fee is non-refundable.
- (f) Refunds – Direct Costs. If the out-of-pocket costs of the City in processing the subdivision application are less than the amount of the escrow deposit and any supplementary escrow deposit, any such overage shall be refunded to the applicant upon the conclusion of the proceedings, and any such costs in excess of the supplementary escrow deposits on hand with the City shall be paid by the applicant prior to completion of the proceedings by the City.

SECTION 6 DATA FOR PRELIMINARY AND FINAL PLATS

601. Data for Preliminary Plat.

- (1) Identification and Description.
 - (a) Proposed name of subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in the City.
 - (b) Location by section, township, range, and by legal description.
 - (c) Name of municipality.
 - (d) Names and addresses of the record owner and any agent having control of the land, subdivider, land surveyor, engineer, and designer of the plan.
 - (e) Graphic scale not less than one (1) inch to one hundred (100) feet.
 - (f) North arrow.
 - (g) Key map including area within one (1) mile radius of plat.
 - (h) Date of preparation.
 - (i) A current Abstract of Title or a Registered Property Certificate along with any unrecorded documents and an opinion of Title by the subdivider's attorney.
- (2) Existing Conditions.
 - (a) Certificate of Survey. A current certificate of survey, prepared and signed by a Minnesota licensed land surveyor, depicting the following:
 1. Graphic scale of drawing (engineering scale only, not less than one (1) inch equals one hundred (100) feet.
 2. North arrow.
 3. Date of survey.
 4. Existing legal description of the parcel of land to be platted.

5. Existing parcel boundaries shown with survey measurement data matching the existing legal description of the parcel of land to be platted.
 6. Area in square feet and acres within the boundaries of the parcel of land to be platted.
 7. All encroachments along the boundaries of the parcel of land to be platted.
 8. Easements of record (referenced in the current title commitment, current title opinion or certificate of title).
- (b) Existing zoning classifications for land within and abutting the subdivision.
 - (c) Location, right-of-way width, and names of existing or platted streets, or other public ways, parks, and other public lands, permanent buildings and structures, easements and section and corporate lines within the plan and to a distance three hundred fifty (350) feet beyond shall also be indicated.
 - (d) Boundary lines of adjoining unsubdivided or subdivided land, within three hundred fifty (350) feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.
 - (e) Topographic data, including contours at vertical intervals of two (2) feet, watercourses, marshes, rock outcrops, power transmission poles and lines, and other significant features shall also be shown, and to a distance within three hundred fifty (350) feet beyond shall also be indicated. USGS datum shall be used for all topographic mapping where feasible.
 - (f) A soil analysis of the subdivision prepared by a qualified soil classifier. Soil percolation tests may also be required on a random basis in the proposed subdivision if conditions warrant it, and particularly for areas intended for septic drainfields.
 - (g) A photo map and accompanying photographs which indicate a keyed reference to one another of “view sheds” or open space vistas from particular locations on the site. The base used for this “photo” map should be topographical.
 - (h) Appropriate documentation identifying variances for which the applicant intends to apply, and an explanation of hardship resulting in the variance

request.

- (i) Such other information as may be requested by the City Zoning Administration Staff, City Planning commission or City Council.

(3) Subdivision Design Features.

- (a) Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross-sections, and proposed names of streets. The name of any street heretofore used in the county or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used. A map of road designs shall also be included.
- (b) Locations and widths of proposed pedestrians ways.
- (c) Layout, numbers and preliminary dimensions of lots and blocks.
- (d) Minimum front and side street building setback lines.
- (e) When lots are located on a curve, the width of the lot at the building setback line.
- (f) Areas, other than streets, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
- (g) Designated outlots for natural habitat preservation, neighborhood recreation, and pedestrian corridor open spaces.

(4) Other Information.

- (a) Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.
- (b) Provisions of surface water and sanitary sewage disposal, drainage and flood control.
- (c) If any zoning changes are contemplated, the proposed zoning plan for the areas.
- (d) Where a subdivider owns property adjacent to that which is being

proposed for the subdivision, the Planning Commission shall require that the subdivider submit a sketch plan of the remainder, of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be shown to relate well existing or potential adjacent subdivisions including the street and road systems.

- (e) A plan for soil erosion and sediment control both during construction and after development has been complete. The plan shall include gradients of waterways, design of velocity and erosion control measure, and landscaping of the erosion and sediment control system.
- (f) A vegetation preservation and protection plan for the area.
- (g) A water feasibility statement that water is readily available and meets State Department of Health Standards.
- (h) Document of bylaws and deed restrictions for a homeowners association which include, but are not limited to, established maintenance standards for open spaces owned in common, shared private facilities, and established design guidelines for construction.
- (i) Such other information as may be requested by the City Zoning Administration Staff, City Planning Commission or City Council.

602. Data for Final Plat.

- (1) General. The Plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the appropriate provisions of Minnesota State Statutes and of this regulation.
- (2) Surveying requirements of the final plat shall be under the regulation of the County Surveyor.
- (3) The subdivider or owner shall provide a map showing culverts or other underground facilities within the preliminary plan area and to a distance of one hundred fifty (150) feet beyond.
- (4) The subdivider or owner shall prepare a map showing all existing and proposed private restrictions.
- (5) Title opinion by a practicing attorney-at-law based upon an examination of an abstract of the records of the Washington County Recorder for the lands including

within the plat and showing the title to be in the name of the owner or subdivider. The date of continuation of the abstract examined or the date of the examination of the records shall be within thirty (30) days prior to the date the final plat is filed with the County Auditor. The owner or subdivider shown in the title opinion shall be the owner of record of the platted lands on the date of recording of the plat with the County Recorder.

- (6) Execution by all owners, of any interest in the land and any holders of a mortgage therein of the certificate required by Minnesota Statutes and which certificate shall include an accurate legal description of any area to be dedicated for public use and shall include a dedication to the City of sufficient easements to accommodate utility services in such form as shall be approved by the City Attorney.

Certifications

1. Form for approval by signature of county officials concerned with the recording of the plat:

a. Checked and approved as to compliance with Chapter 505, Minnesota Statutes.

Dated this ____ day of _____, 200_.

(Name) Washington County Engineer

b. No delinquent taxes and transfer entered this _____ day of _____, 200_.

(Name) Washington County Auditor

c. Document Number _____.

I hereby certify this instrument was filed in the office of the County Recorder for record on this ____ day of _____, 200_. At ____ o' clock __.M., and was duly recorded in Book _____ of _____ on page _____.

(Name)
County Recorder, Washington County

d. If property being platted is in the Torrens System, use the following: Document Number _____.

I hereby certify this instrument was filed in the office of the Registrar of Titles for record on this ____ day of _____ 200_, at ____ o'clock __.M., and was duly recorded in Book _____ of _____ on page _____.

(Name)
Registrar of Titles, Washington County

e. Checked and approved as in compliance with the Marine on St. Croix Zoning ordinance and subdivision Regulations.

(Name)
Marine on St. Croix Zoning Administration Staff

2. Form for approval by the City Attorney:

I hereby certify that proper evidence of titles has been presented to and examined by me, and I hereby approve this plat as to form and execution.

Dated this ___ day of _____, 200_.

(Name) Marine on St. Croix Attorney

3. Approved by Marine On St. Croix City Council on this _____ day of _____, 200_.

Mayor, Marine on St. Croix

Attest:

City Clerk

SECTION 7 MINIMUM DESIGN STANDARDS

701. **Conformity with the Comprehensive Development Plan.** The proposed subdivision shall conform to the Comprehensive Development Plan and policies as adopted by the community.

702. **Land Requirements.**

- (1) Land shall be suited to the purpose for which it is to be subdivided. No land shall be subdivided which is found by the City Council to be unsuitable by reason of flooding, inadequate drainage, soil and rock, formations with severe limitations for development, severe limitations for development, severe erosion potential, unfavorable topography inadequate water supply or sewer disposal capabilities or any other feature is likely to be harmful to the health, safety, or welfare of residents of the City. The City Council, in applying the provisions of this Section, shall, in writing, cite the particular features upon which it bases its conclusions that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing. Thereafter, the governing body may affirm, modify, or withdraw its determination of unsuitability.
- (2) Land subject to hazards to life, health or property shall not be subdivided for residential purposes until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.
- (3) Grading, drainage, and erosion control plans shall comply with Section 405, Environmental Standards of the Marine on St. Croix Zoning Ordinance.
- (4) Proposed subdivisions shall be coordinated with existing nearby municipalities or neighborhoods so that the community as a whole may develop harmoniously.

703. **Street Plan.**

- (1) Proposed streets shall conform to the state road and county highway plans as have been prepared, adopted and/or filed as prescribed by the law.
- (2) Streets shall be logically related to the topography so as to produce usable lots and reasonable grades.
- (3) Access shall given to all lots and portions of the tract in the subdivision, and to adjacent unsubdivided parcels unless the topography clearly indicates that such

connection is not feasible. Reserved strips and land locked areas shall not be created.

- (4) The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.
- (5) Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets the boundaries of the new subdivision at appropriate locations.
- (6) Minor 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.
- (7) 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, satisfactory assurance for dedication of the remaining part of the street can be secured.
- (8) Wherever a tract to be subdivided adjoins an existing half or partial street, the part of the street within such tract shall be platted.
- (9) Dead-end streets shall be prohibited, except as stubs to permit future street expansion into adjoining tracts or when designed as cul-de-sac streets.
- (10) Private streets may be allowed upon special application made to the City Council and upon a showing that because of special feature of the development such as the desire to maintain privacy and the need for special security and other relevant factors, private streets would be beneficial to both the development and to the city. If a private street should be allowed by the city, it shall be built according to specifications that are prepared by the City Engineer and that will be adequate to allow passage of emergency vehicles. The specifications shall be prepared at the cost of the developer who shall reimburse the city for any charges incurred in the preparation of the specifications. The developer must also agree to place signs the size and location that the streets are private. The city may also require that the developer or platter execute a covenant that shall run with and bind the land setting forth that the city is in no way obligated to repair, maintain, or improve the private roadways and that the City's acceptance of the plat is not the acceptance of the private street as a public roadway.
- (11) Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, a street approximately parallel to 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 or railroad right-of-way 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.

- (12) 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.

704. Cul-De-Sac Streets.

- (1) Cul-de-sac streets, permanently designed as such, shall not exceed six hundred (600) feet in length, except as variances are permitted. Such a variance may be granted if it can be clearly shown that by reason of unfavorable land form, or the irregular shape of the land from which the subdivision is being made, a normal street pattern cannot be established, or that land would be wasted by not granting such a variance.
- (2) Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and 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 extension of the street into the adjoining tract. At such time as such 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.

705. Street Design.

- (1) Minimum right-of-way widths and pavement widths (face to face of curb) for each type of public street or road shall be as follows:

Type of Street	Right-of-Way Width	Roadway Width
Collector or Arterial	80 feet	32 feet
Local	50 feet	20 feet without curb and with 4 foot grassed or gravel shoulders and without street parking. 22 feet with curbs and without street

		parking. If street parking is allowed, an 8 foot parking lane must be provided
Marginal Access	50 feet	20 feet paved with 4 foot grassed or gravel shoulders without street parking
Cul-de-sac	60 foot turnaround radius	45 foot turnaround radius

- (2) Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the above standards.
- (3) Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use.
- (4) Extensions of existing street with lesser right-of-way than prescribed above may be permitted by variance in special cases.
- (5) Restriction of Access. Access of minor streets onto state and county state aid highways shall be discouraged at intervals of less than five hundred (500) feet.
- (6) Street Jog. Street jogs with centerline offsets of less than one hundred fifty feet (150) shall not be allowed.
- (7) Deflection. 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 of not less than one hundred (100) feet.
- (8) Grades. Centerline gradients shall be at least 0.4 percent and shall not exceed the following:

<u>Classification</u>	<u>Gradient (in Percent)</u>
Thoroughfares and Collector Streets	5
Minor Streets, Marginal Access Streets	8

- (9) Vertical Curves. Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall be twenty (20) times the algebraic difference in the percent of grade of the two (2) adjacent slopes.
- (10) Angle of Intersection. The angle formed by any intersection of streets shall not be less than sixty (60) degrees with ninety (90) degree intersections preferred.

- (11) **Size of Intersection.** Intersections of more than four (4) corners shall be prohibited.
- (12) **Corner Radii.** Roadways of street intersections shall be rounded by radius of not less than fifteen (15) feet. Roadways of alley-street intersections shall be rounded by a radius of not less than six (6) feet. Corners at the entrances to the turn-around portions of cul-de-sacs shall be rounded by a radius of not less than fifteen (15) feet.
- (13) **Street Trees.** Trees may be permitted within City street rights-of-way according to a tree planting plan approved by the City Council. Evaluation of the tree planting plan shall include, but is not limited to, the following criteria:
 - (a) Placement such that mature trees do not obstruct natural drainage patterns.
 - (b) Spacing of trees at a distance greater than their normal canopy diameter of maturity.
 - (c) Trees are of a species indigenous to the immediate region.
 - (d) Variety of tree species to reduce the risk of disease, such as Dutch Elm disease.

706. Alley Design.

- (1) Except in the case of a planned unit development, either a public or private alley shall be provided in a block where commercially zoned property abuts a major thoroughfare or a major street. Alleys in residential areas other than those zoned for multiple-family use shall not be permitted.
- (2) All alley right-of-way and pavement widths shall conform to the following minimum standards:

<u>Classification</u>	<u>Right-of-way</u>	<u>Pavement</u>
Industrial or Commercial	24 feet	20 feet
Residential (two-way)	20 feet	16 feet
Residential (one-way)	16 feet	12 feet

- (3) **Grades.** All centerline gradients shall be at least one-half (.5) percent and shall not exceed eight (8) percent.

707. **Public Utilities.**

- (1) **Water Supply.** Extensions of the public water supply system shall, when available, be designed so as to provide public water service to each lot.
- (2) **Sewage Disposal.** Extensions of the public sanitary sewer system shall, when available, be designed so as to provide public sewer service to each lot.
- (3) **Street Lighting.** Lighting within public rights-of way, when installed, shall consist of lighting standards having the following design properties.
 - (a) Maximum lighting standard height of eighteen (18) feet above grade.
 - (b) Consistent with existing lighting standards within the immediate neighborhood, if any.
 - (c) Maximum wattage and beam intensity of a 150 W HPS lamp, or equivalent.
 - (d) Beam direction oriented downward.
 - (e) Approved by the City Engineer for safety, efficiency, and durability.

708. **Drainage.** A complete and adequate drainage system design shall be required for the subdivision and may include a storm sewer system or a system of open ditches, culverts, pipes and catch basins, and ponding areas, or both systems.

709. **Easements.**

- (1) **Provided for Utilities.** Easements of at least twelve (12) feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary. Where underground utilities are being installed, a front or side yard easement may be required. These easements shall be covered by document.
- (2) **Provided for Drainage.** Easements shall be provided along each side of the centerline of any water course or drainage channel, whether or not shown on the Comprehensive Plan, to a sufficient width to provide proper maintenance and protection and to provide for stormwater runoff and installation and maintenance of storm sewers.

- (3) Dedication. Utility and drainage easements shall be dedicated for the required use.

710. **Street Names.** Names of new streets shall not duplicate existing or platted street names unless a new street is 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 so in alignment. When the above does not apply, names shall be subject to City Council approval.

711. **Block Design.**

- (1) Block length and width or acreage within bounding streets shall be such a to accommodate the size of residential lots required in the area by the zoning ordinance and to provide for convenient access, circulation control, and safety of street traffic.
- (2) Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the mature of the use requires other treatment. In such cases, off street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of roads, railroad access right-of-way, and utilities shall be provided as necessary.
- (3) Blocks shall be wide enough to allow two (2) tiers of lots with a minimum depth as required by zoning ordinance except adjoining a lake, stream, railroad, or thoroughfare or where one tier of lots is necessary because of topographic conditions.

712. **Lot Requirements.**

- (1) 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.
- (2) Each lot shall front upon a public or private street.
- (3) No lot shall have less area or width than is required by zoning regulations applying to the area in which it is located, except as herein provided.
- (4) Lots designed for commercial or industrial purposes shall provide adequate off-the-street service, loading and parking facilities.
- (5) Building Sites. Each lot shall provide an adequate building site at least one (1)

foot above the street grade.

- (6) Minimum Lot Lines. No lot shall have a total width at the front or rear lot line of less than thirty (30) feet.
- (7) Corner lots shall be platted at least twenty (20) feet wider than interior lots.
- (8) Butt lots in any subdivision are to be discouraged. Where such lots must be used to fit a particular type of design, they shall be platted at least five (5) feet wider than the average width of interior lots in the block.
- (9) Through or Double Frontage Lots. Such lots shall not be permitted except where such lots abut a thoroughfare or major highway. Such lots shall have an additional depth of ten (10) feet for screen planting-along-the-rear lot line.
- (10) Watercourses. Lots abutting upon a watercourse, drainageway, channel, or stream shall have an additional depth or width, as required to assure building sites that are not subject to flooding.
- (11) Lots with lakeshore frontage shall be designed so that the lot lines extended shall maintain the closest approximation to riparian right.
- (12) Natural Features. In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, watercourses, historic spots, or similar conditions, which if preserved will add attractiveness and stability to the proposed development.
- (13) Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as usable parcels.
- (14) Access to Thoroughfares. In the case where a proposed plat is adjacent to a limited access highway, other major highway, or thoroughfare, there shall be no direct vehicular access from individual lots to such streets and roads. In the platting of small tracts of land fronting on limited access highway or thoroughfares where there is no other alternative, a temporary entrance may be granted; as neighboring land becomes subdivided and more preferable access arrangements become possible, such temporary access permits shall become void.
- (15) Political Subdivision Lines. No lot shall extend over a political subdivision boundary or school district line.

- (16) Large Lot Platting. In any area where lots are platted in excess of sixty thousand (60,000) square feet or two hundred (200) feet in width at the building setback line, a preliminary resubdivision plan may be required showing a potential and feasible way in which the lot or lots may be resubdivided in future years for more intensive use of the land. The placement of building or structures upon such lots shall allow for potential resubdivision.

SECTION 8 ENGINEERING STANDARDS

801. **Monuments.** All lot corner pipes or iron rods shall be a minimum of one-half inch in diameter, 18 inches in length, and shall be inscribed with the registration number of the land surveyor making the survey as prescribed in Minnesota Statutes Chapter 505. All unmonumented quarter corners and section corners will be set by the Washington County Surveyor.

802. **Streets.**

(1) Street Grading. Streets shall be graded in accordance with a plan approved by the City Engineer. The grading shall include the entire width of the right-of-way and shall provide a boulevard section, in addition to the minimum pavement width.

(2) Street Pavement. The design of street pavement for all streets covered by this regulation shall be in accordance with the State of Minnesota Highway Department Road Design Manual No. 5-291 for flexible-pavements. The designed thickness of the surfacing elements shall be in accordance with the flexible pavement design standard for road classification as follows:

<u>Classification</u>	<u>Pavement Design: Axle Load</u>
Thoroughfare, Collector Streets and Commercial or Industrial Service Street	As determined by traffic needs

Minor Streets and Marginal Access Streets Seven (7) ton minimum

(3) Gravel Surface. Streets that at the present time will only have gravel surface shall be designed so that base and sub-base requirements as set forth in State of Minnesota Highway Department Road Design Manual No. 5-291 for flexible pavement are met. In all cases, at least the top six (6) inches of the street surface shall be of class 5 gravel or a material as approved by the City Engineer.

(4) Soil Tests. To determine subgrade Soil classifications, soil samples shall be collected and analyzed by a reputable testing laboratory. Reports of the soils analysis shall be submitted to the City Engineer with the pavement plans. Soil samples shall be taken along the centerline of the proposed road at intervals not exceeding 300 feet.

803. **Sanitation.**

- (1) Where lots cannot be connected with a public sewage system, provisions must be made for sanitary sewerage facilities, consisting of individual disposal devices for each lot. This does not mean that the installation of individual disposal devices shall be at the expense of the subdivider.
- (2) Any subdivision or lot not provided with off-site sewer facilities may be subject to soil and percolation tests being made to determine whether or not the lot size proposed will meet minimum standards of health and sanitation if requested by the Planning Commission due to limitations of soils as shown on existing soils maps. The lot area and topography must be such that it will accommodate an adequate disposal system or systems to serve the residence for the estimated unsewered years as determined by the City Council. Such tests shall be made at the expense of the subdivider and a sketch map shall be submitted to identify the specific locations where tests were made.

804. **Water Supply.** An individual well shall produce at least ten (10) gallons per minute, have a well casing at least four (4) inches in diameter and be grouted to provide a safe, potable water supply.

805. **Drainage.** All surface and underground drainage systems, when required, shall be installed, to adequately remove all natural drainage that accumulates on the developed property. All such systems shall be in conformity to the community drainage plans and all piping shall provide complete removal and a permanent solution for the removal of drainage water.

806. **Street Signs.** All street signs shall be provided and installed by the community at the expense of the subdivider, including street name signs, traffic control signs, and parking control signs.

807. **Utilities Location.** When practicable and feasible, all utilities shall be placed underground. All underground work shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

808. **Inspection.** All required improvements shall be inspected by the City Engineer during

construction at the expense of the subdivider.

SECTION 9 REQUIRED IMPROVEMENTS AND FINANCIAL ARRANGEMENTS

901. **Improvement Required.** Prior to the approval of a plat by the City Council, the subdivider shall have agreed, in the manner set forth below, to install in conformity with approved ordinances, the following improvements on the site:

- (1) Survey Monuments. All subdivision boundary corners, block and lot corners, road intersection corners and points of tangency and curvature shall be marked with survey monuments meeting the minimum requirements of state law. All U.S., state, county, and other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position unless a relocation is approved by the controlling agency.
- (2) Pavement. All streets and alleys shall be improved with concrete or bituminous surface except as may be approved by action of the City Council.
- (3) Gravel Surface. Streets in an Agriculture or Residential area may be surfaced with six (6) inches of stabilized gravel to a surface width of thirty-two (32) feet, if the average lot abutting the street is over four (4) acres in area and has a width over three hundred (300) feet at the building setback line, and if the City Council determines it would cause an undue hardship because of the lot sizes to require a concrete or bituminous surface and that the lots as platted will probably not be resubdivided into smaller lots within five (5) years.
- (4) Sidewalks. These may be required along both sides of all streets in areas where residential density equals or exceeds three (3) dwelling units per net acre of residentially used land or in commercial areas.
- (5) Drainage Facilities. Such facilities and easements shall be installed as will adequately provide for the drainage of surface waters; a storm sewer system may be required. Drainageway easements or land dedication may be required when such easements or land is needed in the public interest for purposes of floodplain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purpose. If there is a watershed district, the board must approve all surface water drainage.
- (6) Miscellaneous Facilities. Tree planting, street name signs, traffic control signs, oversized utility trunk lines, pedestrian ways, and other improvements may be required.

902. **Payment for Installation of Improvements.** The required improvements as listed elsewhere 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, provisions may be made for the payment of a portion of the cost by the community. Further, if any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such lands, to be 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 improvement as will represent the benefit to the property within the subdivision.

903. **Performance Agreement.**

- (1) Prior to the installation of any required improvements and prior to approval of the plat, the subdivider shall enter into a contract in writing with the community requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions. This shall include provision for supervision of details of construction by the City Engineer and shall grant to the City Engineer authority to correlate work to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work being done contracted by the community in the vicinity. The agreement shall require the subdivider to provide financial security acceptable to the City Attorney in the form of a surety bond, certificate of deposit, irrevocable letter of credit, securities or cash deposit to be equal to one hundred twenty-five (125) percent of the City Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection. On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to, acceptance of the plat. In such event, the amount of the financial security may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat. The time for completion of the work and the several parts thereof shall be determined by the City Council upon recommendation of the City Engineer after consultation with the subdivider. It 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.
- (2) No subdivider shall be permitted to start work on any other subdivision without special approval of the City Council if the subdivider has previously defaulted on work or commitments.

- (3) The community shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the community for completion of the work in case of default of the subdivider under said contract, and for any damages sustained on account of any breach thereof. The applicant shall agree to pay any and all reasonable attorney and consultant fees incurred by the City to enforce the terms and conditions of any application approval or provisions of any performance agreement relating to said performance agreement. Upon completion of the work and termination of any liability, the balance remaining financial security shall be refunded to the subdivider.

904. **Construction Plans and Inspection.**

- (1) Construction plans for the required improvements conforming in all respects with the standards and ordinances of the community shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota, and said plans shall contain his certificate. Such plans together with the quantities of construction items, shall be submitted to the City Engineer for his approval and for his estimate of the total costs of the required improvement. Upon approval, such plans shall become a part of the required contract. The tracings of the plans approved by the City Engineer plus two (2) prints shall be furnished to the community to be filed as a public record.
- (2) 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, and acceptance by the community shall be subject to the City Engineer's certificate of compliance with the contract.

905. **Improvements Completed Prior to Approval of the Plat.** Improvements within a subdivision which have been completed prior to application for approval of the plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements only if the City Engineer shall certify that he is satisfied that the existing improvements conform to applicable standards.

906. **Alternative Installation and Incomplete Improvements.**

- (1) The City Council may elect to install any or all of the required improvements pursuant to a cash escrow agreement or other financial arrangements with the subdivider.

- (2) It is hereby the announced policy of the community that full and complete utility systems be installed in all needed areas as soon as is practicable and feasible. Accordingly, the community shall proceed as soon as it is practicable after final approval of a subdivision with installation within the subdivision of such improvements as may be determined to be necessary. In the event of small subdivisions or in subdivisions in which development may proceed slowly, or other events in which the construction of surfaced streets, sidewalks, utility lines, or other improvements is clearly not feasible immediately following the approval of the plat, the City Council may elect to commence assessment, or otherwise move to finance and install improvements when the subdivision is developed to the point of warranting the improvements. Such improvements are required in order to provide greater assurance of public health, assure reliability of water supply, provide for economy of installation, provide more effective fire fighting through hydrants, and otherwise protect the public health, safety, convenience and general welfare.

SECTION 10 GENERAL PROVISIONS

1001. **Protection of Natural Features.** The City Council reserves the right to decline approval of a subdivision if due regard is not shown for the preservation of all natural features such as large trees, watercourses, scenic points, historical spots and similar community assets, which, if preserved, will add attractiveness and stability to the proposed development of the property.

1002. **Public Sites and Open Spaces.**

- (1) **Consideration of the Public Property.** The subdivider shall consult with the Planning Commission, at the time his sketch plan is under consideration, to secure their recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds or other public property. The plan shall show the location and dimensions of, all areas to be dedicated in this manner.
- (2) **Public Sites to be Reserved.** Where a proposed drainageway, park, playground, school site, or other public site, as shown on the Comprehensive Development Plan, is embraced in part or in whole by the boundary of a proposed subdivision and such sites are not dedicated, such sites shall be reserved and no action taken towards approval of a plan or plat for a period not to exceed ninety (90) days to allow the proper governmental agency the opportunity to consider and take actions towards the acquisition of such public ground or park by purchase or other methods.
- (3) In all new subdivisions, a minimum of seven percent (7%) of the gross area subdivided shall be dedicated for public recreation space or other public use. The dedicated percent of the gross area subdivided shall be in addition to property dedicated for streets, alleys, easements, or other public ways. No areas may be dedicated for public use until such areas have been approved by the City Council as suitable and necessary for the public health, safety, convenience, and general welfare. When the subdivision is too small for practical dedication of public land or if no public land in the subdivision is suitable for such use, the subdivider may be required to pay a fee, as established by City resolution, equal to ten percent (10%) of the market value of the land prior to subdivision. The market value of the land shall be determined by utilization of tax assessment records. Lots created in any manner that are larger than five (5) acres and three hundred (300) feet in width may be subject to the above requirements if, in the opinion of the City Council, the lots will not be resubdivided.

1003. **Planned Unit Development.** Upon receiving a report from the Planning Commission, the City Council may grant a variance from the provisions of these regulations in case of a planned unit development, as defined in the Zoning Ordinance, provided that the council shall find that the proposed development is fully consistent with the purpose and intent of these regulations. This provision is intended to provide the necessary flexibility for new land planning and land development trends and techniques.
1004. **Minor Subdivisions.** In the case of a subdivision resulting in four (4) buildable lots or less, 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. In the case of a request to subdivide a lot which is part of a recorded plat, or where the subdivision is to permit the adding of a parcel of land to an abutting lot or create not more than a total of four (4) buildable lots, and the newly created property lines will not cause any resulting lot to be in violation of these regulations or the Zoning Ordinance, the division may be approved by the City Council, after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision.
1005. **Resubdivision.** In the case of a request to divide a lot which is part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot or to create two lots and the newly created property line will not cause the other remaining portion of the lot to be in violation with this regulation or the Zoning Ordinance, the division may be approved by the City Council after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision.
1006. **Land Division.** In any case where the division of land into two or more lots or parcels for the purpose of transfer of ownership or building improvement is not specifically provided in the provision of these regulations, a description of such land division shall be filed with the clerk. No building permit shall be issued for any construction, enlargement, alteration or repair, demolition or moving of any building or structure on any lot or parcel resulting from such division, until such division has been approved by the City Council. Prior to the consideration of such division by the City Council, they shall require that a certified survey be submitted.
1007. **Registered Land Surveys.** All Registered Land Surveys shall be filed subject to the same procedure as required for the filing of a plan for platting purposes. The standards and requirements set forth in these regulations shall apply to all Registered Land Surveys.

Unless the City Council shall approve, a Registered Land Survey shall not be used to divide a parcel of land into lots for the purpose of transfer of ownership or building development if any of the tracts do not have the required frontage on a dedicated public street.

1008. Metes and Bounds.

- (1) Conveyances by metes and bounds shall be prohibited where the lot or lots involved are less than five (5) acres in area or have a width of less than three hundred (300) feet at the building setback line.
- (2) No building permit shall be issued for any structure on any parcel of less than five (5) acres in area or having a width of less than three hundred (300) feet on an improved public street, at the building setback line which is described by metes and bounds until a plat describing such parcel of land is filed with the Washington County Recorder and proof thereof is furnished to the City Council.
- (3) When a conveyance by metes and bounds is made and the parcels involved are between five (5) acres and twenty (20) acres in size, a survey of the parcels involved shall be submitted to the City Clerk before any building permits will be issued for those parcels and a copy of the survey should be attached to the deed when it is submitted to the Washington County Recorder for recording.

1009. Variances.

- (1) Upon receiving the report from the Planning Commission, the City Council may grant a variance in any particular case where the subdivider can show that by reason of the exceptional topography or other physical conditions, the strict compliance to these regulations could cause an exceptional and undue hardship on the enjoyment of a substantial property right. Such relief may be granted provided there is no detriment to the public welfare and no impairment of intended purpose of this regulation.
- (2) Application for any such variance shall be made in writing by the subdivider at the time when the plan is filed for consideration. Such application shall state fully all facts relied upon by the subdivider, and shall be supplemented with maps, plans or other additional data which may aid the Planning Commission in the analysis of the proposed project. Such variance shall be considered at the next regular meeting held by the Planning Commission. The plans for such development shall include any covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the proposed plan. Any variance or modification thus

granted shall be recorded and entered in the minutes of the City Council setting forth the reasons for granting the variance.

SECTION 11 ENFORCEMENT

1101. **Building Permits.** No building permit shall be issued for any construction, enlargement, alteration or repair, demolition or moving of any building or structure on any lot or parcel until all the requirements of this regulation have been fully met.
1102. **Violation and Penalties.** Any firm, person or corporation who violates any of the provisions of these regulations, or who sells, leases or offers for sale or lease any lot, block or tract of land herewith regulated before all the requirements of these regulations have been complied with, shall be guilty of a misdemeanor, and upon conviction thereof be subject to fine and/or imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.
1103. **Separability.** It is hereby declared to be the intention that the several provision of this regulation are separable in accordance with the following:
- (1) If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provision of this regulation not specifically included in said judgment.
 - (2) 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 other property, building or structures.

SECTION 12 ENACTMENT

1201. **Repeal.** Ordinances, including all prior Subdivision Ordinances, amendments, or parts thereof in force at the time of this Ordinance, shall take effect, inconsistent herewith are hereby repealed.

1202. **Enactment.** This Ordinance shall take effect and be in force from and after its passage and publication of Summary Ordinance No. 103, according to law, passed by the City Council of Marine on St. Croix this 9th day of August 2001. Publication: 15th day of August, 2001.

CITY OF MARINE ON ST. CROIX

By: _____
Glen Mills, Mayor

ATTEST:

By: _____
Ginger Bolin, City Clerk