

**TITLE 11**  
**SUBDIVISION REGULATIONS**

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## CHAPTER 1

### PURPOSE, INTERPRETATION AND DEFINITIONS

#### SECTION:

- 11-1-1: SHORT TITLE
- 11-1-2: PURPOSE
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11-1-1: **SHORT TITLE.** This Title shall be known and may be cited as the “Subdivision Ordinance”, “this Title” and/or “this Ordinance”.

11-1-2: **PURPOSE.** Each new subdivision becomes a permanent and integral part of the physical structure of the Municipality, the design and the development of plats subdividing property establishes a pattern for the future development of the entire community and adherence to this pattern by future developers becomes mandatory. Planning in a piecemeal manner, without proper consideration being given to the overall development of a municipality would lead to a chaotic patchwork of community development, making future improvements difficult, if not impossible and certainly very costly. The lack of regulations and mismanagement of subdivision control would have a disastrous effect upon the distribution of population and would actually create areas contrasting so greatly in their environment as to provide for future so-called blighted areas from the start. To provide for the orderly and equitable development of the Municipality, all subdivisions hereafter, shall in all respects, fully comply with the regulations set forth herein, which shall be interpreted to:

- A. Provide for and guide the orderly, economic and safe development of land, urban services and facilities.
- B. Encourage well-planned, efficient and attractive subdivisions by establishing standards for design and construction of public improvements.
- C. Provide for the health, safety and welfare of residents by requiring the necessary services such as properly designed streets and adequate storm and sanitary sewer, water, electric, telephony and natural gas utility services.
- 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.
- G. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, trails and other public facilities.

11-1-3: **INTERPRETATION.** The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

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

11-1-4: this Section:	<b>DEFINITIONS.</b> For purposes of this Title, the following terms shall have the meaning given in this Section:
ALLEY:	A public right of way which affords a secondary means of access to abutting property.
APPLICANT:	The owner, their agent, or other person having legal control, ownership and/or interest in the land proposed to be subdivided.
AREA PLANNING ORGANIZATION:	The St. Cloud Area Planning Organization.
ARTERIAL STREET:	See "Street, Arterial".
BEST MANAGEMENT PRACTICES (BMP'S):	Best management practices as described in the current Minnesota Pollution Control Agency's manual and other sources as approved by the City and County.
BIKEWAY:	A public right-of-way or easement across a block or within a block to provide access for bicyclists and in which a path or trail may be installed.
BLOCK:	An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a natural waterway.
BOULEVARD:	The portion of the street right-of-way between the curb line and the property line.
BUILDING:	Any structure built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.
BUILDING SETBACK LINE:	A line parallel to the street right-of-way line, and ordinary high water level, if applicable, at its closest point to any story level of a building and representing the minimum distance which all or part of the building is set back from said right-of-way line, or ordinary high water level.
CALIPER:	The diameter of replacement or new trees measured at a height of eighteen (18) inches above the ground level.
CERTIFICATE OF SURVEY:	A document prepared by a Registered Engineer or Registered Land Surveyor which precisely describes area, dimensions and location of a parcel or parcels of land.
CITY:	The City of Sartell.
CITY ENGINEER OR CONSULTING ENGINEER:	A professional engineer as designated by the governing body.
CLUSTER DEVELOPMENT:	The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land, while providing a unified network of open space and aesthetically pleasing areas and meeting the overall density regulations of this Ordinance and the Zoning Ordinance.
COLLECTOR STREET:	See "Street, Collector".
COMMON INTEREST	A contiguous or noncontiguous real estate within Minnesota that is

COMMUNITY:	subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies (MSA 515B.1-103).
COMPREHENSIVE PLAN:	A comprehensive plan prepared and approved by the City, including a compilation of policy statements, goals, standards, fiscal guidelines, and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the City, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
CONDITIONAL APPROVAL:	An affirmative action by the City indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.
CONTOUR MAP:	A topographic map showing the irregularities in elevation of land surface through the use of lines connecting points of equal elevation. Contour interval is the vertical heights difference represented between the connecting lines on a contour map.
COPY:	A print or reproduction made from a tracing.
CONVEYANCE:	The sale, trading, donation, or offer of sale or other transfer of property.
COUNTY:	Stearns/Benton County, Minnesota.
COVENANTS:	Protective covenants are contracts made between private parties and constitute an agreement between these parties as to the manner in which land may be used, with a view to protecting and reserving the physical, social and economic integrity of any given area. This Ordinance shall not interfere with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party. The Owner shall enforce covenants; the City shall assume no responsibility for the enforcement thereof. Any restrictive covenant shall not conflict or invalidate city ordinances;
CROSSWALK OR PEDESTRIAN WAY:	A publicly owned right-of-way which crosses a block and furnishes pedestrian access to adjacent streets or properties.
CUL-DE-SAC:	A short minor street having one open end and being permanently terminated at the other end by a vehicular turnaround.
DESIGN STANDARD:	The specifications to landowners or those proposing to subdivide land for the preparation of plats, both preliminary and final indicating among other items the optimum, minimums and maximums in the dimensions, magnitude and capacity in such features as the layout of streets, lots, blocks, drainage and required improvements.
DEVELOPER:	Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity submitting an application for the purpose of land subdivision as defined herein. The developer may be the owner or authorized agent of the owner of the land to be subdivided.

DEVELOPMENT:	Acts relating to subdividing land, platting land, building structures and installing site improvements.
DOUBLE FRONTAGE LOTS:	Lots having a front line abutting on street and a back line abutting another street.
DRAINAGE COURSE:	A watercourse or surface area for the drainage or conveyance of surface water.
EASEMENT:	A grant by a property owner for the use of a strip of land by the public or any person for any specific purpose or purposes.
ENGINEER:	The registered engineer employed or retained by the City, unless otherwise stated.
ESCROW:	The deposition of funds in an account maintained by the City for the purpose of ensuring fulfillment of certain obligations pursuant to this Ordinance.
FINAL APPROVAL:	Approval of the final plat by the City Council, as indicated by certification of the plat by the (acting) mayor of the city, constitutes authorization to record a plat.
FINAL PLAT:	A drawing or map of a subdivision, meeting all the requirements of the City and in such form as required by the County for purposes of recording.
FLOOD RELATED:	
Accessory Use Or Accessory Structure:	A use or structure in the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
Equal Degree Of Encroachment:	Method of determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to flood plain encroachments.
FEMA:	The U. S. Federal Emergency Management Agency.
Flood:	A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.
Flood Frequency:	The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
Flood Fringe:	That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study of the City.
Flood Hazard Areas:	The areas included in the floodway and flood fringe as indicated on the official zoning map and the Flood Insurance Study and Flood Insurance Rate Map which have been officially adopted by the City.
Flood Insurance Rate Map:	The most recent Flood Insurance Rate Map prepared by FEMA for the City, and as applicable and allowed by law, the Flood Insurance Rate Map prepared by FEMA for the County of Stearns/Benton, as may be amended.
Flood	The most recent Flood Insurance Study prepared for the City by FEMA

Insurance Study:	and, as applicable and allowed by law, the Flood Insurance Study prepared by FEMA for the County of Stearns/Benton, as may be amended.
Floodplain:	The areas adjoining a watercourse which have been or hereafter may be covered by the 100-year flood as determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study, or in any other officially adopted City flood study.
Floodproofing:	A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water, storm and sanitary facilities, structures and contents of buildings in a flood hazard area in accordance with the Minnesota State Building Code.
Floodway:	The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study, or in any other officially adopted City flood study.
Obstruction:	Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either by itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.
100-Year Flood:	A flood which is representative of large regional floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval as determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study, or in any other officially adopted City flood study.
Reach:	A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would be typical of a reach.
Regulatory Flood Protection Elevation:	A point not less than one (1) foot above the water surface profile associated with the 100-year flood as determined by the use of the 100-year flood profile and supporting technical data in the Flood Insurance Study plus any increase in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.
Structure:	Anything erected with a fixed location on the ground, or attached to something having a fixed location on the ground or in the ground in the case of earth sheltered buildings. Among other things, structures include buildings, factories, sheds, detached garages, cabins, manufactured homes, walls, fences, billboards, poster panels and other similar items.
FRONTAGE:	The width of a lot from property corner to property corner which abuts a public street or way.
GOVERNING BODY:	A group of persons elected by voters of the Municipality to govern the public affairs thereof.

GRADE:	See: Percentage of Grade
HALF-STREET:	See Street, Half
HORIZONTAL CURVE:	A curve by means of which a road can change direction to the right or left.
HYDRIC SOIL:	For the purposes of this Ordinance, hydric soils shall include:  Hydric soils as shown on the Stearns/Benton County Geographic Information System (GIS); or  Land inside the 100 year floodplain area, as determined by the County, using two (2) foot contour surveys of relevant areas; or  A field delineation of the hydric soils by a Registered Soil Scientist following the criteria found in the United States Army Corps of Engineers Wetland Delineation Manual (1987 Manual) or the Natural Resource Conservation Service publication Field Indicators of Hydric Soils in the United States.
IMPROVEMENTS:	Pavement, curbs, gutters, sidewalks, sewer and water facilities, drainage facilities, street signs, street lighting, plantings, berms and other items for the welfare of property owners and/or the general public.
KEY MAP:	A small-scale map that definitively shows the area proposed to be platted in relation to known geographical features (e. g. regional feature, community centers, lakes and streets).
LAND DISTURBANCE:	Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural character of the land occurs as a result of the site preparation, grading, building construction or other construction activity, except for the disturbance of a total of 10 cubic yards or less of soil/area.
LOCAL STREET:	See "Street, Local".
LOT:	A portion of the subdivision intended for building development or for transfer of ownership.
LOT, CORNER:	A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.
LOT, DEPTH:	The horizontal distance between the street right-of-way line and the opposite rear line of a lot measured in the general direction of the side lot lines.
LOT, DOUBLE FRONTAGE:	An interior lot having frontage on two parallel or approximately parallel streets.
LOT IMPROVEMENT:	Any building, structure, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property.
LOT LINE:	The property line bounding a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way wherein the lot line shall be the public right of way line.
LOT LINE, FRONT:	That boundary of a lot which abuts an existing or dedicated public street; and, in the case of a corner lot, the front lot line shall be the lot with the shortest dimension on a public right-of-way.

LOT LINE, REAR:	That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet in length or if the lot forms a point in the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to the front lot line.
LOT LINE, SIDE:	Any boundary of a lot that is not a front lot line or a rear lot line.
LOT OF RECORD:	A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this Ordinance, or approved by the City Council as a lot subsequent to such date, and which is occupied by or intended for occupancy by one (1) principal use, together with any accessory buildings or such open spaces as required by this Ordinance and having its principal frontage on a street, or a proposed street approved by the council.
LOT, WIDTH:	The horizontal distance between the side lots lines of a lot measured at the building setback line, location of the principal building and, if applicable, ordinary high water level. For corner lots, lot width shall be determined by measuring the horizontal distance between a side lot line and the applicable opposite front lot line.
MARGINAL ACCESS STREET:	Minor streets parallel to and adjacent to arterial streets and highways to provide access to abutting properties and protection to through traffic.
METES AND BOUNDS DESCRIPTION:	A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.
METROPOLITAN TRANSIT COMMISSION:	The St. Cloud Metropolitan Transit Commission.
MINOR STREET:	A street that provides for direct access to abutting property and for local traffic movement, distinguished by its being completely local in character.
MINOR SUBDIVISION:	The division of a single parcel, lot, or tract, into two separate parcels, lots, or tracts.
MUNICIPALITY:	The governmental unit or area described in and governed by the provisions of this Title.
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. The term also includes all drainage structures placed in lieu of natural waterway in order to facilitate the continuity of the natural waterway.
OFFICIAL MAP:	The map adopted by the City Council showing the streets, highways, blocks and lots theretofore laid out and adopted by the City Council resulting from the approval of subdivision plats and the subsequent filing of such approved plats.
ORDINARY HIGH WATER LEVEL:	The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which as been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high water level is the operating elevation of the normal summer pool.

OUTLOT:	A parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example – Outlot A). Outlots are used to designate one of the following: land that is to be used for a specific purpose as designated in a developer’s agreement or other agreement between the City and the developer; or land that is to be used for a public purpose and for which no building permit shall be issued.
OWNER:	An individual, association, syndicate, partnership, corporation, trust or any other legal entity holding an equitable or legal ownership interest in the land sought to be subdivided.
PARCEL:	An individual lot or tract of land.
PARKS, PLAYGROUNDS:	Public land and open space in the City dedicated or reserved for recreational purposes.
PEDESTRIAN WAY:	A public right-of-way or easement across a block or within a block to provide access for pedestrians and which may be used for the installation of paths or trails.
PERCENTAGE OF GRADE:	The slope of a road, street, or other public way, specified in percentage terms. The rise or fall of a street in feet and tenths of a foot for each one hundred (100) feet of horizontal distance measured at the centerline of the street.
PERSON:	Any individual or legal entity.
PLANNED UNIT DEVELOPMENT:	A tract of land planned and developed to encourage a more creative and efficient development of land, while at the same time meeting the standards and purposes of the Comprehensive Plan for preserving the health, safety and welfare of Sartell, to allow for a mixture of residential units or residential and commercial units in an integrated and well-planned area and to ensure the concentration of open space into more usable areas and preservation of natural resources of the site including wetlands, steep slopes, vegetation, and scenic areas.
JOINT PLANNING COMMISSION:	The Joint Planning Commission of the City of Sartell and Le Sauk Township.
PLAT:	The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statutes chapter 505 and containing all elements and requirements set forth in applicable local regulations adopted pursuant to Minnesota Statutes section 462.358 and chapter 505.
PRELIMINARY APPROVAL:	Official action taken by the City on an application to create a subdivision which establishes the rights and obligations set forth in Minnesota Statutes section 462.358 and the applicable subdivision regulation. In accordance with Minnesota Statutes section 462.358, and unless otherwise specified in the applicable subdivision regulation, preliminary approval may be granted only following the review and approval of a preliminary plat of other map or drawing establishing without limitation the number; layout and location of lots, tracts, blocks and parcels to be created, location of streets, roads, utilities and facilities, park and drainage facilities and lands to be dedicated for public use.
PRELIMINARY PLAT:	A detailed drawing or map of a proposed subdivision meeting the requirements herein enumerated submitted to the Joint Planning Commission and governing bodies for their consideration, in compliance with the Comprehensive Plan, along with the required supporting data.

PROTECTIVE COVENANTS:	Contracts entered into between all owners and holders of mortgage constituting a restriction on the use of property within a subdivision for the benefit of the property owners. The City shall not be responsible for enforcing protective covenants.
PUBLIC IMPROVEMENT:	Any drainage ditch, roadway, parkway, street, sanitary sewer, storm sewer, water system, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the City may ultimately assume ownership, responsibility for maintenance and operation, or which may affect an improvement, for which local government responsibility is or may be established.
PUBLICATION:	An official notice as prescribed by Minnesota Statutes.
QUADRAMINIUMS:	Single structures which contain four (4) subdivided dwelling units, all of which have individually separate entrances from the exterior of the structure.
RESERVE STRIPS:	A narrow strip of land between lot lines and streets to control access.
RIGHT OF WAY:	The land dedicated for public use as a street or way or private use such as a power line or railroad.
ROADWAY:	The portion of street right-of-way improved for vehicular travel.
SETBACK:	The distance between a building and the property line nearest thereto.
SINGLE FAMILY ATTACHED DWELLING:	A one-unit structure which has one or more walls extending from ground to roof separating it from adjoining structures. In townhomes or twin homes each house is a separate, attached structure if the dividing or common wall goes from the ground to the roof.
SINGLE FAMILY DETACHED DWELLING:	A one-unit structure designed, constructed for and occupied by not more than one family and which is not attached to any other dwelling by any means, that is with open space on all four sides, such structures are considered detached even if they have an adjoining shed or garage. .
SKETCH/CONCEPT PLAN:	A sketch drawing or map which depicts a proposed subdivision by showing proposed lots, streets, uses, relationship to surrounding area, generalized natural features, easements, and any requested zoning change and other information required by this ordinance for review by the City. This plan shall be drawn to scale and dimensioned; however, exact accuracy is not a requirement.
STREET:	A way for vehicular traffic, whether designated as streets, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, drive, court or similar names.
STREET, ARTERIAL – PRINCIPAL:	The functional classification of streets that places the highest emphasis on mobility as opposed to land access. Although various sections of roadway may vary in functional classification and characteristics, principal arterials generally carry large volumes of traffic (e.g. 15,000 or greater daily average) and have right-of-way widths of 200 to 300 feet. Principal arterials in general have highly managed intersection spacing and control criteria, do not provide direct land access and do not allow for on–street parking. Large truck traffic is unrestricted. Principal arterial streets in the City of Sartell are defined by the Comprehensive Plan (e.g. T.H. 15 as of the date of this Ordinance).
STREET,	The functional classification of streets that places high emphasis on

ARTERIAL – MINOR:	mobility as opposed to land access. Although various sections of roadway may vary in functional classification and characteristics, minor arterials generally carry a moderate volume of traffic (e.g. 5,000 – 20,000 daily average) and have right-of-way widths of 100 to 150 feet. Minor arterials in general have managed intersection spacing and control criteria, highly restrict direct land access and highly restrict on–street parking. Large truck traffic on minor arterial streets are generally unrestricted. Minor arterial streets in the City of Sartell are defined by the Comprehensive Plan (e.g. Pine Cone Road as of the date of this Ordinance).
STREET, COLLECTOR:	The functional classification of streets that places moderate emphasis on mobility and moderate emphasis on land access, may be major or minor collector. Although various sections of roadway may vary in functional classification and characteristics, collectors generally carry a modest volume of traffic (e.g. 1,000 – 5,000 daily average) and have right-of-way widths of 80 to 100 feet. Collector streets in general have managed intersection spacing, may employ traffic control measures, may somewhat restrict direct land access and may somewhat restrict on–street parking. Large truck traffic on collector streets are generally unrestricted. Collector streets in the City of Sartell are defined by the Comprehensive Plan.
STREET, CUL-DE-SAC:	A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
STREET, DEAD END:	A street, or a portion thereof, with only one vehicular traffic outlet.
STREET, HALF:	A street having only one-half of its intended roadway width developed to accommodate traffic.
STREET, LOCAL:	The functional classification of streets that places low emphasis on mobility and high emphasis on land access. Although various sections of roadway may vary in functional classification and characteristics, local streets generally carry a small volume of traffic (e.g. less than 1,000 daily average) and have right-of-way widths of 66 feet. Local streets in general have limited on-street parking restrictions, permit driveway access and restrict large truck traffic.
STREET, MARGINAL ACCESS (Frontage Road):	Those local streets which are parallel and adjacent to high volume arterial streets and highways; and which provide access to abutting properties and protection from through traffic.
STREET WIDTH:	The shortest distance between lines or lots delineating the right-of-way of a street.
STRUCTURE:	Anything erected with a fixed location on the ground, or attached to something having a fixed location on the ground or in the ground. Among other things, structures include buildings, manufactured homes, walls, fences, billboards, swimming pools, and poster panels.
SUBDIVIDING:	The creation of a subdivision, lot, parcel, or tract of land by dividing a lot, parcel, or tract into two or more parcels, or resulting from court order, or the adjustment of a lot line by the relocation of a common boundary.
SUBDIVISION:	A described tract of land which is to be or has been divided into two or more lots, outlots, or parcels for the purpose of transfer of ownership, or building development, or if a new street is involved, any division of land. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

SURVEYOR:	A land surveyor registered under Minnesota State Statutes.
TANGENT:	A straight line (roadway) that touches a curve at a point on the curve.
TOWNHOUSES:	Structure housing three (3) or more dwelling units contiguous to each other only by the sharing of one (1) common wall, such structures to be of the town or row house type as contrasted to multiple apartment structures. Each unit shall have a separate ingress/egress.
TRACT:	A defined area of land, similar to a lot or parcel, that is occupied or will be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of the current City zoning regulations, having not less than the minimum area required by said zoning regulations for a building site in the district in which such lot is situated and having its principal frontage on a street.
TRAIL:	A linear component of the community's park system.
TWO-FAMILY DWELLING:	A dwelling designed exclusively for occupancy by two (2) families living independently of each other.
UTILITIES:	Public or Private systems for the distribution or collection of water; gas; sewer (wastewater); storm water; electricity including all transformers, streetlights, telephone; and cable television service, etc.
VARIANCE:	A relaxation of the terms of this Ordinance where such deviation will not be contrary to the spirit and intent of the Comprehensive Plan and this Ordinance, the public interest and where owing to physical conditions unique to the individual property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.
VERTICAL CURVE:	The surface curvature on a street centerline located between lines of different percentage of grades.
VICINITY MAP:	A small map drawn to a comparatively small scale which definitely shows the area proposed to be platted and the vicinity surrounding it
ZONING:	The reservation of certain specified areas within the Municipality for buildings and structures for certain purposes with other limitations such as height and lot coverage. (See Title 10 of this Code.) (Ord., 12-15-1980; 1997 Code)
ZONING DISTRICT:	An area as described by the official zoning ordinance of the City of Sartell.
ZONING ORDINANCE:	The Ordinance or resolution controlling the use of land as adopted by the City.

## CHAPTER 2

### GENERAL PROVISIONS

#### SECTION:

- 11-2-1: AUTHORITY/APPLICATION
- 11-2-2: ADMINISTRATION
- 11-2-3: JURISDICTION
- 11-2-4: COUNTY AND STATE RULES
- 11-2-5: PROTECTION OF NATURAL FEATURES
- 11-2-6: LAND SUITABILITY FOR SUBDIVISION
- 11-2-7: FLOOD PRONE LANDS
- 11-2-8: DEDICATIONS FOR PUBLIC USE
- 11-2-9: PRESENT ORDINANCES PROTECTED
- 11-2-10: CONSISTENCY WITH THE COMPREHENSIVE PLAN, ZONING ORDINANCE AND CAPITAL IMPROVEMENT PLAN
- 11-2-11: EXCEPTIONS
- 11-2-12: APPROVALS NECESSARY FOR ACCEPTANCE AND RECORDING OF PLATS
- 11-2-13: APPROVAL PRIOR TO BUILDING PERMIT ISSUANCE
- 11-2-14: SEVERABILITY
- 11-2-15: ESTABLISHED MONUMENTS
- 11-2-16: COMMON INTEREST COMMUNITIES
- 11-2-17: RESTRICTIONS OF FILING AND RECORDING
- 11-2-18: EFFECT OF SUBDIVISION APPROVAL
- 11-2-19: DISCLOSURE BY SELLER; BUYER'S ACTION FOR DAMAGES
- 11-2-20: PLANNED UNIT DEVELOPMENTS

#### 11-2-1: **APPLICATION/AUTHORITY.**

- A. Except as hereinafter provided, no land shall be subdivided, rearranged, developed or improved in any way which is not in conformity with the regulations and terms herein specified. The rules and regulations governing plats and subdivision of land contained herein shall apply within the boundaries of the City of Sartell. Every division of land for the purpose of lease or sale into two or more lots, parcels or tracts within the incorporated area of the City of Sartell or any combination of two or more lots shall proceed in compliance with this ordinance. It is the purpose of this Title to make certain regulations and requirements for the platting of land within the City pursuant to the authority contained in Minnesota Statutes chapters 412, 429, 471, and 505, which regulations the City Council deems necessary for the health, safety, general welfare, convenience and good order of this community.
- B. The City of Sartell has adopted a comprehensive plan for the future physical development and improvement of the City and finds it necessary to regulate the division of land for future development and use. The City finds that the public health, safety and general welfare require that the division of land into two or more parcels requires regulation to assure adequate space, light and air; to provide proper ingress and egress to property; to facilitate adequate provision for water, waste disposal, fire protection, open space, schools, public uses and adequate streets and highways; and to assure uniform monumenting, legal description and conveyance of subdivided land. The Minnesota Statutes authorize municipalities to so regulate the subdivision and platting of land pursuant to MSA 412.221 Subdivision 32; and 462.358.
- C. In addition to the authority otherwise provided under this Title, the City Council is empowered to exercise its full statutory authority under Minnesota Statutes 462.358, Subdivisions 1a and 2a to establish standards, requirements and procedures for the review and approval of subdivisions. The authority possessed by the City Council under this Title specifically includes the authority to condition subdivision approval on compliance with other requirements reasonably related to the provisions of this Title and the authority to execute development agreements embodying the terms and conditions of such approval. For purposes of this Title, these powers specifically include the power to impose conditions upon subdivision approval

necessary for the subdivision to comply with resolutions previously adopted and remaining effect in whole or in part at the time of adoption of this Title.

11-2-2: **ADMINISTRATION.** This Title shall be administered and enforced by the governing body and/or its assigns of the Municipality and all final decisions pertaining to the proposed subdivision or development of any tract of land shall be made by the governing body and/or its assigns.

11-2-3: **JURISDICTION.** The regulations herein governing plats in the subdivision of land shall apply within the corporate limits of the Municipality and the governing body shall exercise the right to review all proposed plats within two (2) miles outside the City limits if the adjacent unincorporated area has not adopted subdivision regulations. Any additional extension of these subdivision regulations outside the abovementioned review area shall require the creation of a joint City-Council-Township Board as set forth in Minnesota Statutes section 462.3585.

11-2-4: **COUNTY AND STATE RULES.** It is not the intent of this Title to replace or conflict with existing County or State laws, rules or regulations. This Title is designed and intended to provide additional protection to the public. Specifically, this Title is intended to be in compliance with Minnesota Statutes chapters 462.358 and 505.

11-2-5: **PROTECTION OF NATURAL FEATURES.** The governing body reserves the right to deny approval of a plat 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, stability and value to the property.

11-2-6: **LAND SUITABILITY FOR SUBDIVISION.** The City Council, following consultation with the Joint Planning Commission, must find each lot created through subdivision suitable for land subdivision in its normal state for the proposed use with minimal alteration. Suitability analysis by the City shall consider flooding, existence of wetlands, inadequate drainage, steep slopes, rock formations or other features with severe limitations for development, severe erosion potential, steep topography, important fish and wildlife habitat, near-shore aquatic conditions unsuitable for water-based recreation, presence of significant historic sites or any other feature of the natural land likely to be harmful to the safety, welfare or general health of future residents, or land which could not be adequately served by utilities or other public facilities or public access; such land shall not be subdivided unless adequate methods are provided for overcoming such conditions; or the land is platted as outlots.

11-2-7: **FLOOD PRONE LANDS.**

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

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

B. **Subdivision Flooding and Flood Control:** No land shall be subdivided if the City Council finds the land unsuitable for subdividing due to flooding and/or inadequate drainage in accordance with the Ordinance and the Zoning Ordinance. Any building sites on lots within the flood plain district shall at least one foot above the regulatory flood protection elevation in accordance with this Ordinance and the Zoning Ordinance. All subdivisions shall have road access both to the subdivision and to the individual building sites no lower than one (1) feet above the regulatory flood protection elevation. Each of the above requirements shall take into consideration the 100-year flood profile and other supporting material data in the Flood Insurance Study and the Flood Insurance Rate Map.

C. **Public Utilities:** All public utilities and facilities such as gas, electrical, telephone, sewer, and water supply systems to be located in the flood plain shall be elevated or flood proofed in accordance with the Minnesota

State Building Code to an elevation no lower than the regulatory flood protection elevation, in accordance with state and federal agency regulations and the City's Floodplain Ordinance, as applicable.

- D. Public Transportation Facilities: Railroad tracks, roads and bridges to be located within the Floodway District shall comply with this Ordinance and the Zoning Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure and interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary railroad tracks, roads, or bridges may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety and as long as such construction is in accordance with the rules and regulations of the Minnesota Department of Natural Resources or other state agencies; the Federal Emergency Management Agency or other federal agencies; and/or the City Floodplain Ordinance.

11-2-8: **DEDICATIONS FOR PUBLIC USE:** Where deemed essential by the Joint Planning Commission, upon consideration of the type of development and especially in large scale unit developments not anticipated in a master plan, the Joint Planning Commission may discuss a dedication or reservation of such other sites or area of a character, extent or location suitable to the needs created by such developments for parks and other neighborhood purposes.

11-2-9: **PRESENT ORDINANCES PROTECTED:** The provisions of this Title are in addition to and not in replacement of the provisions of the Building Code and Title 10 of this Code. Any provisions of the Building Code or Title 10 relating to platting shall remain in full force and effect except as they may be less restrictive or contradictory to the provisions hereof, in which case this Title shall prevail.

11-2-10: **EXCEPTIONS:** The provisions of this ordinance shall not apply to:

- A. A cemetery or burial plot while used for that purpose;
- B. Any division of land made by testamentary provision, the laws of descent, or upon court order;
- C. A parcel which was the subject of a written agreement to convey (such as a purchase agreement), entered into prior to the effective date of this Ordinance;
- D. Land which the Joint Planning Commission or the Council finds to be unsuitable for land subdivision due to flooding, inadequate drainage, steep slopes, rock formations or other features likely to be harmful to the safety and general health of future residents, or land which could not be adequately served by utilities or other public facilities or public access; such land shall not be subdivided unless adequate methods are provided for overcoming such conditions; or the land is platted as outlots;
- E. Divisions of land where the division is to permit the adding of a parcel of land to an abutting lot or to create two (2) lots and the newly created property line will not cause the land or any structure to be in violation of this Ordinance or the Zoning Ordinance, provided Minor Subdivision Platting Requirements of Section 1103.05 are followed.

11-2-11: **APPROVALS NECESSARY FOR ACCEPTANCE AND RECORDING OF SUBDIVISION PLATS.** Before any plat or subdivision of land shall be recorded or be of any validity, it shall be referred to the Joint Planning Commission and approved by the City Council of Sartell as having fulfilled the requirements of this Ordinance. No plat or subdivision shall be entitled to be recorded in the Stearns/Benton 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.

11-2-12: **BUILDING PERMITS.** No building permits shall be issued by the City of Sartell, or the City's designee, for the construction of any building, structure or improvement to the land or to any lot in a subdivision as defined herein, until all requirements of this Ordinance have been fully met. The City may allow the installation of foundations after the aggregate base course is applied to streets. The City may allow the placement of structural members following the installation of the first lift of bituminous surfacing providing fire hydrants are charged and street signs have been placed. Except otherwise provided by this Section all electric and gas distribution lines or piping, roadways, curbs, walks and other similar improvements shall be constructed

only on a street, alley or other public way or easement which is designated on an approved plat, or properly indicated on the Official Map of the City, or which has otherwise been approved by the City Council. Upon adoption of an official map, no permit for the erection of any building shall be issued unless the building is to be located upon a parcel of land abutting on a street or highway which has been designated upon an approved plat or on the Official Map or which has been otherwise approved by the City Council and unless the buildings conform to the established building line. This limitation on issuing permits shall not apply to planned developments approved by the City Council pursuant to Title 10 of this Code. No permit shall be issued for the construction of a building on any lot or parcel conveyed in violation of the provisions of this Section.

11-2-13: **SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason found to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. This Ordinance is not intended to repeal, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or with restrictive covenants running with the land except those specifically repealed by or in conflict with this Ordinance. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provisions of the law, ordinance, code, statute, resolution or regulation, the regulations which are more restrictive or impose higher standards or requirements shall prevail.

11-2-14: **ESTABLISHED MONUMENTS.** All federal, state, county and other official monuments, bench marks, triangulation points, and stations shall be preserved in their precise location; and it shall be the responsibility of the Developer to insure that these markers are maintained in good condition during construction and development. All section, quarter section, and sixteenth section covers shall be duly described and tied.

11-2-15: **COMMON INTEREST COMMUNITIES.**

- A. Approval. A Common Interest Community shall be evaluated and considered for approval in the same manner as a standard plat and shall be subject to the site coverage standards contained within the City of Sartell Zoning Ordinance.
- B. Requirements. Common Interest Communities shall be subject to all use, residential density, setback and height requirements of the applicable zoning district and any other applicable standard contained in the City of Sartell Zoning Ordinance.
- C. Conversions of CIC's. The conversion of existing common interest communities, resorts, manufactured home parks or other similar types of developments from privately owned structures on leased or rented land, or the division of several commonly owned structures on a single parcel of land to individually owned parcels containing separate structures, shall be by a standard plat pursuant to the requirements of this Ordinance and the applicable requirements of Minnesota Statutes, Chapter 515A and Chapter 515B, or successor statutes, and shall be further subject to the following:
  - 1. Sewage Treatment: When considering approval of conversions the City shall consider the development as a whole, relative to the provision for sewer and on-site sewage treatment systems, and shall require connection to the municipal system where they are available. In areas where municipal services are not available, design plans shall be presented and approved for a community wastewater treatment system as an integral element of the Common Interest Community approval. A timeline to implement the approved wastewater treatment plan and/or eliminate all identified failing sewage treatment systems shall be established by a subdivision or development agreement.
  - 2. Conformity: The developer shall make every effort to minimize the degree of nonconformity with existing lot and area requirements and setback requirements. Lot lines shall be arranged to provide the largest possible setbacks between structures that will become the principal structures on the newly created lots. Accessory buildings shall be moved or removed when and where possible to create the lowest, most uniform density possible.
  - 3. Density. The conversion shall not result in an increase in residential density, unless the residential density requirements of the applicable zoning district are met.

- D. Unified and Efficient Use of Space. To the extent possible, the common open space, individual properties and other elements of the common interest community shall be so planned that they will achieve a unified scheme of planning and efficient distribution of uses.
- E. Special Conditions for Shoreland Areas.
1. Inconsistencies between existing features of development and those required by this Title and Title 10 (Zoning Ordinance) shall be identified. However, existing dwelling unit or dwelling site densities that exceed standards of Title 10 (Zoning Ordinance) may be allowed to continue but must not be allowed to be increased either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems or by other means.
  2. Deficiencies involving structures, setbacks, impervious coverage, open space and shore recreation facilities must be corrected as part of the conversion.
  3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
    - a. Removal of extraneous buildings, docks or other facilities that no longer need to be located in shore or bluff impact zones.
    - b. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water.
    - c. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

11-2-16: **RESTRICTIONS ON FILING AND RECORDING CONVEYANCES.** No conveyance of land to which these regulations apply shall be filed or recorded with the County Recorder's Office if the land is described by metes and bounds, by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat made after the regulations became effective. The foregoing provision does not apply to a conveyance if the land described:

- A. Is a separate parcel of record on the date of adoption of City subdivision regulations under Minnesota Statutes.
- B. Was a separate parcel of not less than five (5) acres in area and having a width of not less than three hundred thirty (330) feet on July 1, 1980, or
- C. Was a separate parcel of not less than two and one-half acres in area and 150 feet in width on January 1, 1955, or
- D. Was the subject of a written agreement to convey entered into prior to the adoption of subdivision regulations, or
- E. Is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width, or
- F. Is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.
- G. Building permits shall be withheld for buildings on tracts which have been subdivided and conveyed by the metes and bounds method, except as set out in elsewhere in Section 11-2-10 above.

- H. The City may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts. Past City repair or maintenance of any such tracts does not obligate the City to continue the same in the future.
- I. In any case where compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purposes of the subdivision regulations, the City Council may waive such compliance under the provisions of this Ordinance and the conveyance may then be filed or recorded.
- J. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this Title shall forfeit and pay to the City a penalty of not less than \$100 for each lot or parcel so conveyed.
- K. The City may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.

11-2-17: **EFFECT OF SUBDIVISION APPROVAL:** For one year following preliminary approval and for two (2) years following final approval, unless the subdivider and the City agree otherwise, no amendment to a comprehensive plan or official control shall apply to or affect the use, development density, lot size, lot layout or dedication or platting required or permitted by the approved application. Thereafter, pursuant to its regulations, the City may extend the period by agreement with the subdivider subject to all applicable performance conditions and requirements, or it may require submission of a new application unless substantial physical activity and investment has occurred in reasonable reliance on the approved application and the subdivider will suffer substantial financial damage as a consequence of a requirement to submit a new application. In connection with a subdivision involving planned staged development, the City may by resolution or agreement grant the rights referred to herein for such periods of time longer than two (2) years which it determines to be reasonable and appropriate.

11-2-18: **DISCLOSURE BY SELLER; BUYER'S ACTION FOR DAMAGES.**

- A. Disclosure: A person conveying a new parcel of land which, or the plat for which, has not previously been filed or recorded, and which is part of or would constitute a subdivision to which these subdivision regulations apply, shall attach to the instrument of conveyance either:
  - 1. Recordable certification by the City Administrator that the subdivision regulations do not apply, or that the subdivision has been approved by the governing body, or that the restrictions on the division of taxes and filing and recording have been waived by resolution of the governing body of the City in this case because compliance will create an unnecessary hardship and failure to comply will not interfere with the purpose of the regulations; or
  - 2. A statement which names and identifies the location of the appropriate City offices and advises the grantee that subdivision and zoning regulations may restrict the use or restrict or prohibit the development of the parcel, or construction on it, and that the division of taxes and the filing or recording of the conveyance may be prohibited without prior recordable certification of approval, non-applicability or waiver from the City.
- B. Damages: In any action commenced by a buyer of such a parcel against the seller thereof, the misrepresentation of or the failure to disclose material facts in accordance with this Section shall be grounds for damages. If the buyer establishes his/her right to damages, a District Court hearing the matter may in its discretion also award to the buyer an amount sufficient to pay all or any part of the costs incurred in maintaining the action, including reasonable attorney fees, and an amount for punitive damages not exceeding five percent (5%) of the purchase price of the land.

11-2-19: **PLANNED UNIT DEVELOPMENTS.** Required conformance with the regulations established within this Title shall not be interpreted as limiting the City Council's authority to allow flexibility as part of a planned unit development approved in accordance with the provisions of the City of Sartell Zoning Ordinance.

## CHAPTER 3

### PLATTING PROCEDURE

#### SECTION:

- 11-3- 1: PRELIMINARY INFORMATION AVAILABLE
- 11-3- 2: MINOR/ADMINISTRATIVE SUBDIVISIONS/CONSOLIDATIONS
- 11-3- 3: REQUIRED PROCEDURE
- 11-3- 4: CONCEPT PLAN/PRE-APPLICATION MEETING
- 11-3- 5: CONCEPT PLAN DATA REQUIREMENTS
- 11-3- 6: BUILD OUT PLAN REQUIREMENT
- 11-3- 7: PRELIMINARY PLAT PROCESS
- 11-3- 8: PRELIMINARY PLAT DATA REQUIREMENTS
- 11-3- 9: FINAL PLAT PROCESS
- 11-3-10: FINAL PLAT DATA REQUIREMENTS

11-3-1: **PRELIMINARY INFORMATION AVAILABLE:** Prior to the preparation of a preliminary plat, the developer is invited to obtain available information as to the general feasibility of the plan which is to be proposed. Such an owner or developer may receive a copy of the Subdivision Ordinance and is urged to discuss the provisions of this Title with Municipal officials before submitting his/her plan.

#### 11-3-2: **MINOR/ADMINISTRATIVE SUBDIVISIONS/CONSOLIDATIONS.**

- A. Applicability/Purpose. This section is established to provide for administrative approval of subdivisions that meet specified criteria and for the waiver of standard platting requirements specified elsewhere in this Title. It is intended largely to facilitate the further division of previously platted lots, the combination of previously platted lots into fewer lots, or for the adjustment of a lot line by relocation of a common boundary.
- B. Application. Any person having a legal or equitable interest in a property may file an application for administrative subdivision. An application for minor subdivision shall be filed with the Zoning Administrator on an approved form and shall be accompanied by an assessment search, proof of ownership of the subject property, the submittal of required fee(s) and the submittal of a current certificate of survey, prepared and signed by a Minnesota registered land surveyor, depicting the following:
1. Scale, one (1) inch equals fifty (50) feet or less and North point.
  2. Existing zoning district, existing site improvements and existing boundaries with lot dimension and area.
  3. All encroachments.
  4. Easements of record.
  5. Legal description of property.
  6. Ponds, lakes, springs, rivers or other waterways bordering on or running through the subject property.
  7. The boundary(ies) and legal description(s) of the lots as they are proposed to be subdivided along with proposed zoning.
  8. The boundary and legal description of any proposed easements on the property. A drainage and utility easement at least six (6) feet in width for interior lots, twelve (12) feet in width for corner lots must be provided along all property lines. A drainage and utility easement may also be required over wetland, ponds, lakes and drainage channels and tributaries. Dedication of roadway easements consistent with city, county and regional plans may also be required.
- C. Review of Administrative Subdivision. The Zoning Administrator shall review all applications for administrative subdivision to determine compliance with the standards identified in this section and all other

pertinent requirements of this Title. Upon written approval of the request, the developer shall be responsible for filing the subdivision survey with the County Recorder's office. Should the request be denied, the Zoning Administrator shall notify the developer, in writing, of the reasons for such denial.

D. Findings Required for Approval. In order for the Zoning Administrator to grant approval for a proposed administrative subdivision, each of the provisions shown below must be met:

1. The proposed subdivision of land will not result in more than two (2) lots.
2. All necessary utility and drainage easements are provided for.
3. All lots to be created by the subdivision conform to lot area and width requirements
4. City of Sartell Zoning Ordinance including all requirements established for the zoning district in which the property is located.
5. The proposed administrative subdivision is in compliance with the Comprehensive Plan.
6. Lots created have direct access onto a public street.
7. The property has not been divided through the provisions of this section within the previous five (5) years.
8. The subdivision meets all design and dedication standards as specified elsewhere in this Title.
9. All basic improvements required by this Title are installed in accordance with City standards.
10. No parcel of land or portion thereof shall result in buildings and/or uses becoming non-conforming.

E. The City may impose such conditions on any proposed administrative subdivision that are deemed reasonable and necessary to protect the public interest and to ensure compliance with the provisions of this ordinance including, but not limited to, the following:

1. The developer shall provide required utility and drainage easements for all newly created lots and be responsible for the cost of filing and recording written easements with the County Recorder's Office.
2. The developer shall pay parkland dedication fees for each lot created beyond the original number of lots existing prior to subdivision, except when such fees have been applied to the property as part of a previous subdivision.
3. That there be no more than one principal structure on a base lot in all residential districts. The principal structure on the unit lots created in a two-family, townhouse or quadraminium subdivision will be the portion of the attached dwelling existing or constructed on the platted unit lots.
4. In the case of the subdivision of base lots containing two-family, townhouse or quadraminium lots, wherein the purpose is to permit individual private ownership of a single dwelling within such a structure, a property maintenance and party wall agreement be provided by the applicant and submitted to the City Attorney for review and comment, ensuring the maintenance and upkeep of the structure and the lots to meet minimum City standards with the agreement filed as a deed restriction against the title of each unit lot.
5. Separate public sewer and water services shall be provided to each subdivided unit and shall be subject to the review and approval of the City Engineer.
6. In the case of the subdivision of base lots containing two-family, townhouse or quadraminium lots, wherein the purpose is to permit individual private ownership of a single dwelling within such a structure, verification of fire walls in compliance with the building code provided by a certified building inspector at the expense of the applicant.

F. All other Minor Subdivision requests shall be approved by resolution of the City Council following consultation with the Joint Planning Commission.

11-3-3:           **REQUIRED PROCEDURE SUBDIVISION OF PROPERTY:** To facilitate the handling of plats and to establish a definite procedure for the consideration of the problems involved in preparing and recording a plat, the following procedure is approved by the governing body and includes a concept plan, build out plan, preliminary plat and final plat as defined below.

11-3-4:           **CONCEPT PLAN – PRE-APPLICATION MEETING.**

- A. Pre-application/concept plan meeting. Prior to the preparation of a preliminary plat, the applicant shall meet with the Zoning Administrator in order to be made aware of all applicable ordinances, regulations and plans in the area to be subdivided. Review of the concept plan further provides City staff the opportunity to determine whether the proposed subdivision is premature, based on criteria established in section 11.7.1-D of this Title. At the time of the initial meeting or at subsequent meetings, the applicant shall submit five (5) large-scale copies and twelve (12) reduced scale (11 " x 17") copies of a concept plan of the proposed subdivision to include future phases and an estimated timetable for development.
- B. Submission of a concept plan shall not constitute formal filing of a plat with the City. The City Planner shall arrange a pre-application meeting with the developer, the City Engineer, Public Works Staff and other departments are deemed necessary in order to provide the developer with input on the proposed concept plan. The Zoning Administrator and/or the Developer may refer the concept plan to the Joint Planning Commission for informal review and informal comment. Such referral shall not constitute formal filing of a plan with the City, but rather shall allow for a non-binding review of the proposal to ensure compliance with design standards and to identify possible modifications necessary to secure approval. Any advice, comments or recommendations for modification made by the Joint Planning Commission are advisory only and shall not constitute approval or a commitment to approve.
- C. As far as may be practical on the basis of a concept plan, the City will informally advise the developer as promptly as possible of the extent to which the proposed subdivision conforms to the design standards of this Ordinance and will discuss possible plan modifications necessary to secure conformance.

11-3-5:           **CONCEPT PLAN CONTENTS:** The concept plan shall contain, at a minimum, the following information:

- A. Plat boundary.
- B. North arrow and scale.
- C. Street names and the layout on and adjacent to the proposed plat.
- D. Designation of land use and current and proposed zoning.
- E. Significant topographical or physical features.
- F. General lot locations and layout.
- G. Proposed playgrounds and parks.
- H. Potential ponding sites.
- I. Preliminary evaluation by the applicant that the subdivision is not classified as premature based upon criteria established in Title 11.7.1-D of this Ordinance.
- J. Additional written data shall include approximate number of lots, typical lot width and depth, and what zoning changes would be required.

11-3-6: **PRELIMINARY PLAT PROCESS.**

- A. Purpose. The preliminary plat is intended to illustrate proposed subdivision of properties within the City. Such approval shall be required for all subdivisions of land not specifically exempted within this Title.
- B. Following the pre-application meeting and following review of the concept plan, the applicant shall prepare a request for approval of the preliminary plat for the subdivision, as provided within this Ordinance. The request shall be filed with the City on an official application form. A fee as provided for by City Council Ordinance shall accompany such application. Such application shall also be accompanied by five (5) large-scale copies and twelve (12) reduced scale (not less than 11"x17") copies of a preliminary plat and supportive information in conformity with the requirements of this Ordinance. If, in the opinion of the Zoning Administrator, reduced scale drawings (11"x17") are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility.
- C. The applicant shall also supply proof of title and the legal description of the property for which the subdivision is requested, consisting of an abstract of title or registered property abstract currently certified together with any unrecorded documents whereby the petitioners acquire a legal ownership or equitable ownership interest and as applicable, supply documented authorization from the owner(s) of the property in question to proceed with the requested subdivision. The applicant shall also submit any necessary applications for variances from the provisions of this Ordinance, as set out in Section 11.7.3 of Title 11 and necessary variances from the provisions of the City of Sartell Zoning Ordinance (Title 10).
- D. The Zoning Administrator shall review the application to determine whether or not the application and required material submissions are complete. The preliminary plat shall be considered as being officially submitted only when all of the information requirements are complied with and the appropriate fees paid. If the Zoning Administrator determines the application is incomplete, the applicant shall be notified of all deficiencies in the application, in writing within fifteen (15) calendar days of receipt of the application. The Council shall approve or disapprove the preliminary plat within one hundred twenty (120) days following the receipt of a completed application in compliance with this Ordinance unless an extension of the review period has been approved.
- E. Upon receipt of the completed application as outlined in A – D above, the Zoning Administrator shall set a public hearing for public review of the preliminary plat by the City Council. Notice of the hearing may be a legal or display advertisement and shall consist of a legal property description, description of the request, and shall be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of the hearing shall be mailed at least ten (10) days prior to the hearing. Requests affecting and located within non-platted areas of the City shall be noticed to all property owners within three hundred fifty (350) feet of the property in question. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceeding.
- F. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Section provided a bona fide attempt has been made to comply with the notice requirements of this Section.
- G. The Zoning Administrator shall instruct the staff as appropriate to prepare technical reports and provide general assistance in preparing a recommendation on the action to the Joint Planning Commission. This may include the City Engineer, Building Official, City Attorney, and public or private utility departments, among others. The presence of any of the above, which may be considered an employee of the City, will not preclude the City from obtaining a recommendation from an independent contractor performing similar duties and responsibilities if, in the opinion of the Zoning Administrator, the independent contractor possesses a set of skills and abilities required for a fair evaluation of the request.
- H. The Zoning Administrator or the Administrator's designee shall also refer copies of the plat map to the following individuals or bodies:
  - 1. City Engineer;

2. City Attorney;
  3. School District;
  4. Commissioner of Transportation if the proposed subdivision includes land abutting an established or proposed trunk highway;
  5. County Engineer if the proposed subdivision includes land abutting a County or County State-Aid Highway;
  6. State Commissioner of Natural Resources if the proposed subdivision adjoins a public body of water;
  7. The Watershed District Board, if applicable;
  8. Other City department heads as appropriate;
  9. Park Commission;
  10. Joint Planning Commission
- I. The Park Commission, Joint Planning Commission, City Council, and City staff shall have the authority to request additional information from the applicant concerning the proposed subdivision and its operational factors or impact, or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors or impacts, when said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
- J. The Joint Planning Commission shall take one of the courses of action identified in Section 11-3-7(M) below. The following guidelines should be followed when findings of facts are issued:
1. The proposed preliminary plat conforms to the requirements of this Title and the applicable zoning district regulations.
  2. The proposed subdivision is consistent with the City's Comprehensive Plan and any other adopted land use studies and is compatible with the platting or approved preliminary plat on adjoining lands.
  3. The proposed plat does not constitute a 'premature subdivision' under section 11.7.1-D of this Title.
  4. The physical characteristics of the site, including but not limited to topography, vegetation, wetlands, susceptibility to erosion and siltation, susceptibility to flooding, water storage and retention, are such that the site is suitable for the type of development or use contemplated.
  5. The design or improvement of the proposed subdivision complies with applicable plans of the County and the state of Minnesota.
  6. The design or improvement of the proposed subdivision is not likely to cause environmental damage or health problems.
  7. The completion of the proposed development of the subdivision can be achieved in a timely manner so as not to cause an undue economic burden upon the City for maintenance, repayment of bonds or similar burden.
  8. That permits applicable to the site/project as required by local, state and federal law have been applied for and/or have been approved. The Applicant is required to prove compliance with all local, state and federal law. The City and/or its assigns may determine if whether an application for approval is sufficient or if approval a permit application is acceptable.
- K. The Joint Planning Commission shall recommend to the City Council one of the following courses of action and the applicant notified in writing of the Joint Planning Commission's decision:

1. Approval of the preliminary plat: as presented – with findings of fact.
  2. Conditional approval of the preliminary plat: conditions for approval and findings of fact itemized.
  3. Denial of the preliminary plat, with findings of fact.
  4. The Joint Planning Commission may, at its discretion and with the approval of the applicant, table the matter pending further information from the applicant that will help it render a recommendation to the City Council. An extension of the review preliminary plat review period (i.e. total of 120 days) may be necessary.
- L. The City Planner shall notify the applicant of the Joint Planning Commission's recommended action together with the reason for such recommended action and what requirements, if any, will be necessary for the Joint Planning Commission to recommend approval of the Plat. The recommended approval of the Preliminary Plat does not constitute an acceptance of the subdivision.
- M. Following review by the Joint Planning Commission, the request shall be scheduled for review by the City Council following or in conjunction with a public hearing by the Council. The applicant or a designated representative thereof shall appear before the Council at the public hearing in order to answer questions concerning the proposed request.
- N. City Council Action:
1. The reports and recommendations of City staff, Park Commission and the Joint Planning Commission shall be entered in and made part of the permanent written record of the City Council meeting.
  2. The Council shall approve or disapprove the preliminary plat within one hundred twenty (120) days following delivery of an application completed in compliance with this Ordinance unless an extension of the review period has been agreed upon by the applicant and the City.
  3. When the preliminary plat is approved, conditionally approved or denied by the City Council, the reasons for such action shall be recorded in the proceedings of the Council and shall be transmitted in writing to the applicant. If the preliminary plat is approved or conditionally approved, such approval shall not constitute acceptance of the final design and layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this Ordinance to be indicated on the final plat. The City Council may impose such conditions and restrictions as it deems appropriate or require such revisions or modifications in the preliminary plat or final plat as it deems necessary to protect the health, safety, comfort, general welfare and convenience of the City.
- O. Required findings for preliminary plat. The Joint Planning Commission and City Council shall make each of the following findings before recommending (Joint Planning Commission) or granting (City Council) preliminary plat approval:
1. The proposed preliminary plat conforms to the requirements of this Title and the applicable zoning district regulations.
  2. The proposed subdivision is consistent with the City's Comprehensive Plan and any other adopted land use studies and is compatible with the platting or approved preliminary plat on adjoining lands.
  3. The proposed plat does not constitute a 'premature subdivision' under section 11.7.1-D of this Title.
  4. The physical characteristics of the site, including but not limited to topography, vegetation, wetlands, susceptibility to erosion and siltation, susceptibility to flooding, water storage and retention, are such that the site is suitable for the type of development or use contemplated.

5. The design or improvement of the proposed subdivision complies with applicable plans of the County and the state of Minnesota.
  6. The design or improvement of the proposed subdivision is not likely to cause environmental damage or health problems.
  7. The completion of the proposed development of the subdivision can be achieved in a timely manner so as not to cause an undue economic burden upon the City for maintenance, repayment of bonds or similar burden.
  8. That permits applicable to the site/project as required by local, state and federal law have been applied for and/or have been approved. The Applicant is required to prove compliance with all local, state and federal law. The City and/or its assigns may determine if whether an application for approval is sufficient or if approval a permit application is acceptable.
- P. The Applicant shall be notified by the City of the City Council's action together with the reason for such action and what requirements will be necessary to meet approval of the City Council. The approval of the Preliminary Plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat.
- Q. Following City Council approval of a preliminary plat, the applicant must submit a final plat to the City within one year of preliminary approval unless otherwise specified as part of a Development Agreement. If this procedure is not followed, then approval of the preliminary plat shall be considered void, unless the applicant submits a request for time extension in writing thirty (30) days prior to the lapse of approval and subsequently approved by the City Council.
- R. Should the applicant desire to amend a preliminary plat as approved, an amended preliminary plat may be submitted. The City may require the applicant to follow the same procedure as a new preliminary plat. No public hearing will be required unless the amendment, in the opinion of the City Council, is of such scope as to constitute a new preliminary plat. A filing fee as established by the City shall be charged for the amendment processing.
- S. Preliminary plats that have been denied shall not be reintroduced for a period of one year unless substantial changes have been made.

11-3-7: **PRELIMINARY PLAT DATA REQUIREMENTS:** As outlined in Title 11-3-7 (Preliminary Plat Process), the applicant shall prepare and submit a preliminary plat, together with any necessary supplementary information. The preliminary plat shall contain the information set forth in the subsections that follow. Upon specific request, the Zoning Administrator may exempt an applicant from the submission of data which is not considered relevant to the application.

A. Proposed Conditions:

1. The proposed name of the subdivision; names shall not duplicate or be alike in pronunciation to the name of any plat theretofore recorded in Stearns/Benton County.
2. Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property.
3. Name, address, phone number and where applicable license number of the record owner(s), any agent having control of the land, the applicant, land surveyor, engineer and designer of the plan.
4. Graphic scale of one (1) inch to one hundred (100) feet, except as specifically approved by the Zoning Administrator.
5. North point and key map of the area, showing well-known geographical points for orientation including streets within a one-half (1/2) mile radius.

6. Date of preparation.
7. The legal description of the land contained within the subdivision including the total acreage of the proposed subdivision.
8. An indication as to which lands are registered torrens property or abstract property. If land is registered property, a registered land survey shall be required.
9. A list of any liens or encumbrances.
10. Elevation benchmarks used for the topographic survey and datum on which they are based.
11. Reference to the coordinate system use for the survey.
12. Results of site evaluation, including percolation tests and soil borings.

B. Existing Conditions:

1. Boundary lines to include bearings, distances, curve data, and total acreage of proposed plat, clearly indicated.
2. Existing zoning classifications for land in and abutting the subdivision.
3. Total area of the proposed plat.
4. Location, right-of-way width and names of existing or platted streets or other public ways, parks and other public lands, permanent buildings and structures, easements and section, corporate and school district lines within the plan, to a distance of one hundred fifty (150) feet beyond the plat.
5. Location, size, and elevations of existing sewers, water mains, culverts or other underground facilities within the preliminary plat area and to a distance of one hundred fifty (150) feet beyond. Such data as top grades and locations of catch basins, manholes, elevations, invert elevations, hydrants and the street pavement width and type also shall be shown.
6. Boundary lines of adjoining un-subdivided or subdivided land, within one hundred fifty (150) feet of the plat, identified by name and ownership, including all contiguous land owned or controlled by the applicant.
7. Topographic data, including contours at vertical intervals of not more than one (1) foot shown on a contour/topographic map. Watercourses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features also shall be shown. U. S. G. S. datum shall be used for all topographic mapping.
8. Subsurface conditions location and results of tests to ascertain subsurface soil, rock and groundwater conditions and availability; location and results of soil percolation tests.
9. 100-year flood elevations, the regulatory flood protection, and boundaries of floodway and flood fringe areas, if known, taking into consideration the Flood Insurance Study and Flood Insurance Rate Map.
10. A statement certifying the environmental condition of the site including the presence of any hazardous substance as defined in Minnesota Statutes 115B.02, Subd. 8. Such statement may be required to be based upon an environmental assessment of the site by an environmental engineering firm acceptable to the City.
11. Geotechnical data prepared by a qualified soils engineer showing surface and subsurface soils and groundwater in sufficient detail to show the site to be suitable for the development proposed.
12. A vicinity map at, at least 4" x 4" in size on the full size plans, to the Joint Planning Commission showing the relationship of the proposed subdivision to adjacent properties, roads, right-of-ways, and other

property and subdivision within three hundred-fifty feet (350) of the proposed subdivision, and the relation of the plat to the surrounding zoning districts.

13. All existing survey monuments that have been found.
14. Areas in the plat which have been designated as shoreland, delineated wetlands and/or floodplains by the Department of Natural Resources, including the high water mark of all wetlands.

C. Proposed Design Features:

1. Layout of proposed streets showing the right-of-way widths, centerline gradients, roadway widths, typical cross-sections, and proposed names of streets in conformance with City of Sartell street identification policies. The name of any street heretofore used in the City or its vicinity shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.
2. Locations and widths of proposed alleys and pedestrian ways.
3. Locations and size of proposed storm sewer, sanitary sewer lines and water mains.
4. Gradients of proposed streets, storm sewer, sanitary sewer lines and water mains, as requested.
5. Location, dimension and purpose of all easements.
6. Layout, numbers, lot areas and preliminary dimensions of lots and blocks, and outlots. The total number of proposed lots, their minimum, maximum and average size in square footage.
7. Minimum front and side street building setback lines.
8. When lots are located on a curve, the width of the lot at the building setback line.
9. Building pads intended for construction.
10. Areas, other than streets, alleys, bikeways, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such an area or areas in acres.
11. The proposed location and sizing of public water system mains and service connections.
12. The proposed location and routing of public sewer mains and service connections
13. Preliminary grading plan with minimum one (1) foot contours which shall include the proposed grading and drainage of the site: prior to, during and post-construction. The preliminary grading plan shall include, but not be limited to, the illustration of provisions for erosion control, hydrology calculations and drainage. Also to be stipulated are the garage floor, first floor and basement elevations of all structures.
14. The location, size and proposed improvements for proposed parks, playgrounds and public open spaces; churches or school sites or other special uses of land to be considered for dedication to public use or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
15. Proposed pedestrian ways, trails, drainage easements and utility easements.
16. The items listed in this section shall be in conformance with all other applicable sections of this Ordinance and the Sartell Zoning Ordinance (Title 10).

- D. Supplementary Information: Any or all of the supplementary information requirements set forth in this subsection shall be submitted when deemed necessary by the City staff, consultants, advisory bodies and/or the City Council to adequately address the application and site in question.

1. If the developer is contemplating financing under Mn. Stat. Chapter 429, an official request to the City Council for the uses of said financing and the Council's approval of the drafting of a feasibility report.
2. A build-out plan as defined by the City and/or its assigns.
3. Proposed protective covenants or private restrictions.
4. Proposed phasing/staging plan for any project involving more than one construction season which sets forth the chronological order of construction and relates the proposed uses and structures to the construction of various service facilities and gives estimated completion dates.
5. A listing of all required federal, state and City permits and status of applications. This includes a wetland permit if there are proposed impacts to wetlands on the property being platted.
6. A plat overlay on an aerial photo, illustrating the relationship of the proposed subdivision to the surrounding area.
7. An analysis prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density and spacing. A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted may also be required.
8. Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population. The City may require the applicant to have formal traffic or other studies performed to the City's satisfaction which show the effect of the proposed development on traffic, fire hazards, congestion, or other matters of public concern.
9. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. Such proposed zoning plan shall be for information only and shall not vest any rights in the applicant.
10. A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, design of sediment control measures, and landscaping of the erosion and sediment control system. Such plans are to be in accordance with the technical standards and specifications of the Soil Conservation Service, as provided by Stearns/Benton County Soil and Water Conservation District Office.
11. An environmental review shall be submitted if the City, City consultants or other groups or agencies determine that one is required by law.
12. Applications, statements and supporting documentation and plans for rezoning, variances, conditional use permits or planned unit development approvals being sought for the subdivision.
13. Such other applicable information as may be required by the City.

11-3-8: **FINAL PLAT PROCESS.**

- A. Purpose. A final plat is a drawing representing the proposed subdivision of land within the City and serves as the document for recording purposes, as required by the County Recorder's Office. Once a preliminary plat has been approved by the City Council, the developer may submit a request for final plat approval. In certain cases the City may allow a final plat to be submitted concurrent with a request for preliminary plat approval.
- B. After the preliminary plat has been approved, a final plat shall be submitted for review as set forth in the subsections, which follow. The applicant shall prepare a request for approval of the final plat for the subdivision, as provided within this Ordinance. The request shall be filed with the City on an official

application form. A fee as provided for by City Council Ordinance shall accompany such application. Such application shall also be accompanied by three (3) large-scale copies and twelve (12) reduced scale (not less than 11"x17") copies of a preliminary plat and supportive information in conformity with the requirements of this Ordinance. If, in the opinion of the Zoning Administrator, reduced scale drawings (11"x17") are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility. The final plat shall incorporate all changes, modifications and revisions required by the City, otherwise, it shall strictly conform to the approved preliminary plat.

- C. All final plats shall comply with the provisions of Minnesota State Statutes and requirements of this Ordinance.
- D. An applicant shall submit with the final plat a current Abstract of Title or Registered Property Certificate, along with any unrecorded documents, and a Certificate of Title.
- E. When the City has agreed to install improvements in a development, the developer may be required to furnish a financial statement satisfactory to the City indicating the developer's ability to develop the plat.
- F. The Zoning Administrator shall review the application to determine whether or not the application and required material submissions are complete. The final plat shall be considered as being officially submitted only when all of the information requirements are complied with and the appropriate fees paid. If the Zoning Administrator determines the application is incomplete, the applicant shall be notified of all deficiencies in the application, in writing within fifteen (15) calendar days of receipt of the application. The Council shall approve or disapprove the final plat within sixty (60) days following the receipt of a completed application in compliance with this Ordinance unless an extension of the review period has been approved.
- G. Upon receipt of a final plat, copies shall be referred to the Joint Planning Commission, appropriate City staff and to all applicable utility companies, County and State agencies.
- H. The Zoning Administrator or designee receiving final plat copies shall, submit reports to the Joint Planning Commission documenting their recommendation on the final plat. The Zoning Administrator may instruct the staff as appropriate to prepare technical reports and provide general assistance in preparing a recommendation on the action to the Joint Planning Commission. This may include the City Engineer, Building Official, City Attorney, and public or private utility departments, among others. The presence of any of the above, which may be considered an employee of the City, will not preclude the City from obtaining a recommendation from an independent contractor performing similar duties and responsibilities if, in the opinion of the Zoning Administrator, the independent contractor possesses a set of skills and abilities required for a fair evaluation of the request.
- I. The Joint Planning Commission, at their meeting, shall render one of the following final plat recommendations to the City Council and the applicant shall be notified in writing of the Joint Planning Commission's recommendation.
  - 1. Approval of the final plat, as presented.
  - 2. Approval of the final plat, with conditions.
  - 3. Denial of the final plat, with reasons.
  - 4. The Joint Planning Commission may, at its discretion, table the matter pending further information from the applicant that will help it render a recommendation to the City Council.
- J. Recommended findings of fact for approval:
  - 1. The final plat conforms to the approved preliminary plat and any/all conditions for approval of the preliminary plat.
  - 2. All submission requirements have been satisfied.

3. The plat conforms to all applicable requirements of this Title, subject only to approved rule exceptions.
- K. The City Planner shall notify the applicant of the Joint Planning Commission's recommended action together with the reason for such recommended action and what requirements, if any, will be necessary for the Joint Planning Commission to recommend approval of the Plat.
  - L. Prior to approval of a final plat, the applicant shall have executed a Development Agreement with the City, which controls the installation of all required improvements and assures compliance with all conditions of approval unless determined unnecessary by the Planning and Community Development Director and/or City Engineer. Said agreement will require all improvements and approval conditions to comply with approved engineering standards and applicable regulations.
  - M. The City Council shall take action on a final plat not more than sixty (60) days after the final plat is filed with the City. If the final plat is not approved, the reasons for such action shall be recorded in the official proceedings of the City and shall be transmitted to the applicant.
  - N. Required findings for final plat. The Joint Planning Commission and City Council shall make each of the following findings before recommending (Joint Planning Commission) or granting (City Council) final plat approval:
    1. The final plat conforms to the approved preliminary plat and any/all conditions for approval of the preliminary plat.
    2. All submission requirements have been satisfied.
    3. The plat conforms to all applicable requirements of this Title, subject only to approved rule exceptions.
  - O. The applicant shall be notified by the City of the City Council's together with the reason for such action.
  - P. Upon receiving an approved final plat in conformance with the requirements of the City, the designated representatives of the City shall sign the plat, and the applicant, as a condition of approval, shall record the approved and signed final plat with the County Recorder within thirty (30) days, or the approved final plat may be considered void.
  - Q. Release of plat for recording. The final plat shall not be released by the City for recording with the County Recorder's Office until the following have been completed:
    1. The recording of signatures upon the plat as specified in Section 11-2-11 of this Title.
    2. The recording of signatures upon the developer's agreement.
    3. The submittal of necessary financial guarantees and development fees to the City.
    4. The provision of easements or deeds as may be required by the City for trailways, ponding, parks, utilities or similar purposes in a form prescribed by the City Attorney.
    5. Final evidence of Title ownership.
  - R. Recording of Final Plats. Upon approval of the final plat, it shall be the responsibility of the developer to file the plat with the County Recorder's Office.
  - S. The applicant shall, within thirty (30) days of recording, furnish the City with three (3) blue or black line prints and one mylar of the final plat showing evidence of the recording. The applicant shall provide an electronic copy of the approved final plat in a format acceptable to the City and consistent with the Stearns or Benton County coordinate system. Failure to furnish such copies shall be grounds for refusal to issue building permits for lots within a plat.

- T. Upon receiving approval of a final plat for a portion of an approved preliminary plat, a continuation or the recognition of the preliminary plat is not required to maintain its approval. In the event a Zoning Ordinance amendment is adopted which requires a larger minimum lot size for land not yet platted and recorded, the larger minimum lot size may be required for any additional platting. If the applicant is unable to file a final plat application within the required one year, such person shall file a written request for an extension of the final plat such person shall file a written request for an extension of the final plat approval with the Zoning Administrator and receive City Council approval thirty (30) days prior to the lapse of approval. Said applicant's request shall specify and the City Council shall, if approved, determine the length of time for filing and for the preliminary plat to remain in full force and effect.

11-3-9: **FINAL PLAT DATA REQUIREMENTS.** As required by Section 11-3-9 of this Title, the applicant shall submit a final plat together with any necessary supplementary information. The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of Minnesota State Statutes and Stearns/Benton County regulations, and such final plat or accompanying submittals shall contain the following information:

- A. Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing plat theretofore recorded in the City of Sartell or its vicinity and which shall be subject to City Council approval.
- B. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision.
- C. The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments. The applicant shall provide coordinating data on all subdivision monumentation in a format approved by the City Engineer.
- D. Location of lots, outlots, streets, public highways, alleys, and parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.
- E. Lots shall be numbered clearly, blocks are to be numbered, with numbers shown clearly in the center of the block.
- F. A drawing or listing of total square footage per lot, acreage per block, square footage or acreage of each land use proposed (where applicable) and total acres in the plat.
- G. The exact locations, widths and names of all streets to be dedicated.
- H. Location, purpose and width of all easements to be dedicated.
- I. Name, address and phone number of surveyor making the plat.
- J. Scale of the plat to be one inch to one hundred feet (1"=100'—the scale to be shown graphically on a bar scale), date and north arrow.
- K. A current abstract of title or a registered property certificate along with any unrecorded documents that are subject to review and approval by the City Council.
- L. Copies of any protective or restrictive covenants affecting the subdivision or any part thereof.
- M. Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the designated areas marked "drainage and utility easements".

N. Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use hereby so dedicated.

O. Other data: Such other information that may be required by the City following final plat approval, including but not limited to:

1. A signed Development Agreement approved by the City which includes provisions for a financial guarantee of cash escrow or letter of credit, as provided for in Section 11.6.16 of this Ordinance.
2. A complete set of construction plans and specifications to construct the required public improvements and to make the subdivision suitable for development, which conform to the City requirements. These documents will be prepared by the City for projects following the publicly financed public improvement process.
3. A certified mylar copy of the plat evidencing filing of the plat with the County within sixty (60) days after approval by the City. No building permits shall be approved for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by Stearns/Benton County.
4. Three complete sets of 11" x 17" reproducible as-built construction drawings for any public improvements constructed in the subdivision shall be furnished to the City for the City files and City Engineer, within one hundred and twenty (120) days after the construction is complete and approved by the City. In addition one digital GIS formatted copy and one scanned copy for imaging shall be submitted to the City.
5. Upon adoption and filing of a final plat, the City shall prepare a street address map and distribute it to the applicant, utility companies, police department, ambulance, fire department, post office and County.
6. A digital disk of the recorded plat consistent with the Stearns or Benton County coordinate system in a format specified by the City and/or the City Engineer for inclusion in the City's base map.

P. Certification Required.

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

FOR APPROVAL OF THE CITY OF SARTELL:

*This plat of (name of plat) was approved and accepted by the City of Sartell, Minnesota, at a regular meeting thereof held this \_\_\_\_\_ day of \_\_\_\_\_, .*  
\_\_\_\_\_.

CITY COUNCIL OF SARTELL, MINNESOTA

By \_\_\_\_\_, Mayor

By \_\_\_\_\_, Administrator

## CHAPTER 4

### PARKS AND RECREATION

#### SECTION:

- 11-4- 1: FINDINGS AND PURPOSE
- 11-4- 2: STANDARDS FOR ACCEPTING LAND FOR PUBLIC DEDICATION
- 11-4- 3: REQUIRED IMPROVEMENTS
- 11-4- 4: FINDINGS AND PURPOSE.

#### 11-4-4: **FINDINGS AND PURPOSE**

- A. The City Council finds that the preservation and development of parks, playgrounds, and open space areas within the City are essential to maintaining a healthy and desirable environment for residents and persons employed within the City, and it also finds that the value and attractiveness of residential, commercial and industrial developments to land owners, developers, purchasers, employers and employees is significantly enhanced by the presence of such park and open space amenities.
- B. Minnesota Statutes Section 462.358 Subd. 2b provides that municipal subdivision regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for conservation purposes or for public use as parks, playgrounds, trails, wetlands, or open space, and that the municipality may alternatively accept an equivalent amount in cash.
- C. The City Council finds that it is appropriate that each development within the City contribute toward the City's park system in proportion to the benefit provided and the burden it will place upon that system. Therefore, these park donation regulations are established to require new developments at the time of subdivision to contribute toward the City's park system in rough proportion to the relative burden they will place upon that system.
- D. That the City Council utilizes the National Park Standard of 10 acres per 1000 residents in determining the amount of park dedication required for any given residential development. The 2000 census reported the average household size in Sartell to be 2.75 persons resulting in the need for 1, 198 square feet of parkland per unit to maintain the national parkland standard for residential development.
- E. The City recognizes that parks also assist commercial and industrial development in our community. Quality of life, including open space, park and recreational facilities available in a community, consistently ranks in the top 10 of business location decision surveys. There is a growing demand for such amenities for employee use, and business customers will also be attracted to the community by park and recreational facilities. The Council finds that a 5% land dedication requirement for commercial/industrial properties (which equates to 2,178 square feet per acre) is reasonable and proportionate based upon maintaining the current employee to parkland ratio in the City of 1,943 square feet of parkland per employee as of 2004.

#### 11-4-2: **STANDARDS FOR ACCEPTING DEDICATION OF LAND FOR PUBLIC PURPOSES.** In consideration of accepting the dedication of land for public purposes the following special provisions shall apply:

- A. **Essential Nexus.** There must be an essential nexus between the fees or dedication imposed under this Section and the municipal purpose sought to be achieved by the required fee and/or dedication. The fee and/or dedication shall bear a rough proportionality to the need created by the proposed subdivision or development.
- B. **Land Dedication.** Formulas for land dedication shall be as follows:
  - 1. Single Family – A land dedication of 1198 square feet per unit.
  - 2. R-2 to R-4 – A land dedication of 900 to 1,198 square feet per unit depending upon private park improvements made on the site which reduces the proportionate demand as determined and approved by the City Council.

3. R-5 (PUD) – combination of land dedication based on the actual usage.
4. Commercial – A land dedication of 5% of net land area (net land area as defined as the gross land area, minus delineated wetlands, minus a 10 percent reduction for customary public purpose easements and rights of way).
5. Industrial –A land dedication of 5% of net land area (net land area as defined as the gross land area, minus delineated wetlands, minus a 10 percent reduction for customary public purpose easements and rights of way).

To be eligible for park dedication credit, land dedication is to be located outside of the drainways, flood plans or ponding areas after the site has been developed. Absent unusual conditions, stormwater drainage areas and holding areas or ponds shall not be considered wetlands. Where wetlands have been determined to have a park function by the Park Commission, credit may be given at a rate of up to 25 percent of the wetland area and adjoining land areas below the high water level. If the trails and/or sidewalks are absent on an improved roadway, the square footage and cost associated with the construction of the trails and sidewalks may be considered for park dedication credit. If any public structural amenities (benches, etc) are proposed by the developer, those items may also be eligible for a park land dedication credit, subject to the approval by the Park Commission and City Council. Expenditures made for the improvements of trails and sidewalks or other structural amenities will be refunded out of the allocated park dedication funding source.

- C. Payment in Lieu of Dedication. The City shall have the option of requiring a cash contribution in lieu of the land dedication set forth in item 11-4-7 (A-1). The in lieu amount shall be based on the average fair market value of land, as determined by the City Assessor and approved year to year by the City Council.
- D. Partial Dedication and Partial Payment. The City may permit or require the subdivider to provide a partial dedication and a partial payment in accordance with the requirements set forth above.
- E. All park equipment and landscaping provided by the subdivider must be approved by the Park Commission.
- F. Prior Dedication: In those cases where a resubdivision of a parcel on which dedication of land or cash has previously been made in connection with a prior subdivision, but on which an additional cash dedication is required under the resubdivision, credit shall be given for the prior dedication.
- G. If in the judgment of the City Council the area proposed to be dedicated is not desirable for park playground purposes because of the location, size or other reasons, the City may require in lieu of land dedication an equivalent amount in cash from the developer for part or all of the portion required to be dedicated to such public;
- H. Any cash payment received shall be placed in a special account and used only for the purposes for which the money was obtained. The special account will be used only for the acquisition of public open space, landscaping, signage, playgrounds, development of existing park and playground sites;
- I. In establishing the reasonable portion to be dedicated, the City may consider the open space, park, recreational or common areas and facilities which the developer proposes to reserve for the subdivision; and
- J. The City reasonably determines that it will need to acquire that portion of the land for the purposes stated herein as result of the approval of the plat.

11-4-3: **REQUIRED IMPROVEMENTS.** Developers shall be responsible for making certain improvements to their developments for park, playground and public open space purposes:

- A. Areas to be dedicated for public park, trail or ponding shall be brought to a suitable condition by the subdivider prior to acceptance by the City. All dead trees, trash, junk, unwanted structures or other similar undesirable elements shall be removed at the subdividers expense.

- B. To provide finished grading and a cover of at least six (6") inches or more of topsoil on the park site. In addition, the developer shall be made responsible of seeding the park with a seed mixture approved by the Public Work Director. No park dedication credit will be given for this work.
- C. Sidewalks or trails shall be constructed in certain street right-of-ways, as suggested by the City Council within the development. This improvement shall be the responsibility of the developer. These trails shall not be utilized toward park dedication requirements.
- D. Trails as part of the recreational system, outside of the right of way and public properties, shall be utilized toward park dedication, as long as the trail is dedicated to the City in the form of an easement. The improvements of these trails are the responsibility of the City. Where possible, a trail easement document shall be drawn and recorded prior to the approval of the final plat, so that the trail easement may show up on the final plat as an existing trail easement.
- E. Where as a proposed park, trail, ponding or open space is located within a subdivision, such area or areas shall be shown on the preliminary plat. Such area or areas may also be dedicated to the City by the subdivider if the City Council requests such dedication under the provisions listed above.

## CHAPTER 5

### DESIGN STANDARDS

#### SECTION:

- 11-5- 1: GENERAL REQUIREMENTS
- 11-5- 2: STREET DESIGN
- 11-5- 3: ALLEYS
- 11-5- 4: PEDESTRIAN WAYS
- 11-5- 5: EASEMENTS
- 11-5- 6: BLOCKS
- 11-5- 7: LOTS

#### 11-5-1: **GENERAL REQUIREMENTS.**

- A. Design standards shall assure that the layout of the subdivision is in harmony with the existing adopted plans affecting the development and its surroundings and shall be in conformity with the City's development objectives for the entire area. All concept plans and preliminary and final plats shall provide as a minimum the following data and shall conform to the standards set forth in this section, except where deviations are approved by the City Council or where a specific variance is granted in accordance with the provisions of Section 11.7.3 of this Title.
- B. Land which the City finds to be unsuitable for a subdivision or a development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the subdivider or developer and recommended by the Joint Planning Commission and approved by the City Council to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.
- C. In subdivision of land, due regard shall be shown for all natural features which, if preserved, will add attractiveness and stability to the proposed development and which shall alter normal lot planning. Due regard shall be shown for existing wetlands and their protection.
- D. All subdivisions shall further meet all applicable floodplain, shoreland, wetland and tree preservation standards as defined by the City or other applicable law.

#### 11-5-2: **STREET DESIGN.** The following standards are to be followed unless the City Council shall permit a variance in accordance with Section 11.7.3 of this Title.

- A. The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by the streets.
- B. Where not specifically illustrated in the Comprehensive Plan, the arrangement of streets in the subdivision shall either:
  - 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas;  
or
  - 2. Conform to a plan for the neighborhood approved or adopted by the City Council to meet a particular situation where topography or other conditions make continuance or conformance to existing streets impractical.

- C. Local streets shall be so laid out that their use by through traffic will be discouraged and so that they will not tend to function as collector streets.
- D. Where a subdivision abuts or contains an existing or proposed arterial street, the City Council may require marginal access streets, reverse frontage with screen plantings contained in a non-access reservation along the rear property line, deep lots with rear service alleys or other treatment as may be necessary for adequate protection of residential property and to afford separation of through and local traffic. There shall be no direct vehicular access from residential lots to arterial streets and such direct access to collector streets shall be avoided.
- E. Reserve strips controlling access to streets shall be prohibited except where their control is placed under specific conditions approved by the City Council.
- F. Street intersections:
  - 1. Streets shall be laid out so as to intersect, as nearly as possible, at right angles.
  - 2. No street shall intersect any other street at less than sixty (60) degrees.
  - 3. Intersections with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
  - 4. In general, provisions shall be made at intervals not exceeding one-half (1/2) mile for through streets (streets running through the subdivision in a fairly direct manner).
  - 5. Maximum slope of approach grades at street intersections shall be five (5) percent for the first one hundred (100) feet approaching the intersection.
  - 6. Roadways of street intersections shall be rounded by a radius of not less than twenty-five (25) feet. Roadways of alley-street intersections shall be rounded by a radius of not less than fifteen (15) feet. Corners at the entrances to the turnaround portions of cul-de-sacs shall be rounded by a inside radius of not less than thirty-five (35) feet.

Centerline Curvature: The minimum horizontal curvature of streets shall be in accordance with the MN/DOT Highway Design Manual for the type of street and design speed. The minimum radius of curvature shall be two hundred (200) feet.

- G. When connecting street lines of the same street deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than one hundred fifty (150) feet for minor arterials and collector streets, and of the greater radii as the City Engineer shall determine for special cases.
- H. Vertical Curves: Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall be twenty (20) times the algebraic difference in the percent of grade of the two (2) adjacent slopes. Centerline vertical curves of less than 50 feet shall be prohibited.
- I. A tangent at least one hundred (100) feet in length shall be introduced between curves of reverse direction on arterial major and collector streets and fifty (50) feet on lesser streets.
- J. Right-of-way and pavement widths, grades, and load bearing capacity shall be as shown in the following chart. It is noted that the City Council may require additional right-of-way and street width, above the minimum standards, in consideration of such factors as area land use density patterns, on-street parking needs, and other similar factors.

<b>Street Type</b>	<b>Minimum Right-of-Way/Easement Width</b>	<b>Minimum Pavement Width</b>	<b>Maximum Grade</b>	<b>Minimum Strength</b>
Minor Arterial	100 feet	44 feet	4%	9 tons
Collector	80 feet	38 feet	6%	9 tons
Local	66 feet	36 feet	6%	7 tons
Frontage	66 feet	36 feet	6%	9 tons
Trail	12 feet	8 feet	ADA Specs	N/A
Sidewalk	12 feet	6 feet	ADA Specs	N/A
Alley Residential	20 feet	15 feet	6%	7 tons
Alley Commercial	24 feet	16 feet	6%	9 tons

- K. No street grade shall be less than one-half (0.5%) percent.
- L. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformance with the other requirements of these regulations and where the City Council finds it will be practicable to require the dedication of the remaining half when the adjoining property is subdivided. In such event, access to the half street shall be prohibited until such time that the adjoining property is subdivided.
- M. Cul-de-sacs shall only be developed where justified by irregular topography or where adjacent to limited access streets and shall meet the following standards:
  1. The maximum length shall not exceed six hundred fifty (650) feet, as measured from the centerline of the connecting street to the center of the cul-de-sac.
  2. The closed end shall include a turnaround having an outside roadway diameter of at least ninety (90) feet and street property line diameter of at least one hundred twenty (120) feet.
  3. Cul-de-sac and/or entrance islands are prohibited.
- N. Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. All streets shall be named in accordance with the Stearns/Benton County policies.
- O. Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the standards of this Ordinance.
- P. Where a proposed plat fronts or is adjacent to an arterial or collector roadway as designated by the Comprehensive Plan and/or regional transportation plan(s), minimum spacing between access points to such thoroughfares shall be as follows except where impractical or impossible due to existing property divisions or topography:

<b>Street Type</b>	<b>Distance: Urban Core</b>	<b>Distance: Urbanizing Area</b>
Principal Arterial	<b>330</b>	<b>1,760 feet (1/3 mile)</b>
Minor Arterial	<b>330</b>	<b>1,320 feet (1/4 mile)</b>
Collector	<b>330</b>	<b>660 feet (1/8 mile)</b>

- Q. Local streets in the urban core and urbanizing areas shall generally have a minimum of one-sixteen of a mile (330 feet) between intersections.
- R. Streets in Floodplain Overlay Areas. No street shall be approved if its final surface is lower than one (1) foot above the regulatory flood protection elevation. The City Council may require profiles and elevations of finished streets for areas subject to flooding. Fill may be used for streets, provided such fill does not unduly increase flood heights and provided any such fill would not result in a stage increase violating the

requirements of Minnesota Statutes Chapters 104 and 105, as such chapters may be amended, supplemented, or replaced from time to time, and any applicable requirements imposed by FEMA pursuant to its rules and regulations. Drainage openings shall not restrict the flow of water so as to unduly increase flood heights and provided any such drainage opening would not violate the requirements of Minnesota Statutes Chapters 104 and 105, as such chapters may be amended, supplemented, or replaced from time to time, and any applicable requirements imposed by FEMA pursuant to its rules and regulations.

11-5-3: **ALLEYS.**

- A. Residential Districts: Alleys shall not be permitted in residential areas unless it can be shown that their use is essential to a proper plan.
- B. Business And Industrial Districts: Where alleys are used in a proposed business of industrial area, they shall not be less than twenty four feet (24') in width.
- C. Dead end alleys shall be avoided wherever possible, but if unavoidable, such dead end alleys may be approved if adequate turn around facilities are provided at the closed end.
- D. All alleys shall include approved curb and gutter sufficient to meet City standards.

11-5-4: **PEDESTRIAN WAYS.**

- A. The City Council following a recommendation from the Park Commission shall require the provision of sidewalks, trails and/or pathways in proximity to public service areas such as parks, schools, shopping facilities or in other appropriate locations of a similar nature. All such facilities shall conform to city design standards and ADA guidelines and shall be constructed at the sole expense of the developer.
- B. The location of all trails and sidewalks shall conform to existing City plans and shall be considered in their relation to existing and planned walkways, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land.
- C. Where not specifically illustrated in the Comprehensive Plan, or similar city-approved trail/sidewalk plan, the arrangement of walkways in the subdivision shall either:
  - 1. Provide for the continuation or appropriate projection of existing walkways in surrounding areas; or
  - 2. Conform to a specific pedestrian plan for the neighborhood approved or adopted by the City Council to meet a particular situation.

11-5-5: **EASEMENTS.**

- A. Drainage and utility easements at least twelve (12) feet wide and centered on rear and side lot lines (six feet on each side of the property line) and twelve (12) feet wide abutting street right-of-way shall be provided and shall be dedicated by appropriate language. Such easements shall further connect with easements established on adjoining properties to ensure continuity. If necessary for the extension of water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.
- B. Where a subdivision is traversed by a ponding area, watercourse, wetland, drainage way, channel or stream there shall be provided a storm water easement and/or drainage right-of-way conforming substantially with the lines of the water course, and with such further width or construction as will be adequate for the purpose as determined by the City. The drainage or ponding easements shall be laid out and located in such a manner as to provide reasonable access for maintenance and dredging purposes without undue infringement upon the property over which access is taken.
- C. Trails or pedestrian ways shall be shown as a separate easement(s) as the City may direct.

- D. All easements shall be kept free of structures and any improvements that would substantially interfere with the free movement of maintenance vehicles or impair the intended use of the easement.

11-5-6: **BLOCKS.**

- A. The length, width and shape of blocks shall be determined with due regard to:
1. Provisions of adequate building sites suitable to the needs of the type of use contemplated.
  2. Zoning Ordinance requirements as to lot sizes and dimensions.
  3. Blocks shall normally be sufficient to accommodate two (2) tiers of lots of appropriate depths.
  4. Needs for convenient access, circulation control and safety of street traffic.
  5. Limitations and opportunities of topography.
- B. The maximum length of blocks shall be one thousand three hundred twenty feet (1,320'), the minimum length shall not be less than four-hundred (400) feet. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required near the center of the block.

11-5-7: **LOTS.** All lots shall conform to the requirements of Title 10 of this Code.

- A. The lot size, width, depth, shape and orientation and the minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and in accordance with the Zoning Ordinance.
- B. Side lines of lots shall be at substantially right angles to the right-of-way line of the abutting street or radial to curved streets or to wetland, lake or stream shores unless topographic conditions necessitate a different arrangement or the City Engineer and/or City Council finds such deviation acceptable.
- C. Frontage: Every lot must have the minimum frontage on and be accessible to a City approved public street other than an alley, except if the lot is designated as an outlot intended for use as public open space, for ponding purposes and will be accessible by easement, or as part of an approved planned unit development.
- D. Rear Lot Width: Every lot must have a minimum width of ten (10) feet at the rear lot line.
- E. Watercourses: Lots abutting a watercourse, wetland, ponding area, drainageway, channel, or stream shall have additional depth and width, as required to comply with the approved drainage plan for the subdivision and to meet the provisions of the Zoning Ordinance to assure building sites that are not subject to flooding.
- F. Drainage: Lots shall be graded so as to provide drainage away from building locations, subject to the approval of the City Engineer. A development plan shall be submitted showing all lot grading and drainage provisions.
- G. Lot Remnants: All remnants of lots below minimum size for the respective zoning district in which they are located must be added to abutting lots or lots immediately adjoining. For remnants separated by a public right-of-way, the lot remnants shall be designated as an outlot.
- H. Lot boundaries: No lot shall be divided by a boundary line between registered land and abstract property.
- I. Lot corners at street intersections shall be subject to approval by the City Engineer.
- J. Building Locations:

1. Lot pads: The top of the foundation and the garage floor of all structures shall be a minimum of twelve (12) inches and a maximum of thirty-six (36) inches above the grade of the crown of the street upon which the property fronts. The Building Inspector may require a certificate of survey prior to building permit issuance to assure compliance with this section if lot pads are not installed as part of the subdivision process
  2. Buildings shall be located on each lot in conformance with the minimum required setbacks established for the zoning district in which the parcel is located or to the setbacks as specifically allowed under a Planned Unit Development.
  3. Buildings shall not be permitted on publicly dedicated easements.
  4. In the subdividing of any land which, through the establishment of new lot lines, has the effect of splitting a lot with an existing structure, the following criteria shall be satisfied:
    - a. Each lot, with its portion of the original structure, shall have a separate sanitary sewer and water service with curb box.
    - b. Each portion of the original structure to be associated with a separate lot shall meet the applicable building codes for occupancy and separation as stipulated and approved by the Building Official.
- K. Re-Subdivision of lots: When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate re-subdivision, with provision for adequate utility connections for such re-subdivision.
- L. Political Boundaries: No singular plat or components of the plat shall extend over minor civil division jurisdictional boundaries.
- M. Double-frontage, or lots with frontage on two (2) parallel or non-intersecting streets shall not be permitted except as follows:
  1. Such double-frontage lots shall have an additional depth of at least twenty (20) feet or a strip shall be created in order to allow space for screen planting along the rear lot line, or
  2. Where rear yards abut principal or minor arterial streets; or,
  3. Where topographic or other conditions render subdividing otherwise unreasonable.
- N. Turn-Around Access: Where proposed residential lots abut a collector street, they shall be platted in such a manner as to encourage turn-around access and egress on each lot and discourage direct access onto such streets.
- O. Outlots: In such cases where outlots are created or exist, their area shall not be utilized in calculating minimums for buildable lot area requirements. Said outlots are also prohibited from qualifying for building permits, until resubdivided.

## CHAPTER 6

### REQUIRED IMPROVEMENTS

#### SECTION:

11-6-1:	REQUIRED IMPROVEMENTS
11-6-2	MONUMENT
11-6-3	STREET
11-6-4	SANITARY SEWER
11-6-5	WATER
11-6-6	FIRE HYDRANTS
11-6-7	DRAINAGE/EROSION CONTROL
11-6-8	ELECTRIC/TELEPHONY PLANT
11-6-9	SIDEWALKS
11-6-10	DRIVEWAYS
11-6-11	STREETLIGHTS
11-6-12	IDENTIFICATION
11-6-13	PLANTINGS
11-6-14	SPECIFICATIONS
11-6-15	INSPECTIONS
<b>11-6-16</b>	<b>PAYMENT – CITY/DEVELOPER AGREEMENT; FINANCING</b>

11-6-1: **REQUIRED IMPROVEMENTS.** The Developer shall be required to provide the following improvements for subdivisions unless the City elects to do so under terms of the Developer's Agreement. Unless otherwise stated, all of the required improvements shall be installed in accordance with the engineering policy, standards and specifications that have been or may in the future be adopted by the City Council. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices.

11-6-2: **MONUMENTS.** Monuments shall be placed at all block and lot corners, angle points, points of curves in streets and at intermediate points as shall be required by the City. The monuments shall be of a material, size and length as may be approved by the City. It shall be the developer's responsibility to ensure that monuments are maintained in good order during construction and development.

#### 11-6-3: **STREETS.**

- A. Streets shall be graded to the full width of the right-of-way in accordance with street grades submitted to and approved by the City Engineer. Grading shall be complete prior to installation of applicable underground utilities, either private or public in nature. Gravel base construction shall be undertaken after installation of underground utilities in those instances where utilities shall be required as part of the project.
- B. Following the City Engineer's recommendation and City Council's approval of street grading and after utility installation, in those projects then requiring such, street surfaces shall be brought up to standards and provided with curbs and gutters in accordance with the latest standards and specifications as approved by the City Council. Type B curbing will be used.
- C. Sodding/seeding shall be required in all street boulevard areas and on lot areas.
- D. All developments increase the need for additional collector streets to provide access to their development, and therefore are responsible for construction of, or contribution toward construction of collector streets in the City of Sartell.

#### 11-6-4: **SANITARY SEWER SYSTEMS.**

- A. When connection to the municipal sanitary sewer system is available, such connection shall be made and

sanitary sewer facilities adequate to serve the subdivision and as approved by the City Engineer shall be installed. Minimum size sanitary sewer main in any street or easement shall be eight (8) inches in diameter and of a material approved for use in the City by the City Engineer. The developer shall pay the total cost of sanitary sewer through ten (10) inches diameter size if required by the City Engineer.

- B. Trunk sanitary sewer facilities larger than ten (10) inches in diameter, when required, may be at the discretion of the City Council assessed over the area benefited that may include land outside of the subdivision under consideration or construction.
- C. Sanitary sewer grades and installation shall conform to the Recommended Standards for Sewage Works latest edition by the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers (i.e. the "Ten State Standards") and the City Engineers Association of Minnesota standard utilities specification for sanitary sewer.
- D. Each lot shall be served by an individual service or as directed by the City Engineer. Each service, as approved by the City Engineer, shall be run from the main to the property line, where a curb stop and box shall be placed until the service is extended to the structure. Sanitary sewer service lines to end-users shall be a minimum of four (4) inches and shall be installed in accordance with the City's standard detail templates. Service lines longer than seventy-five (75) feet shall be furnished with a clean out extending to the surface of the ground.

**11-6-5: WATER SYSTEMS.**

- A. When connection to the municipal water supply system is available, such connection shall be made and water distribution facilities adequate to serve the subdivision (including pipe, fittings, hydrants and valves) and as approved by the City Engineer shall be installed. Minimum size water main in any street or easement shall be eight (8) inches in diameter. The developer shall pay the total cost of water main through ten (10) inches diameter size if required by the City Engineer.
- B. Trunk water supply facilities larger than ten (10) inches in diameter, when required, may at the discretion of the City Council be assessed over the area benefited that may include land outside of the subdivision under construction or consideration.
- C. The minimum depth of cover over water mains shall be eight feet as measured from the top of the main to the lowest elevation of the ground surface covering said main.
- D. Each lot shall be provided with an individual service and shut-off and/or as directed by the City Engineer. Each house service, as approved by the City Engineer, shall be run from the main to the property line, where a curb stop and box shall be placed until the service is extended to the structure. The minimum size of house services in residential areas shall be one (1) inch.
- E. Mains shall be valved at intervals determined by the City Engineer. Valves shall also be installed at street intersection and branches in the distribution system or in locations as determined by the City Engineer.
- F. "Dead end" mains shall be looped unless otherwise approved by the City Engineer.

**11-6-6: FIRE HYDRANTS.** Installation shall be pursuant to plans approved by the City Engineer and the Sartell fire inspector and shall be located in accordance with Insurance Service Office (ISO) standards and the Minnesota State Fire Code (MSFC). Hydrants shall be placed in residential neighborhoods so that all buildings are within 250 feet of a hydrant measured by an approved route. Spacing for buildings requiring additional hydrants will be based on table C105.1 of the Minnesota State Fire Code. All hydrants shall be easily accessible to fire fighting personnel and equipment and bagged until charged and ready for use. Fire hydrants shall be charged prior to framing of structures within the subdivision.

**11-6-7: DRAINAGE AND EROSION CONTROL.** Storm sewer and/or other surface drainage facilities shall be installed as determined to be necessary by the City Engineer for the proper drainage of surface waters. All

properties shall be liable for storm sewer assessment in accordance with the criteria, policies and square footage rate established by the City Council. The Developer shall be solely responsible for the implementation, maintenance and removal of development-wide erosion and sediment control measures for the purpose of retaining sediment on construction sites and out of water bodies, water courses, wetlands, storm drains and streets. Minimum pipe size shall be twelve (12) inches. Minimum culvert size shall be fifteen (15) inches. Catch basins shall be installed so that overland drainage does not exceed six hundred (600) feet in the street. A SWPPP consistent with the standards contained in the Sartell Zoning Ordinance and regulations promulgated by the Minnesota Pollution Control Agency (MPCA) shall be developed for the subdivision.

11-6-8: **OTHER UTILITY SERVICE PROVIDERS.** Electric, gas, telephone and cable distribution facilities and service lines shall be installed underground so as to enhance the visual appearance of the area. Service lines shall be installed at the property owner's or developer's expense.

11-6-9: **SIDEWALKS.** Sidewalks, where provided or required, shall be at least six (6) feet in width, with greater widths as may be required by the City Council. Driveways shall be constructed from the curb and gutter or pavement edge to the property line or property side of the sidewalk. In cases where driveways are constructed after curbing and sidewalk are in place, the sidewalk shall be reconstructed in accordance with driveway specifications for the width of the driveway. Concrete driveway entrances, as approved by the City, shall be constructed.

11-6-10: **DRIVEWAYS.** All properties shall be entitled to at least one (1) curb cut. All driveways are required to have a concrete apron. A permit and inspection is required for the installation of all driveway aprons. All platted lots on paved streets shall provide driveways (either asphalt or concrete) within one (1) year from the date the building permit is issued. No curb cut access shall be located less than twenty (20) feet from the intersection of two (2) or more street right-of-ways for residential uses, and thirty (30) feet for commercial and industrial areas. This distance shall be measured from the intersection of lot lines. Curb cut openings shall be a minimum of five (5) feet from the side property line. Single-family uses shall be limited to one (1) curb cut access per property measuring no more than 24 feet in width, except that single-family lots measuring 125 feet or more at the building line may be allowed two curb cuts.

11-6-11: **STREETLIGHTS.** Any person, firm, corporation, subdivider, developer or owner who is responsible for any new public street construction within the City shall also be responsible for the procurement and installation of street lighting. Street lighting shall be installed as approved by the City Engineer and Sartell street lighting standards.

11-6-12: **IDENTIFICATION.** Every buildable lot shall be identified by a sign that indicates the lot and block number and address, if available, which is approved by City staff prior to issuing any building permits. These signs can be removed as lots are developed.

11-6-13: **PLANTINGS.** Trees, vegetation and non-vegetative treatments and/or techniques shall be installed in conformance with the approved landscape plan submitted with the preliminary plat. Installation of boulevard trees and boulevard and/or lot sodding/seeding are required. Trees may be planted within the boulevard but shall not be planted within thirty (30) feet of street intersections, in utility easements, within three (3) feet of private utility hook-ups, utility mains and concrete drives or walks. Trees shall be spaced a minimum of thirty (30) feet apart and be a minimum size of one and three-fourths (1 3/4) inches to two (2) inches in diameter measured six (6) inches above ground level. Property owners will be responsible for the care of vegetative and non-vegetative treatments/techniques following installation.

11-6-14: **SPECIFICATIONS.** Unless otherwise stated, all the required improvements shall conform to engineering standards and specifications as required by the City Council and City Engineer. Such improvements shall be subject to inspection and approval of the City Engineer.

11-6-15: **INSPECTIONS.** The Developer shall pay for all costs incurred by the City for subdivision review and inspection. This would include preparation and review of plans and specifications by technical assistants and costs incurred by the Attorney, as well as other costs of similar nature.

11-6-16: **PAYMENT CITY/DEVELOPER AGREEMENT, FINANCIAL GUARANTEE.**

- A. Payment - The required improvements to be furnished and installed by the Developer are to be furnished and installed at the sole expense of the Developer and at no expense to the public. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the City Council may make a provision for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same, or the City Council may choose to pay the increased cost and assess for improvements when future development takes place. In such case the Developer will be required only to pay for such portions of the whole cost of said improvements as it will represent the benefit to the property within the subdivision, however when such improvements are made at the request of a developer and are not determined to be a benefit to the City due to the timing and/or location of the improvements, the City may opt not to provide for any 'City cost' and the development will be 100% responsible for such costs without reimbursement, regardless of potential future benefit to the City or other property owners.
- B. As an alternative to paragraph (1) above, the owner of the property included in a preliminary plat may petition the City to install certain improvements required within and/or to the Plat. Said petition shall be in accordance with Minnesota Statutes Chapter 429. The City Council reserves the right to reject any/all petition(s) and refuse to order the project improvements through the City. Any petitioner for improvements to the City is encouraged to petition the City Council for said improvements by January 1st each year for improvements requested during the year. Otherwise, the City may refuse to construct said improvements until the following year.
- C. City/Developer Agreement - Prior to the installation of required improvements and prior to approval of the Final Plat, the Developer shall enter into a contract with the City requiring that the Developer furnish and construct said improvements at his or her expense and in accordance with plans and specifications to be approved by the City Engineer. The City/Developer contract shall stipulate at a minimum the type and extent of the improvements to be constructed, the cost of construction, the construction time schedule, the City's authority to inspect the construction and the amount of the escrow deposit performance bond, warranty bond and labor and material bond to be furnished.
- D. Financial Guarantees - With the execution of the City/Developer Agreement, providing that the developer will construct the required improvements for the Plat at his expense, the owner or developer, as the case may require, shall furnish a corporate completion bond, with good and sufficient sureties thereon, or a cashier's check, escrow account or irrevocable letter of credit in favor of the City in an amount equal to one hundred twenty-five percent (125%) of all costs, to include construction, engineering, legal, fiscal and administrative, as estimated by the City, of providing and installing all required improvements. Such bond, escrow, or letter of credit shall be in the form approved by the City Attorney, shall be conditioned upon the approval of the Final Plat and shall be further conditioned as to guarantee the actual completion and installation of such required improvements within a specified period of time from the date of Final Plat approval. In order to guarantee and secure the correction of any defect in material or workmanship furnished for such improvements, latent in character, and not discernible at the time of final inspection or acceptance by the City or any damage to such improvements by reason of a settling of the ground, base or foundation thereof, the City will require that for a period of twelve (12) months after final acceptance of the required improvements by the City, the proponent shall maintain a bond, escrow account or irrevocable letter of credit, in the amount of one hundred percent (100%) of the construction costs of the in-place improvements which will be owned and maintained by the City. If during that twelve (12) month period any such defects develop, the deposit in escrow, bond, or letter of credit may be applied by the City for any amounts incurred to correct such defects.

CHAPTER 7  
**ADMINISTRATION**

SECTION:

- 11-7-1: FINDINGS OF FACT
- 11-7-2: CONDITIONAL APPROVAL
- 11-7-3: VARIANCES: CITY COUNCIL APPROVAL – STANDARDS
- 11-7-4: ORDINANCE AMENDMENT
- 11-7-5: FEES
- 11-7-6: VIOLATION/ENFORCEMENT

11-7-1: **FINDINGS OF FACT.**

- A. Joint Planning Commission Recommendation. The Joint Planning Commission upon making its formal recommendation to the City Council under this Title and pertaining specifically to the request for subdivision of land shall make said recommendation through resolution of the Commission. The recommending resolution shall contain findings of fact pursuant to the following and as outlined in Section 11.3.6:J of this Title.
- B. City Council Action. The City Council upon taking a formal action under this Title and pertaining specifically to the request for subdivision of land shall do so by resolution of the City Council. The resolution shall contain findings of fact pursuant to the following and as outlined in Section 11.3.6:O of this Title.
- C. Recommendation/official action pertaining requests for variance from this Title shall include findings of fact pursuant to those identified in Section 11.7.1 of this Title.
- D. Premature Subdivisions. Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the City Council. A subdivision may be deemed premature should any one or more of the conditions set forth in the following provisions exist. The burden shall be upon the applicant to show that the proposed subdivision is not premature.
  - 1. Lack of adequate drainage: A condition of inadequate drainage shall be deemed to exist if:
    - a. Surface or subsurface water retention/detention and runoff is such that it constitutes a danger to the structural security of the proposed development or flood of the subdivision or downstream property.
    - b. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.
    - c. The proposed site grading and development will cause siltation on downstream land.
    - d. Factors to be considered in making these determinations shall include, but shall not be limited to: average rainfall for the area; the relation of the land to flood plains; the nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluents; and the presence of streams as related to effluent disposal.
  - 2. Lack of Adequate Water Supply: A proposed subdivision shall be deemed to lack an adequate water supply if:
    - a. There is inadequate capacity in the present system to support the subdivision if developed to its maximum permissible density indicated in the Sartell Comprehensive Plan, as may be amended.
    - b. The orderly extension of municipal drinking water is not feasible or is not proposed as part of subdivision improvements.

3. Lack of Adequate Roads or Highways to Serve the Subdivision: A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:
    - a. Roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or aggravate an already hazardous condition, and when, with due regard to the advice of the City Engineer, Stearns/Benton County Highway Engineer, St. Cloud Area Planning Organization and/or the Minnesota Department of Transportation, said roads are inadequate for the intended use; or
    - b. The traffic volume generated by the proposed subdivision would create unreasonable traffic congestion or unsafe conditions on roadways existing at the time of the application or proposed for completion.
  4. Lack of Adequate Waste Disposal Systems: A proposed subdivision shall be deemed to lack adequate waste disposal systems if:
    - a. There is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density indicated in the Sartell Comprehensive Plan, as may be amended.
    - b. The orderly extension of municipal sanitary sewer is not feasible or is not proposed as part of subdivision improvements.
  5. Provision of Public Improvements/Services: If public improvements, such as recreational facilities, streets and utilities and/or public administration and/or public protection services such as police and fire service reasonably necessitated by the subdivision and which must be provided at public expense, cannot be reasonably provided within the next two (2) fiscal years the proposed subdivision shall be deemed premature.
  6. Threat to Environmentally Essential Areas: The proposed subdivision is inconsistent with policies and standards of the City, the County, the State, or Federal Government relating to environmentally sensitive areas and protections thereof.
  7. Inconsistency With Comprehensive Plan: The proposed subdivision is inconsistent with the purposes, objectives and recommendations of the duly adopted Comprehensive Plan of Sartell, as may be amended.
  8. Inconsistent with Capital Improvement Plans. A proposed subdivision shall be deemed inconsistent with capital improvement plans when improvements and/or services necessary to accommodate the proposed subdivision have not been programmed in the City, County or other regional capital improvement plans. The City Council may waive this criterion when it can be demonstrated that a revision to capital improvement programs can be accommodated.
- E. Disqualification/Denial of Plats. The City Council may deny the subdivision if it makes any one or more of the following findings:
1. That the proposed subdivision qualifies as a premature subdivision under Section 11.7.1-D of this Title. If deemed a 'premature subdivision' the proposed subdivision shall be denied.
  2. That the proposed subdivision is in direct conflict with adopted applicable local control (e.g. Zoning Ordinance; Subdivision Ordinance) and/or general or specific official plans of the City, County or Region.
  3. That the physical characteristics of the site, including but not limited to, topography, percolation rate, soil conditions, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development, design, or use contemplated.

4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the type of improvements are likely to cause serious public health concerns.
6. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage.
7. 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.
8. That the proposed subdivision, its site, or its design adversely affects the flood-carrying capacity of the floodway, increases flood stages and velocities, or increases flood hazards within the floodway fringe or within other areas of the City.
9. That the proposed subdivision is inconsistent with the policies and standards for defined shoreland and/or wetland.

11-7-2: **CONDITIONAL APPROVAL.**

- A. The City may condition approval on the construction and installation of sewers, streets, electric, gas, drainage and water facilities, and similar utilities and improvements or, in lieu thereof, on the receipt by the municipality of a cash deposit, certified check, irrevocable letter of credit, or bond in an amount and with surety and conditions sufficient to assure the municipality that the utilities and improvements will be constructed or installed according to the specifications of the municipality. The City may also condition approval on compliance with other requirements reasonably related to the provisions of the regulations and to execute development contracts embodying the terms and conditions of approval.
- B. The City may not condition the approval of any proposed subdivision or development on an agreement to waive the right to challenge the validity of a fee.
- C. This paragraph must not be construed to preclude the municipality from conditioning approval of any proposed subdivision or development on an agreement to waive a challenge to the cost associated with City installed improvements of the type described in Mn. Statute 429.

11-7-3: **VARIANCES, CITY COUNCIL APPROVAL, STANDARDS.**

- A. Findings: The City Council may approve a variance from the minimum standards of this Ordinance (not procedure provisions) when, in its opinion, exceptional and undue hardship may result from strict compliance. In approving any variance, the City Council shall prescribe any conditions that it deems necessary to or desirable to the public interest. In making its approval, the City Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be approved when the City Council finds that each and every one of the following apply:
  1. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his/her land.
  2. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which the property is situated.
  3. That the granting of the variance will not increase the flood hazard or flood damage potential.

4. That the use proposed by the applicant would not result in a stage increase violating Minnesota Statutes 104 and 105, as amended from time to time, and any applicable requirements imposed by FEMA.
5. That the variance is to correct inequities resulting from an extreme physical hardship such as topography.
6. Hardships relating to economic difficulties shall not be considered for the purpose of granting a variance.
7. That the hardship is not a result of an action or actions by the owner, applicant, or any agent thereof.
8. The variance sought is the least variance required.

B. Procedures:

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

7. The Joint Planning Commission, City Council and/or Zoning Administrator shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relations to all pertinent sections of this Ordinance. Failure of an applicant to supply all necessary supportive information may be grounds for denial of the request.
8. The applicant or a designated representative thereof shall appear before the Joint Planning Commission and/or City Council to answer questions concerning the proposed variance.
9. The City Council shall reach a decision within sixty (60) days after the receipt of a complete application.
10. The City Council shall not act upon a variance or appeal until they have received a staff report, with findings of fact and a recommendation, and a Joint Planning Commission recommendation to the City Council.
11. Whenever an application for a variance has been considered and denied by the City Council, a similar application and proposal for the variance affecting the same property shall not be considered again by the City Council for at least one (1) year from the date of its denial except as follows:
  - a. Applications are withdrawn prior to the City Council taking action on the matter.
  - b. If the City Council determines that the circumstances surrounding a previous application have changed significantly.
  - c. If the City Council decides to reconsider the matter by a four-fifths (4/5's) vote of the entire City Council, whether present, absent, or abstaining.

11-7-4:           **AMENDMENTS.** The provisions of this Ordinance may be amended by the City Council following a legally advertised public hearing before the Joint Planning Commission and in accordance with the law, including the rules and regulations of any applicable state or federal agency.

11-7-5:           **FEES.**

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

11-7-6: **VIOLATION/ENFORCEMENT.**

- A. Any person violating any provision of this Title shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not exceeding ninety (90) days, or both. Each day a violation is allowed to continue, it shall be construed as a separate offense. Compliance with the terms of this ordinance may be obtained by injunctive relief in proceedings instituted by the City in a court of competent jurisdiction.
  
- B. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation, including but not limited to, the issuance of administrative citations as authorized by the City of Sartell.