

# **CHAPTER 536**

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## **ARTICLE 1. IN GENERAL**

### **Subdivision 1. Purpose and Scope.**

A. Purpose. It is the intent of this Ordinance to safeguard the best interests of the City and to assist the subdivider in harmonizing his or her interests with those of the City of Isanti. Because each subdivision becomes a permanent unit in the legal and physical structure of the community and because piecemeal planning will result in a disconnected patchwork of plats, increased operation costs, and oftentimes a poorly designed system of lots, blocks, public open spaces, and roads; it is the purpose of this Ordinance to set platting regulations and minimum requirements to protect the public health, safety, and general welfare of the community. The City of Isanti deems it necessary to provide regulations requiring platting, and for subdividing of property within the City for the following purposes:

1. To encourage well-planned, efficient, and attractive construction and design; and to prevent the use of land that is not feasible for subdivision;
2. To provide for the health and safety of City residents by requiring necessary services, to include but is not limited to, properly designed and located streets, drainage ways, and through the provision of adequate sewage disposal and water supply systems;
3. To place the cost of improvements against those benefitting from their construction;
4. To make all subdivision of property conform to the Comprehensive Plan and the overall development objectives of the City;
5. To establish procedures and standards for the review of all subdivision plats;
6. To set forth rules and regulations for the subdivision, re-subdivision, or consolidation of real property; and
7. To assure the general design of subdivisions complies with Zoning, Building Code requirements, and other pertinent regulations of the City of Isanti, Isanti County, and the State of Minnesota.

B. Scope. The rules and regulations governing plats and subdivision of land contained herein shall apply throughout the corporate boundaries of the City and within those areas as identified as Tier One. All land subdivisions shall meet or exceed the standards as set forth in this Ordinance. Except in the case of re-subdivision; this Chapter shall not apply to any lot or lots forming a part of a subdivision recorded in the County Offices prior to the effective date of this Ordinance. It is not intended by this Ordinance to repeal, annul, or in any way impair or interfere with, existing provisions or other laws or City Code provisions, except those specifically repealed by, or in conflict with this Chapter, or with restrictions on the land that is imposed or required by such existing provision of law, City Code provision, contract or deed; the provisions of this Ordinance shall control.

C. Applicability. No person shall:

1. Divide or further divide land, or



2. Consolidate residentially zoned lots which come under common ownership after July 17, 2012, or
3. Otherwise alter the boundaries of lots or parcels of land; or,
4. Dedicate land for use as streets, alleys, sidewalks, trails, or other public purposes, except in compliance with the provisions of this Ordinance.

### **Subdivision 2. Compliance.**

Upon adoption of this Ordinance, no lot in a subdivision shall be sold, no permit shall be issued to alter or erect any building upon land in a subdivision, and no building shall be erected in a subdivision unless the subdivision plat has been approved and recorded and until the improvements by the City Council relative to the subdivision have been constructed or arranged for as provided within this Ordinance. Any subdivision creating parcels, tracts, or lots after the adoption of these regulations shall be platted, except for those parcels meeting the requirements of an Administrative Subdivision.

### **Subdivision 3. Registered Land Surveys and Conveyance by Metes and Bounds.**

#### **A. Registered Land Surveys.**

All registered land surveys in the City shall be presented to the Planning Commission in the form of a Preliminary Plat in accordance with the standards set forth in this Ordinance for Preliminary Plats. The Planning Commission shall first approve the arrangement, sizes, and relationship of the proposed tracts in such registered land surveys, and those tracts to be used as easements or roads should be so designated. Unless such Planning Commission recommendation and City Council approval in accordance with the City standards set forth in this Ordinance have been obtained, building permits will be withheld for buildings on tracts which have been subdivided by registered land surveys and the City may refuse to take over tracks as streets or roads to improve, repair, or maintain any such tracts unless so approved.

#### **B. Conveyance by Metes and Bounds.**

No conveyance of one (1) or more parcels in which the land is described by metes and bounds or by reference to an unapproved registered land survey made after the effective date of this Ordinance shall be filed or recorded except in certain cases of Administrative Subdivisions as defined by this Ordinance. The following conveyances shall be exempt from the provisions of this Ordinance and shall not constitute a subdivision:

1. The parcel was a separate lot of record prior to December 16, 1986.
2. The parcel was the subject of a written agreement to convey, which was entered into prior to the effective date of this Ordinance.
3. The parcel is a single parcel of land of not less than five (5) acres and having a width of not less than three hundred (300) feet and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than five (5) acres in area or three hundred (300) feet in width and all parcels have frontage on a public right-of-way.
4. The parcel relates to a division of a lot, which is part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot or to create two (2) lots, and the newly created lot will not cause the other remaining portion of the lot to be in violation of this Ordinance or the Zoning Ordinance.
5. Cemetery lots.
6. Parcels resulting from court orders or the adjustments of a lot line by the relocation of a common boundary as the result of a correctional survey of a previously recorded parcel, or an instrument of conveyance to correct a faulty description in a previously recorded instrument of conveyance.
7. Lot line adjustments.

### **Subdivision 4. Definitions.**

For the purpose of this Ordinance, the following words and terms shall be interpreted as herein defined. Words in the present tense include the future; words in the singular include the plural; words in the plural include the singular; the word “shall” is mandatory; and the word “may” is permissive.

**Administrative Subdivision** means a subdivision whereby the intent is to permit the addition of a parcel of land to an abutting lot, to adjust a lot line or to divide an existing lot into two (2) lots.

**Alley** means a public thoroughfare which provides secondary access to abutting property.

**Block** means a tract of land bounded by streets or a combination of streets or public parks, cemeteries, railroad right-of-way, shorelines, unsubdivided acreage, or boundary lines of the corporate limits of the city.

**Boulevard** means the portion of the street right-of-way between the curb line or edge of the paved roadway and the property line.

**Buildable Land** means a contiguous land area occurring within the property lines of a parcel or lot; excluding wetlands, steep slopes, flood hazard areas, storm water retention/detention areas, or any other man-made or natural feature that may restrict development.

**Caliper Inches** means the diameter, in inches, of the trunk of a tree taken six (6) inches above the ground up to and including four (4) inch caliper size, and twelve (12) inches above the ground for larger sizes.

**CIC Plat** means a Common Interest Community Plat as described in Section 515B.2 – 110 of the Minnesota State Statutes.

**City Council** means the City Council of the City of Isanti.

**City Engineer** means the City Engineer for the City of Isanti or their authorized representative.

**Cluster Development** means a subdivision development that is planned and constructed, so as to arrange residential housing units into compact groupings, in an effort to preserve the natural amenities of the land and provide a unified network of open spaces; which meets the overall density requirements of the Zoning District in which the parcel is located and the Comprehensive Plan.

**Common Open Space** means any open space; including but not limited to, parks, native areas, playgrounds, trails, and recreational facilities that are owned in common by a group of property owners.

**Community Development Director** means the Community Development Director for the City of Isanti

**Comprehensive Plan** means the Comprehensive Land Use Plan prepared and adopted by the City of Isanti, indicating the general locations recommended for major land uses, streets, parks, public buildings, and other public improvements.

**Conservancy** means the implementation of policies for the protection and preservation of the natural character of lands for their value to scenic enjoyment, native vegetation, wildlife, water and soil conservation, floodplain management, forestry, and other such purposes.

**Conservation Easement** means a non-possessory interest in real property that imposes limitations or affirmative obligations, the purpose of which include retaining and protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air or water quality.

**Conservation Land** means any parcel or area of undeveloped land conserved in its natural state for perpetuity through deeds or other legal means.

**Consolidation** means the combining of two (2) or more lots or portions of two (2) or more lots into a lesser number of lots for the purpose of creating a single unified development.

**Critical Root Zone** means an imaginary circle surrounding the tree trunk with a radius distance of one (1) foot per one (1) inch of tree diameter. Example, a twenty (20) inch diameter tree has a critical root zone with a radius of twenty (20) feet.

**Crown** means the leaves and branches of a tree or shrub; the upper portion of a tree from the lowest branch on the trunk to the top.

**Cul-de-sac** means a minor street with only one (1) outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.

**Design Standards** means the specifications for land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the minimum or maximum dimensions of such items as right-of-way, blocks, easements, and lots.

**Developer** means any person or entity other than a builder who undertakes to improve a parcel of land, by platting, grading, installing utilities, or constructing or improving any building thereon.

**Development Agreement** means a formal agreement with the City that clearly establishes the developer's responsibility regarding project phasing, the provision of public and private facilities and improvements, and any other mutually agreed to terms and requirements.

**Drip Line** means an imaginary vertical line that extends from the outermost branches of the tree's canopy to the ground.

**Easement** means authorization by a property owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainage ways, or roadways.

**Lot** means a parcel of land of sufficient size to meet zoning and platting requirements for use, coverage, and buildable area, and to provide such yards, setbacks, parking, landscaping, and other open spaces as are required by this Ordinance and the Zoning Ordinance for the zoning district in which said parcel is located.

**Lot Combination** means the combining of two (2) or more contiguous lots having the same property owner.

**Lot, Flag** means a lot not directly fronting or abutting a public right-of-way and where access to the roadway is limited to a narrow private right-of-way.

**Metes and Bounds** means a description of land prepared by a state registered land surveyor providing measured distances and courses (metes) from known or established points on the surface of the earth (bounds).

**Minor Subdivision** means a subdivision that result in the creation of four (4) or fewer lots that is processed in a compressed timeframe.

**Owner** means the person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

**Pedestrian Way** means public or private right-of-way across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lines, to include but is not limited to, sidewalks and trails.

**Percentage of Grade** means the distance vertically (up or down) from the horizontal in feet and decimals of a foot for each one hundred (100) feet of horizontal distance.

**Planned Unit Development** means a large lot or tract of land developed as a unit rather than as an individual development wherein two (2) or more buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries.

**Planning Commission** means the Planning Commission of the City of Isanti.

**Plat, Final** means a drawing or map of a subdivision, meeting all the requirements of the City and in such form as required by Isanti County for purposes of recording.

**Plat, Preliminary** means the preliminary map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission for consideration and recommendation; and to the City Council for approval.

**Protective covenants** means contracts made between private parties as to the manner in which land may be used, with the view of protecting and preserving the physical, social, and economic integrity of a given area.

**Resubdivision** means a consolidation, as defined in this Ordinance, or the division of land which was previously subdivided by means of platting through the Isanti approval process.

**Right-of-Way** means a strip of public land occupied or intended to be occupied by a road, crosswalk, utility line, railroad, electric transmission line or other similar use.

**Root Crown** means the point at which the root and stem of a plant meet and primary vascular anatomy changes from that of a stem to that of a root.

**Sketch Plan** means a generalized plan of a proposed subdivision indicating lot layouts, streets, park areas, and water and sewer systems presented to City officials for discussion purposes prior to the submittal of a Preliminary Plat.

**Street** means a thoroughfare which affords a principal means of access to abutting property and which has been accepted by the City as a public way.

**Street, Collector** means a street that serves a dual purpose of accommodating traffic and the provision of more direct access to adjacent properties. Major collectors connect to minor arterials and services shorter trips within the City or County. Minor collector streets provide the connection between neighborhoods and commercial / industrial areas and the major collector / minor arterial system.

**Street, Dead-End** means a local street that is open at one end only and without special provisions for vehicles turning around. Such street may be intended to connect with another street at the closed end for future development.

**Street, Half** means any public right-of-way having only one-half the required right-of-way width.

**Street, Local** means a street designed to provide vehicular access to abutting properties. Such streets are designed for short trips at low speeds.

**Street, Minor Arterial** means a street that connects urban service areas to cities / towns inside and outside of the region, which services medium to short range trips. Such streets provide connections to collector roads. Land access is restricted to concentrations of commercial or industrial land uses.

**Street, Principal Arterial** means a street that provides higher speed travel and mobility for long distance trips. These roads function to carry larger volumes of traffic to minor arterials and collectors. Access along such facilities is extremely limited.

**Street, Private** means a road or street that is not publically owned and maintained and is used by occupants of the development, their guests, and the general public.

**Street Width** means the street right-of-way width measured at right angles to the centerline of the street.

**Subdivider** means the owner, or any other person, firm or corporation authorized by the owner undertaking proceedings under the provisions of this Ordinance for the purpose of subdividing or re-subdividing land

**Subdivision** means the division of a lot, parcel, or tract of land into two (2) or more lots, parcels, or tracts of land for the purpose of transferring ownership or building development; or if a new street is involved, any division or development of a parcel of land. The term includes re-subdivision.

**Tangent** means a straight line which is perpendicular to the radius of a curve where a tangent meets a curve.

**Tree Canopy** means the horizontal extension of a tree's branches in all directions from its trunk.

**Tree Protection** means the measures taken to protect existing trees from damage or loss before, during, and after project construction.

**Tree, Significant** means any healthy mature tree measuring a minimum of eight (8) inches in tree diameter or greater or any healthy coniferous tree measuring eight (8) feet or more in height. Boxelder, cottonwood, and popular shall not be considered to be significant trees.

**Vertical Curve** means the surface curvature connecting lines of different percentage of grade.

**Viewshed** means an area of land, water, or other environmental element that is visible from one (1) or more vantage points.

**Woodland** means a grouping or cluster of coniferous and / or deciduous trees with contiguous crown cover, occupying five hundred (500) or more square feet of property, which are comprised of primarily deciduous trees between four (4) and twelve (12) caliper inches or coniferous trees between four (4) feet and twelve (12) feet in height.

**Zoning Administrator** means the Community Development Director for the City of Isanti and / or their authorized designee.

**Zoning Ordinance** means the Ordinance adopted by the City of Isanti, which controls the use of land as well as regulates lot size, building bulk and location, and other development standards within the City.

#### **Subdivision 5. Platting Required.**

All subdivisions that create five (5) or more parcels or consolidate residentially zoned lots which come under common ownership after July 17, 2012 shall be platted, except as provided otherwise within this Ordinance.

#### **Subdivision 6. Land Suitability.**

- A. No land shall be subdivided which is held unsuitable for its intended use by the City Council for reasons of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage

disposal capabilities or any other feature harmful to the health, safety, or welfare of the future residents of the proposed subdivision or community.

- B. The City Council may approve the Preliminary and Final Plats if the subdivider improves the land consistent with the standards of this Ordinance and other applicable Ordinances in order to make the area, in the opinion of the City Council, suitable for its intended use. Should the City Council determine that only part of the proposed subdivision can be safely developed, it shall limit development to that part and require that the specifications for development be consistent with such determination.

#### **Subdivision 7. Premature Subdivision.**

A subdivision shall be considered premature if any of the following exists:

- A. Lack of adequate storm water drainage.
- B. Lack of dedicated and improved public streets.
- C. Lack of adequate sanitary sewer systems. ISTS shall not be deemed adequate unless consisting of a cluster system designed to connect at a future date to the City's sanitary sewer system, as reviewed and approved by the City Engineer.
- D. Lack of adequate off-site public improvements and support systems.
- E. Lack of adequate public water supply.

#### **Subdivision 8. Variances.**

- A. The Planning Commission may recommend a variance from the provisions of this Ordinance when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the City Council shall prescribe any conditions it deems necessary to or desirable for the public interest. In making its findings, as required in this Subdivision, the Planning Commission 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 within the vicinity. No variance shall be granted unless the Planning Commission and City Council find that:
  - 1. There are special circumstances or conditions affecting such property, in which the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.
  - 2. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and vicinity. The possibility of increased financial return shall not in itself be deemed sufficient to warrant a variance.
  - 3. The granting of the variance will not be detrimental to the public welfare or injurious to the other property in the immediate area, and will not have an adverse effect upon traffic or public safety.
  - 4. The relief sought from this Ordinance would not in any manner affect the provisions of the Zoning Ordinance and Map or Comprehensive Plan, except that those documents may be amended in the manner prescribed by law.
- B. Applications for any variance shall be submitted in writing on the appropriate application form with the required application fee, as provided by the City at the time when the Preliminary Plat is filed for consideration by the Planning Commission. Such application shall fully and clearly state all facts relied upon by the petitioner and shall be supplemented by maps, plans, or other additional data which may aid the Planning Commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.

- C. A Variance from the Subdivision Ordinance shall require the same information and shall follow the same process as outlined within Section 21 of the Zoning Ordinance.

#### **Subdivision 9. Street, Alley, and Utility Vacations.**

No public utility easement, street, or alley within the corporate limits of the City shall be vacated or discontinued except in conformity with the following procedural requirements:

- A. Petition. Proceedings to vacate a public utility easement, street, or alley shall be commenced by action of the City Council on its own motion / Resolution, or by a petition in writing filed with the Community Development Director or designee and signed by a majority of the owners of property abutting upon the portion of the public utility easement, highway, street, or alley to be vacated.
- B. Reference of Petition to City Administrator. The Community Development Director or designee shall furnish copies of the petition to the City Administrator and to the Planning Commission for recommendation.
- C. Notice of Hearing. A notice shall be published in the official newspaper specifying the date and place of a hearing. Such notice shall not be published less than two (2) weeks prior to the public hearing. A copy of the notice shall be sent at least ten (10) days prior to the public hearing to each abutting property owner. The notice shall contain the time, place, and date of the hearing as well as contain a copy of the petition or proposed Resolution, if Council initiated.
- D. Hearing. At the time and place specified in such notice, the City Council shall conduct a public hearing on the petition or proposal, and, at any time following such hearing, the City Council may vacate or discontinue the public utility easement, street, or alley, or portion thereof, in accordance with the petition or proposal, upon adoption of an ordinance to that effect by vote of at least four members of the Council, if Council initiated. If such request is initiated by petition of the majority of abutting property owners, then a simple majority of the quorum is needed.
- E. Notice of Completion. Upon the adoption of such Resolution, the City Clerk shall prepare and file with the Isanti County Recorder's Office a notice as required by law. If the petition is denied, a Resolution setting forth the reasons for denial and written findings of fact shall be created.
- F. Fee. The application fee as established by City Council Resolution shall be paid at the time of application.

#### **Subdivision 10. Certification of Taxes.**

Prior to approving an application for Preliminary Plat, Final Plat, Minor Subdivision, Lot Splits, Preliminary or Final Plat Extension requests, Variances from this Ordinance, and Vacation requests; the applicant shall provide as part of the application request, certification to the City that there are no delinquent property taxes, special assessments, penalties, interest, and municipal utility fees outstanding on the parcel(s) to which the application relates.

#### **Subdivision 11. CIC Plats.**

A CIC Plat shall be considered a Final Plat. Application requirements and filing procedures for a CIC Plat shall be filed and processed in the same manner as a Final Plat.

#### **Subdivision 12. Violations and penalties.**

Violation of any part of this Ordinance is a misdemeanor, and upon conviction thereof, shall be fined and / or imprisoned as provided for misdemeanor violations under Minnesota State Law.

## ARTICLE 2. ADMINISTRATIVE SUBDIVISION

**Subdivision 1. Purpose.** The provisions of this Section shall apply only to those subdivisions defined as Administrative Subdivisions, where the intent is to adjust a lot line or divide an existing platted lot into two (2) lots, or to add area from an existing abutting lot in an effort to bring the lot receiving additional area further towards compliance with the minimum lot size, lot depth, lot width, or road frontage. While the Administrative Subdivision is an abbreviated review process; standards and requirements of this Ordinance shall apply to the proposed subdivision.

**Subdivision 2. Applicability.** The following may be considered an Administrative Subdivision. In the event circumstances warrant platting of the following, the Community Development Director or designated representative shall require that subdivision to be processed through the Preliminary and Final Plat processes as identified within this Ordinance. The Community Development Director or designee may authorize approval of the Administrative Subdivision upon finding:

- A. The parcel of land has not previously been the subject of division by the Administrative Subdivision procedure.
- B. The division will not result in more than two (2) lots.
- C. All newly created lots meet the minimum requirements of the Zoning District in which they are located.
- D. The subdivision will not cause any structure on the land to be in violation of the Zoning or Subdivision Ordinance.
- E. Any drainage, utility, trail, right-of-way or access easements required by the City shall be granted.
- F. Lots shall have the minimum required frontage upon a public roadway.
- G. Lots that will not be receiving urban services shall provide evidence that septic system and water supply systems meet requirements. The Building Official shall review such information and may require further documentation.

### **Subdivision 3. Application Requirements.**

Whenever any subdivision of land as outlined within this Section is proposed, and before any contract is made for sale of any part of the parcel, and before any building permit has been issued for the erection of a structure on such proposed subdivision shall be granted, the subdividing owner or his authorized agent, shall file an application and secure approval of an Administrative Subdivision. Such application shall be considered to be officially filed and complete when the Community Development Director designee has received all of the following items:

- A. Complete application form.
- B. Application fee and escrow (if required).
- C. Acreage calculations for proposed lots.
- D. Certification of taxes paid, in accordance with the requirements of this Ordinance.
- E. A Certificate of Survey (full size and 11" x 17" reduction) prepared by a licensed land surveyor identifying the following:
  - 1. A graphic scale not less than one inch to 100 feet.
  - 2. Name and address of legal owner and / or agent of the property.
  - 3. North arrow.



4. Boundaries, dimensions, and area of existing lots being subdivided and new lots to be created.
5. Legal descriptions of existing lot(s) and legal description of proposed new lots.
6. Easements of record.
7. Water courses, including delineated wetlands.
8. All encroachments, easements, and right-of-way encumbering the property.
9. Existing buildings, structure, and improvements within the parcel(s) to be platted.
10. Locations, widths, and names of all public streets, right-of-way or railroad right-of-way showing type, width, and condition of the improvements.
11. Proposed driveway locations and locations of existing driveways.
12. Location of any abandoned or existing private wells and septic systems.
13. Additional data requirements as determined appropriate by the Zoning Administrator to ensure compliance with City requirements.
14. Drainage and utility easements, along all lot lines.
15. Any required right-of-way dedication.

#### **Subdivision 4. Procedure.**

- A. Upon submittal of a complete Administrative Subdivision Application, the Community Development Director or designee shall request input from the City's planning, engineering, and legal staff, as appropriate.
- B. The Administrative Subdivision of land abutting upon any existing or proposed trunk highway, county road or highway or county state-aid highway shall be subject to review by the Minnesota Department of Transportation and / or Isanti County Highway Department. Written notice and a copy of the proposed Administrative Subdivision shall be filed with either or both entities, as deemed appropriate.
- C. The Administrative Subdivision of land located within a Floodplain District shall be subject to the review of the Minnesota Department of Natural Resources and / or Watershed District. Written notice and a copy of the proposed subdivision shall be filed with either or both entities, as deemed appropriate.
- D. The Community Development Director or designee shall have the authority to request additional information pertinent to the Administrative Subdivision. Failure to provide the necessary supportive information may be grounds for denial of the request.
- E. The Community Development Director or designee shall reach a decision on the requested Administrative Subdivision within one hundred twenty (120) days upon receipt of a complete application, unless the applicant agrees to an extension of the review period.
  1. The Community Development Director or designee may approve the Administrative Subdivision with conditions that must be met to ensure that the subdivision is compliant with the regulations of the zoning and subdivision ordinances, as amended, and any other applicable requirements.
  2. The Community Development Director or designee may deny the Administrative Subdivision and prepare findings that the subdivision is found to be premature or fails to comply with the regulations of the zoning and subdivision ordinances, as amended, and any other applicable requirements. The applicant may appeal an Administrative Subdivision denial following the procedures as outlined within the Zoning Ordinance.
- F. Prior to certification by the City, approving the Administrative Subdivision, the applicant shall supply the deed(s), which grant to the City the easements and / or right-of-way required by this Ordinance.

**Subdivision 5. Recording.** Upon approval of an Administrative Subdivision, the applicant shall record the deed and the accompanying survey with the Office of the Recorder for Isanti County within ninety (90) days after the date of approval; otherwise the approval of the Administrative Subdivision will be considered void. Verification of such recording shall be provided to the City by the applicant.

### **ARTICLE 3. MINOR SUBDIVISION PLAT**

**Subdivision 1. Purpose.** The Minor Subdivision Plat procedure for processing applications for the division of land or re-subdivision, including consolidation of land, is to provide for an expedited procedure in those limited cases where strict adherence to the standard platting process is not required. The Minor Subdivision Plat is not intended to be a substitute for the standard platting process set forth in this Ordinance. A Concept Plan is not required. The Planning Commission shall hold the public hearing for both the Preliminary Plat and the Final Plat to be reviewed at the same meeting.

**Subdivision 2. Applicability.** The Minor Subdivision Plat may be utilized where the following circumstances exist:

- A. The property to be divided will result in four (4) or fewer lots.
- B. The property has not previously been subject to division by either an Administrative Subdivision or Minor Subdivision Plat.
- C. The property to be divided is not part of a Planned Unit Development (PUD).
- D. The newly created lots shall meet the requirements of the underlying zoning district; and shall not cause any structure on the land to be in violation of the Zoning Ordinance.
- E. No variances are required to complete the subdivision as proposed.
- F. All standards, requirements, and improvements required of a standard subdivision are required for a Minor Subdivision.
- G. For residentially zoned lots, the proposed lot area of each lot within a re-subdivision or consolidation is no more than twenty (20) percent greater or ten (10) percent less than the average zoning lot area on that same frontage.
- H. For residentially zoned lots, the proposed lot width of each lot is no more than twenty (20) percent greater or ten (10) percent less than the average zoning lot width on the same frontage.

**Subdivision 3. Application Requirements.** All data required for Preliminary and Final Plats are required for the Minor Subdivision Plat. All data shall be submitted to the Community Development Director or designee, along with the appropriate application form, filing fees, and escrows (if required).

**Subdivision 4. Procedures.**

- A. Upon submittal of a complete Minor Subdivision Application, the Community Development Director or designee shall request input from the City's planning, engineering, and legal staff, as appropriate. The subdivider shall reimburse the City for any legal or engineering costs associated with the review of the Minor Subdivision Plat.
- B. The Minor Subdivision of land abutting upon any existing or proposed trunk highway, county road or highway or county state-aid highway shall be subject to review and approval of the Minnesota Department of Transportation and / or Isanti County Highway Department. Written notice and a copy of the proposed Minor Subdivision Plat shall be filed with either or both entities, as deemed

appropriate. Access to local collector, minor or arterial roadways is subject to review and approval by the City Engineer.

- C. The Minor Subdivision of land located within a Floodplain District shall be subject to the review of the Minnesota Department of Natural Resources and / or Watershed District, as deemed appropriate. Written notice and a copy of the proposed subdivision shall be filed with either or both entities, if necessary.
- D. The Community Development Director or designee shall have the authority to request additional information pertinent to the Administrative Subdivision. Failure to provide the necessary supportive information may be grounds for denial of the request.
- E. The Community Development Director or designee shall forward the Minor Subdivision (Preliminary and Final Plat) submittals to the Park and Recreation Board for consideration at their regularly scheduled meeting, if applicable. The applicant is required to attend all meetings with advisory boards and the City Council. Failure of the applicant to attend a meeting may result in the tabling of or denial of the application.
- F. The Planning Commission shall hold a public hearing on the proposed Minor Subdivision Plat. Notice of the public hearing shall be published in the City's official newspaper at least ten (10) days before the hearing. The City shall mail written notification of the proposed Minor Subdivision Plat to property owners located within three hundred fifty (350) feet of the subject site. Failure to give mailed notice to individual property owner shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.
- G. At the public hearing, the Planning Commission shall receive the written report of Community Development Director or designee and shall take testimony from the subdivider and all other interested parties. At the close of the public hearing, the Planning Commission shall consider all the written reports and materials, and the oral testimony, and make a recommendation on the Minor Subdivision Plat to the City Council. The Planning Commission may recommend approval, approval subject to modifications or conditions, or denial. If denial is recommended, the reasons for such recommendation shall be stated in the record.
- H. The City Council shall consider the plat at its next meeting following receipt of the Planning Commission recommendation. The City Council shall take action on the application, which shall be entered in the proceedings of the City Council and transmitted to the applicant in writing. The lack of a simple majority to approve a Preliminary or Final Plat shall be a denial of the requested application.
- I. Upon approval of the Final Plat by the City Council, the applicant shall record it with the Isanti County Recorder's Office within ninety (90) days after the date of approval; otherwise, failure of the applicant to comply and submit the necessary items for the recording of the Final Plat by the City shall be cause for revoking the City's approval and the Final Plat shall be considered void, unless the developer or applicant requests an extension, in writing and receives approval from the City Council. The City Council may approve up to two (2) extensions for a term not to exceed one (1) additional year for each extension. Fees associated with the recording of the Final Plat will be charged back to the developer or subdivider.
- J. The subdivider shall immediately upon approval, furnish the City Administrator or his/her designee with three (3) full size mylar transparencies of the Final Plat, two (2) for the County and one (1) for the City. Three (3) additional 11 inch by 17 inches mylar transparencies shall be given to the Community Development Director or designee, and Isanti County. No building permits shall be issued until these conditions have been complied with.

- K. Record plans and electronic copies of all final plan documents shall be submitted to the Community Development Director or designee and City Engineer.

#### **ARTICLE 4. PRE-APPLICATION MEETING AND SKETCH PLAN**

##### **Subdivision 1. Pre-Application Meeting.**

- A. Prior to the preparation of a preliminary plat, the subdividers or owners shall meet with the Community Development Director or designee, City Administrator and other appropriate staff in order to be made fully aware of all applicable ordinances, regulations and plans in the area to be subdivided. At this time or at subsequent informal meetings, subdividers shall be invited to submit a sketch plan in simple form showing that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and development, and to the topography of the site.
- B. The sketch plan shall be considered as the basis for discussion between the subdivider, City staff, and Planning Commission. Submission of the sketch plan shall not constitute formal filing of a preliminary plat. The Planning Commission shall, on the basis of the sketch plan, unofficially advise the subdivider of the extent to which the proposed subdivision conforms to the design standards of this Ordinance, and the City's Comprehensive Plan and shall discuss possible modifications. The City Council may also review the sketch plan. Any comments provided by the Planning Commission or City Council shall not constitute plat approval and are considered non-binding.
- C. Escrow Required for Professional Services. The subdivider or owners shall enter into an escrow agreement and file funds with the City before any review or work can be completed by a consultant for the City, which includes but is not limited to engineering and legal services. Escrow fees are determined by Resolution of the City Council.

##### **Subdivision 2. Content of the Sketch Plan.**

The sketch plan should contain the following information:

- A. A site location map showing major streets, parks, community facilities, and other significant developments within the subject area.
- B. Tract boundaries.
- C. North point and scale.
- D. Topography and physical features, including lakes, ponds, wetlands, and wooded areas.
- E. Proposed uses, to include parks and open spaces.
- F. Streets within and adjacent to the tract.
- G. Proposed general street layout and design.
- H. Proposed lot size and orientation.
- I. Proposed zoning change, if any proposed.
- J. If the project will be a Planned Unit Development, then such development is subject to the regulations and procedures as presented within Ordinance No. 445, Zoning Ordinance.

- K. Any additional items that may aid the Planning Commission in the review of the subdivision request.

## **ARTICLE 5. PRELIMINARY PLAT**

### **Subdivision 1. Filing Procedures.**

- A. After the pre-application meeting and review of the sketch plan, the subdivider or owner shall file with the Community Development Director or designee a completed and signed application for Preliminary Plat Approval on a form provided by the City, along with four (4) full size copies of plans, one (1) 11" x 17" reproducible copy of the plans, and an electronic copy (pdf) of the plans; in accordance with the regulations set forth within this Ordinance. All plats and subdivisions presented for recommendation by the Planning Commission and approval by the City Council shall be accompanied by the filing and escrow fees as established by Resolution of the City Council and by an escrow agreement that the subdivider reimburse the City for its costs to review the Preliminary Plat. The application for Preliminary Plat shall not be deemed complete until all data and supplementary information required by this Ordinance has been received by the City.
- B. The Preliminary Plat will be reviewed by all affected City departments to determine whether the subdivision complies with the requirements of this Ordinance and the City of Isanti Zoning Ordinance (Ordinance No. 445), and to determine how the proposed development will affect traffic, utilities, drainage, community facilities, public safety, surrounding developments, natural features, historic sites, open space, etc. Developments meeting the requirements for an Environment Assessment Worksheet (EAW) or Environmental Impact Statement (EIS) shall file the appropriate information for review, distribution, and approval in accordance with Minnesota State Statute requirements, prior to review and approval of the proposed plat by the City.
- C. The Community Development Director or designee shall compile comments from the other City departments and prepare a written report. A copy of that report shall be sent to the subdivider.
- D. The Community Development Director or designee shall also submit copies of the Preliminary Plat to the County Highway Department, State Department of Transportation, Department of Natural Resources Commissioner, and Watershed District, where applicable.
- E. Upon receipt by the City of a complete application for Preliminary Plat Approval, including all required supporting documentation, the Planning Commission shall hold a public hearing on the proposed subdivision. The required legal publication shall be made and notices shall be sent to all property owners of record within three hundred fifty (350) feet of the exterior boundaries of the proposed plat. The subdivider is required to obtain the list of property owner's from the County Auditor's Office.
- F. The subdivider or duly authorized representative shall attend the Planning Commission meetings at which the proposal is scheduled for consideration.
- G. At the public hearing, the Planning Commission shall receive the written report of the Community Development Director or designee and shall take testimony from the subdivider and all other interested parties. At the close of the public hearing, the Planning Commission shall consider all the written reports and materials, and the oral testimony, and make a recommendation on the Preliminary Plat to the City Council. The Planning Commission may recommend approval, approval subject to modifications or conditions, or denial. If denial is recommended, the reasons for such recommendation shall be stated in the record.
- H. The City Council shall consider the preliminary plat and shall approve or deny the plat within one hundred twenty (120) days of receipt of a complete application. The City Council shall either approve with or without modification or conditions, refer the Preliminary Plat back to the Planning

Commission or City staff for further review, or deny the Preliminary Plat. The City shall notify the applicant in writing of the City Council's action stating the conditions of approval or reasons for disapproval of the Preliminary Plat. If approved, the City shall send the applicant a copy of the approval with items requiring modification noted.

- I. Conditional approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather, it shall be deemed to be an expression of approval of the layout submitted on the Preliminary Plat and act as an authorization and guide to proceed with the preparation of the Final Plat. This approval of the Preliminary Plat shall be effective for a period of one (1) year, unless a phasing plan has been approved or an extension is granted by the City Council prior to the termination of such one (1) year period. The developer or applicant must submit the extension request in writing. The City Council may approve up to two (2) extensions for a term not to exceed one (1) additional year for each extension.
- J. The subdivider may file a final plat limited to a portion of the Preliminary Plat that they propose to record and develop at that time; provided that such portion must conform to all requirements of this Ordinance.
- K. If the subdivider should desire to amend the Preliminary Plat as approved, the subdivider shall resubmit the amended Preliminary Plat, which shall follow the same procedure except for the public hearing. If the amendment, in the opinion of the City, is of such scope that it would constitute a new Preliminary Plat, then such Preliminary Plat shall be refilled and a new public hearing be called.

#### **Subdivision 2. Data Required for Preliminary Plat.**

Unless otherwise exempted within this Ordinance, the owner or subdivider shall prepare and submit a Preliminary Plat containing the following information:

- A. Identification and description.
  - 1. Proposed name of subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any other plat in the City.
  - 2. Legal description.
  - 3. Names and addresses of the record owner, subdivider, land surveyor, engineer, designer of the plat, and any agent having control of the land.
  - 4. Graphic scale not less than one (1) inch to one hundred (100) feet.
  - 5. North arrow.
  - 6. Key map including area within one (1) mile radius of plat.
  - 7. Date of preparation.
- B. Existing conditions.
  - 1. Boundary lines of proposed subdivision.
  - 2. Existing zoning classifications for land within and abutting the subdivision.
  - 3. Acreage and lot dimensions.
  - 4. Location, right-of-way width, and names of existing or platted streets; locations of parks, buildings and structures, railroad right-of-way, easements, section lines and corporate boundaries within the proposed subdivision and to a distance one hundred fifty (150) feet beyond.
  - 5. Boundary lines of adjoining platted or subdivided land, within one hundred fifty (150) feet, identified by name and ownership including all contiguous land owned or controlled by the subdivider.
  - 6. Topographic data within the property to be subdivided and one hundred (100) feet beyond the property boundary, showing contours as follows: two-foot intervals where slope is ten (10) percent or less; five-foot intervals where slope is ten (10) to fifteen (15) percent; ten-foot intervals where slope is greater than fifteen (15) percent. All areas of the subdivision to be platted with a slope greater than twenty-five (25) percent must be clearly indicated.

However, on undevelopable sections or larger acre lots topographic data may be reduced to significant physical characteristics, such as top and toe of slope, if in the opinion of the city the area is viewed as unsuitable for future subdivision. Location and elevations of on-site and abutting water courses, lakes, wetlands, rivers, streams, and marshes at date of survey and their ordinary high water mark plus approximate high and low water elevations shall also be shown. Where the subdivision borders a lake, river or stream, a meander line shall be established at an elevation two (2) feet above the recorded high water elevation of the lake, river or stream. Flood plain areas, location of wooded areas, rocky outcrops, power transmission poles and lines and other significant physical features shall also be shown.

7. An accurate soil report indicating soil conditions, permeability and slope.
8. Utilities on or adjacent to the property, including location, size and invert elevation of public sanitary and storm sewers, catch basins and manholes; location and size of water mains and hydrants; location of gas mains, high pressure lines, fire hydrants, electric and telephone lines, and street lights. The direction, distance to, and size of such facilities shall be indicated.
9. Location of any wetlands.

C. Proposed design features.

1. Layout of proposed streets showing the proposed names, the right-of-way widths, centerline gradients and typical cross sections. Street names shall be assigned or approved by the city. Turn lanes must be shown on collector and minor/major arterial streets.
2. Location and width of proposed pedestrian ways, to include both sidewalks and trails; and utility easements.
3. Lot sizes, layout, numbers and preliminary dimensions of lots and blocks.
4. Minimum building setback lines as required by the zoning ordinance.
5. Areas other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such areas.
6. Location, size and approximate grade of proposed public sewer and water mains. If public sewer and water are not available the developer shall provide site evaluation data required by Minnesota Pollution Control Agency Individual Sewage Treatment Standards (WPC 409) to determine the suitability of the site for individual sewage systems. References shall be made to "The Isanti County's Policies for Individual Sewage Systems", and the U.S. Department of Agriculture, Soil Conservation Service, and any other available sources. The data required shall be determined by the city. If cluster systems are provided, such systems shall be reviewed and approved by the City Engineer.
7. If the preliminary plat is a rearrangement of a recorded plat, the lot and block arrangement of the original plat, its original name, and all revised or vacated right-of-ways and easements shall be shown by dotted or dashed line.
8. Location, width and height of landscaped buffers between collector and arterial streets as described later in this ordinance. Landscaping must be approved by the Community Development Director or designee with a minimum of 1 tree per 20 feet of frontage.

D. Supplementary information.

1. Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry to reveal the effect of the proposed development on traffic, fire hazards, and density of population.
2. Any proposed protective covenants.
3. A drainage plan for the area indicating the direction and rate of natural storm water runoff and those unaltered areas where storm water collects and percolates into the ground. A proposed drainage plan for the developed site indicating the direction and rate of runoff and those areas where storm water will collect and percolate into the ground shall also be included. Storm water plans shall be consistent with the storm water management ordinance (Ord. No. 420).

4. A proposed finished grading plan shown at contour intervals appropriate to the topography or spot elevations indicating the relationship of proposed changes to existing topography and remaining features.
5. If any zoning changes are contemplated, the proposed zoning plans for the areas. A proposed rezoning of property must be reviewed and approved at the time of Preliminary Plat Approval.
6. Where the subdivider owns property adjacent to that proposed for the subdivision, a general development plan of the remaining property depicting the possible relationships between the proposed subdivision and the future subdivision must be provided. The plan shall address the overall land use, traffic circulation, utility easement configurations, and general lot layouts. Note, an Environmental Assessment Review of the project or the cumulative effects of projects may be necessary and must be completed before a preliminary plat is accepted.
7. A soil erosion and sediment control plan. The plan shall include a timing schedule and sequence of operation indicating the anticipated starting and completion dates of the particular development segment and the estimated time of exposure of each area prior to completion of effective erosion and sediment control measures. Gradients of waterways, design of velocity and erosion control measures, and landscaping of the erosion and sediment control system shall also be shown.
8. A vegetation preservation and protection plan to provide stabilization of erosion or sediment-producing areas. This area shall start at the curb line and end six (6) feet from the curb, planted with grass in efforts to protect the storm sewer system.
9. Required variances.
10. Water distribution system.
11. Proposals for street lighting; curb and gutters, sidewalks and boulevard improvements.
12. Such other information as may be requested by the city.
13. A plan showing the locations and “footprints” of houses as described later in this Ordinance.
14. A tree survey and preservation plan, in accordance with the provisions of this Ordinance.

## **ARTICLE 6. FINAL PLAT**

### **Subdivision 1. Filing Procedures for Final Plat.**

- A. The owner or subdivider shall file four (4) full size copies, one (1) 11” x 17” reproducible copy, and an electronic copy (pdf version) of the Final Plat not later than one (1) year after the date of approval of the preliminary plat; otherwise, the preliminary plat shall be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the City Council. The City Council may approve up to two (2) extensions, not to exceed two (2) additional years for each extension. It shall be the responsibility of the subdivider to request such extension prior to the expiration of the Preliminary Plat Approval. Such request for extension shall include the following:
  1. An explanation for why the final plat has yet to be applied for;
  2. What good faith efforts have been made to further the platting process; and
  3. The anticipated date of completion.
- B. The owner or subdivider shall also submit at the same time an up-to-date certified abstract of title or registered property report and such other evidence as the City Attorney may require showing title or control by the applicant.
- C. The Final Plat shall have incorporated all changes or modifications required by the City Council; in all other respects it shall conform to the Preliminary Plat. It may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time, provided that the portion conforms to all requirements of this Chapter.



- D. The City Council shall consider the Final Plat officially filed after the City Administrator or their designee has examined it and deemed complete.
- E. On the same date that it places the Final Plat on file, the Community Development Director or designee shall refer copies of the Final Plat to the City Engineer. The abstract of title or registered property report shall be referred to the City Attorney for his or her examination and report. The City Attorney shall report all findings to the City Council within thirty (30) days. The City Engineer shall review the proposal and report all findings within thirty (30) days of receiving the plat. The City Council shall review the Final Plat and shall approve or disapprove the plat within sixty (60) days of receipt of the completed application.
- F. One (1) copy of the Final Plat shall be submitted to the County by the subdivider for purposes of mathematical checking and compliance with State and County law; a certificate of compliance shall be returned to the City prior to final approval by the City and all fees imposed for checking and certification shall be paid for by the subdivider.
- G. Upon receiving approval of a Final Plat for a portion of the approved Preliminary Plat the subdivider shall not be required to request a continuation of the City's recognition of the Preliminary Plat so as to maintain its approval, as outlined within the Development Agreement or Resolution. However, the Final Plat application for subsequent phases, unless described otherwise by an approved phasing plan, shall be submitted within one (1) year of approval of the Final Plat for the previous phase. If such time line cannot be met, an extension may be requested in writing for City Council approval.
- H. The City Council may either approve or disapprove the Final Plat. If the Final Plat is not approved, the reasons for such action shall be recorded in the official proceedings and shall be transmitted to the applicant. If the Final Plat is approved, such approval shall constitute final acceptance of the subdivision. Should the City Council determine that the Final Plat is inconsistent with the approved Preliminary Plat or requirements of the Preliminary Plat approval are not resolved, the City Council may refer the Final Plat to the Planning Commission for review and recommendation. If there are inconsistencies between the Preliminary and Final Plats, the subdivider shall submit an amended Preliminary Plat, which shall follow the same procedures as the original Preliminary Plat.
- I. Upon approval of the Final Plat by the City Council, the applicant shall record it with the County Recorder's Office within ninety (90) days after the date of approval; otherwise, failure of the applicant to comply and submit the necessary items and fees for the recording of the Final Plat by the City shall be cause for revoking the City's approval and the Final Plat shall be considered void, unless the developer or applicant requests an extension, in writing and receives approval from the City Council. The City Council may approve up to two (2) extensions for a term not to exceed one (1) additional year for each extension. Fees associated with the recording of the Final Plat will be charged back to the developer or subdivider.
- J. The subdivider shall immediately upon approval, furnish the City Administrator or his/her designee with three (3) full size mylar transparencies of the Final Plat, two (2) for the County and one (1) for the City. One (1) additional 11 inch by 17 inches mylar transparencies shall be given to the, Community Development Director or designee and Isanti County. No building permits shall be issued until these conditions have been complied with.

#### **Subdivision 2. Data Required for Final Plat.**

- A. The Final Plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall be prepared and conform to all State requirements, applicable County regulations, and this Ordinance.

- B. The following items shall be included with the Final Plat:
1. Surveying requirements for the Final Plat shall be under the regulation of the County Surveyor. The County Surveyor shall submit a report to the City regarding the conformance of the proposed Final Plat to the County requirements and all provisions of State law for platting.
  2. All information required on the Preliminary Plat shall be accurately shown on the Final Plat. Final plans of all improvements to be installed by the subdivider shall be submitted with grades and profiles.
  3. Names of new streets and roadways, shall be provided.
  4. Copies of permits granted by other government agencies and regulatory bodies shall be provided.
  5. A Title Opinion, Certificate of Title, or up-to-date abstract showing ownership must be provided.
  6. Execution by all owners having interest in the land to be subdivided and any holders of a mortgage therein of deeds or easements for any area to be conveyed for public use and any covenants or association documents shall be required, in such form as shall be approved by the City Attorney.
  7. The applicant shall provide all required cash contributions, and conveyances and / or dedication of land, in accordance with earlier City approvals. The applicant shall submit all other data, certificates, affidavits, and endorsements that may be required by the Planning Commission or City Council.
  8. Final plat information shall be submitted with a signed application form, as provided by the City, with four (4) full size copies, one (1) 11" x 17" reproducible copy, and in electronic format (pdf version).

### **Subdivision 3. As-Built Plans.**

A complete set of as-built construction drawings and an electronic copy of such drawings, in a format acceptable to the City Engineer, for public improvements constructed in the subdivision shall be furnished as soon as the construction is complete and has been approved by the City.

### **Subdivision 4. Development Agreement.**

- A. As a condition of approval of the Final Plat and prior to the installation of any required improvements, the subdivider shall enter into a Development Agreement with the City requiring the subdivider, at his sole expense, to furnish and construct such improvements as shall be required by the City. Such improvements may include, but are not limited to, streets, sidewalks, public water systems, sanitary sewer systems, surface and storm water drainage systems, and public utility services. The installation of said improvements shall be in conformity with approved construction plans and specifications and all applicable standards and City Code provisions approved by the City Council.
- B. Said contract shall provide for the supervision of construction by the City Engineer and shall require that the City be reimbursed for all costs incurred by the City for engineering and legal fees and all other expenses in connection with such improvements. An escrow shall be provided, as stipulated within the Development Agreement, to pay for such costs.
- C. No subdivider shall be permitted to start work on any other subdivision without special approval of the City Council, if he or she has previously defaulted on work or commitments within the City or has failed to provide payment on any delinquent accounts associated with prior developments.

### **Subdivision 5. Performance Bond.**

- A. The Development Agreement provided for herein shall require the subdivider to provide an irrevocable letter of credit filed with the City or make a cash deposit to be held by the City for required improvements from a financial institution that is FDIC insured. Said insurance must be

adequate to cover the full amount of the required surety and shall guarantee conformance and compliance with the conditions placed upon the Subdivision Approval and as defined within the Development Agreement. An amount equal to 125% of the estimated cost of labor and materials for the proposed improvements or development shall be collected. Said project can be handled in stages at the discretion of the City Council. The City shall hold the security until completion of the proposed improvements or development and until all warranty time periods have ended and any delinquent accounts have been paid in full. Failure to comply with the conditions of the Subdivision Approval or the Developer's Agreement and / or the policies and ordinances of the City shall result in the City's ability to draw upon the irrevocable letter of credit or cash deposit, so as to ensure the conditions, policies, and ordinances applicable to the development are implemented and / or constructed.

## **ARTICLE 7. DESIGN STANDARDS**

### **Subdivision 1. Generally.**

The proposed subdivision shall conform to the comprehensive plan, zoning ordinance, and subdivision ordinance; and any other regulations as deemed appropriate and applicable to the development proposal. The design features set forth in this article are minimum requirements. Subdivision developments shall meet the requirements as provided within the City of Isanti Engineering Design Standards and the Stormwater Management Ordinance (Ord. No. 420). The city may impose additional or more stringent requirements concerning lot size, streets and overall design as deemed appropriate considering the property being subdivided, local traffic patterns (current and projected) and any other City concern.

### **Subdivision 2. Streets.**

- A. Streets shall be dedicated as public right-of-way on the plat. The location and design of streets shall consider existing and future street locations, traffic circulation, topographic conditions, storm water run-off, public convenience and safety, and the existing and proposed land uses to be served.
- B. Street right-of-way widths shall be consistent with the comprehensive plan and official map, and shall conform to county and state standards. If no such plans or standards are applicable, right-of-way widths shall be not less than the following:

<b>Street Classification</b>	<b>R-O-W Width (Feet)</b>	<b>Pavement Width (Feet)</b>
Minor Arterial	100	36 to 44
Collector	80	36
Local Street (Rural Residential)	60	28
Local Street (Urban Residential)	60	28 to 32
Local Street (Commercial / Industrial)	60	36
Cul-de-sac, turn-around radius (Rural Residential)	60	40
Cul-de-sac, turn-around radius (Urban Residential)	60	45
Cul-de-sac, turn-around radius (Commercial / Industrial)	60	48

- C. Insofar as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of two (2) streets be less than sixty (60) degrees. Intersections having more than four (4) corners are prohibited.
- D. A tangent of at least three hundred (300) feet shall be introduced between reverse curves on arterial and collector streets.

- E. When connecting street lines deflect from each other at one (1) point by more than ten (10) degrees they shall be connected by a curve with a radius adequate to ensure a sight distance within the right-of-way of not less than five hundred (500) feet for arterials, three hundred (300) feet for collectors, and one hundred (100) feet for all other streets.
- F. Proper design shall consider required turning radius of vehicles for access points or entrances to and from a highway using standards adopted by the Minnesota Department of Transportation (MNDOT).
- G. All centerline grades shall be at least five-tenths percent and shall not exceed five (5) percent, for arterial and seven (7) percent for all other streets and alleys. Whenever possible, grades within thirty (30) feet of intersections or railroad crossings shall not exceed three (3) percent.
- H. Different connecting street grades shall be connected with vertical curves. Minimum length, in feet, of the vertical curves shall be twenty (20) times the algebraic difference in the percentage of grade of the two (2) adjacent slopes.
- I. Local streets shall have a centerline offset of not less than three hundred (300) feet. Offset intersections shall be avoided.
- J. The alignment shall discourage through traffic on local streets.
- K. The maximum length of a street terminating in a cul-de-sac shall be five hundred (500) feet measured from the center of the adjoining road.
- L. Where a proposed subdivision is adjacent to a limited access highway, arterial or collector street, there shall be no direct vehicular or pedestrian access from individual lots to such highways or streets. To the extent feasible access to arterial streets shall be at intervals of not less than one-fourth mile and through existing and established crossroads. Access along collector streets will be restricted and controlled on the final plat.
- M. Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted or required. The probable length of time elapsing before dedication of the remainder shall be a factor considered in making this determination.
- N. Public streets shall be constructed to design and construction standards as prepared by the City Engineer.
- O. Streets may be designed so as to include traffic calming measures to help reduce traffic speeds.
- P. Private streets / access drives may be permitted in Residential Districts, providing that the following standards are met:
  - 1. Extension of the public street is not physically feasible as determined by the City. If the City determines that there is need for such extension, this provision shall not apply, and the right-of-way for a public street shall be provided by dedication in the plat;
  - 2. Severe grades make it infeasible according to the City to construct a public street to minimum City standards;
  - 3. The City determines that a public road extension would adversely impact natural amenities, including wetlands or stands of mature trees containing deciduous trees;
  - 4. There is no feasible present or future means of extending right-of-way from other directions;
  - 5. The number of lots to share a common private street does not exceed three (3); and
  - 6. Covenants which assign driveway installation and future maintenance responsibility are submitted and recorded with the titles of the parcels which are benefitted.

Private street / access drive design standards, include:

1. Common sections of a private street serving two (2) units or more must be built to a seven-ton design, paved to a minimum width of twenty (20) feet, utilize a maximum grade of ten (10) percent, and provide a turnaround area acceptable to the Fire Chief or their designee based upon guidelines provided by applicable fire codes. Plans for the street shall be submitted to the city engineer. Upon completion of the driveway, the applicant shall submit a set of "as-built" plans signed by a registered civil engineer.
2. Private streets and access driveways must be located within a private easement of at least thirty (30) feet wide which extends out to the public right-of-way.
3. Private streets must be maintained in good condition and plowed within twenty-four (24) hours of a snowfall greater than two (2) inches. Covenants concerning maintenance shall be filed against all benefiting properties. Parking on the private street or otherwise blocking all or part of the private street shall be prohibited.
4. Private streets that are not usable by emergency vehicles because of obstructions, snow accumulation, or poor maintenance are a public safety hazard. The city may remedy such conditions and assess the cost back to the property pursuant to Minnesota Statutes section 429.101, Subdivision 1(C).
5. The private street shall be provided with adequate drainage facilities to convey storm runoff which may require hydrologic calculations for a ten-year storm should be included. In all zoning districts, these improvements shall include concrete curb and gutter.
6. Street addresses or city approved street name sign, if required, must be posted at the point where the private street intersects the public right-of-way.
7. The private street shall be designed to minimize impacts upon adjoining parcels. The city may require revised alignments and landscaping to minimize impacts. An erosion control plan should be completed and approved prior to construction.
8. Maintenance and repair of utilities located within the private driveway easement shall be the responsibility of the benefiting property.
9. Private reserve strips controlling public access to streets shall be prohibited.

### **Subdivision 3. Alleys.**

Alleys are prohibited, except when utilized as a fire lane in a commercial or industrial development. Alleys may be permitted as a part of a Planned Unit Development, upon approval by the City Council.

### **Subdivision 4. Blocks.**

The length and width of blocks shall be sufficient to provide convenient and safe access, circulation, control and street design. Blocks shall not be longer than one thousand eight hundred (1,800) feet or shorter than three hundred (300) feet except where topography or surrounding development limits the ability to strictly comply or as specifically approved by the City Council to foster innovative design consistent with sound planning principles.

### **Subdivision 5. Pedestrian Ways.**

Pedestrian ways will be required on all blocks. Easements for pedestrian ways shall be at least twenty (20) feet wide for trails only and shall be required in locations deemed necessary to public health, convenience, and necessity. Sidewalks and trails shall meet the location and construction requirements established by this Ordinance.

#### **A. Sidewalks.**

1. Location. Sidewalks shall be placed on the west side and the north side of every street, cul-de-sac, or other roadway as identified by the City.
  - a. The City may modify the location of sidewalks when necessary, to form a contiguous sidewalk system.
  - b. Parcels located within Industrial Districts are exempt from these requirements.
  - c. All new subdivision / developments shall install sidewalks at the developer's expense.

2. Construction Standards.
    - a. Sidewalks shall be five (5) feet in width with six (6) foot boulevards.
    - b. Sidewalks shall be constructed of concrete five (5) inches thick. Where the sidewalk is part of a driveway, it shall be six (6) inches thick.
    - c. Sidewalks shall be constructed on a three (3) inch sand cushion. The sand shall meet MNDOT requirements and the Isanti Engineering Design Standards.
    - d. Pedestrian curb ramps shall be installed on all corners according to MNDOT standards and City Engineer specifications.
    - e. The City Engineer shall inspect sidewalk construction.
    - f. All materials, workmanship, and details of the construction of sidewalks on the public right-of-way shall be in accordance with approved plans and specifications by the City Engineer.
- B. Trails.
1. Location. Trails shall be placed in accordance with the 2008 Comprehensive Plan and Parks, Trails and Open Space Plan.
    - a. The City may modify the location of trails when necessary, to form a contiguous trail system.
    - b. All new subdivision / developments shall install trails at the developer's expense.
  2. Construction Standards.
    - a. Trails shall be at least eight (8) feet in width.
    - b. Trails shall be constructed of concrete or bituminous. In some instances, the City may permit a wood chip trail, if located within an environmentally sensitive area.
    - c. Trails through wetland areas may be constructed to boardwalk / bogwalk requirements as indicated in the City Engineering Design Standards, in lieu of filling wetlands or wetland mitigation.
    - d. Trails shall meet the specifications of the City Engineer.
    - e. Concrete pedestrian curb ramps shall be installed on all corners according to MNDOT standards and City Engineer specifications.
    - f. The City Engineer shall inspect trail construction.

**Subdivision 6. Lots.**

- A. All lots shall have frontage upon a public street or upon an approved private street or common access road.
- B. The lot size, width, shape, and orientation shall be appropriate for the proposed type of development and shall meet the minimum requirements of the Zoning Ordinance.
- C. Flag lots shall have a minimum of thirty (30) feet of frontage.
- D. Side lines of lots shall be substantially at right angles to straight street lines or substantially radial to curved street lines.
- E. Lots shall be graded to drain away from building locations.
- F. Lots shall be placed to preserve and protect natural amenities, such as vegetation, wetlands, steep slopes, water courses and historic areas.
- G. Lot remnants are prohibited.
- H. Street arrangements for the proposed subdivision shall not cause undue hardship to owners of adjoining property in subdividing their own land.

- I. Double frontage lots with frontage on two (2) parallel streets or reverse frontage shall not be permitted except where lots back on an arterial or collector street. Such lots shall require additional depth of up to twenty-five (25) percent over the zoning district standards, so as to accommodate adequate vegetative screening along the back lot line. Wherever possible, structures on double frontage lots should face the front of existing structures across the street. If this cannot be achieved, then such lots shall have an additional depth of up to twenty-five (25) percent over the zoning district standards, so as to accommodate vegetation screening along the back lot line.
- J. A residential lot will be permitted to have stormwater holding ponds with the following conditions:
  - 1. Pond area cannot be used in the minimum lot size square footage.
  - 2. Pond(s) shall be at least 30 feet from a primary structure.

**Subdivision 7. Driveways.**

- A. Driveway grades shall be a minimum of one-half (1/2) percent and a maximum grade of eight (8) percent.
- B. Driveway widths and setbacks shall meet the requirements of the Zoning Ordinance for the district in which the parcel is located.
- C. No driveway or driveway extension shall be constructed within a required side yard easement.

**Subdivision 8. Easements.**

- A. All easements shall be dedicated by appropriate language on the final plat in accordance with this section.
- B. Easements shall be provided that are at least ten (10) feet wide along all street right-of-way lines and five (5) feet along the rear and side lot lines for utilities. If appropriate, easements of lesser or greater width may be required by the city. All utility easements shall have continuity of alignment from block to block.
- C. Easements shall be provided along each side of the centerline of any water course or drainage channel, to a width sufficient to provide proper maintenance and protection and to provide for storm water run-off from a 100-year, and twenty-four (24) hour rain event . Where necessary, drainage easements corresponding to lot lines shall be provided. Such easements for drainage purposes shall not be less than ten (10) feet in width.

**Subdivision 9. Landscaping Requirements.**

- A. Landscaping shall meet the requirements as established within Section 15, Subdivision 5 of the City of Isanti Zoning Ordinance.
- B. Landscaping must be installed prior to receiving a certificate of occupancy or financial guarantees acceptable to the city must be provided to ensure timely installation.
- C. All areas disturbed by site grading and/or construction must be seeded or sodded immediately upon completion of work to minimize erosion. When certificates of occupancy are requested prior to the satisfaction of this requirement, financial guarantees acceptable to the city, must be provided.
- D. No dead trees or uprooted stumps shall remain after development. On-site burial is not permitted.
- E. Landscaped buffers around the exterior of a residential subdivision shall be required by the city when the Plat is contiguous to collector or arterial streets as defined in the comprehensive plan or when the subdivision plat is adjacent to more or less intensive land uses.

1. Required buffering may consist of berms and/or landscape material consisting of a mix of trees and shrubs and/or tree preservation areas.
  2. Fencing may be permitted between the required buffer and the collector or arterial street; providing a combination of coniferous and deciduous trees is planted to soften the appearance of the fence or wall from adjacent properties and the public street.
  3. Where appropriate, the city may require additional lot depth and area on lots containing the buffer so that it can be adequately accommodated and the homes protected from impacts. Lot depths and areas may be increased by twenty-five (25) percent over zoning district standards.
  4. The landscape plan must be developed with the preliminary and final plat submittals for city approval.
  5. Appropriate financial guarantees acceptable to the city shall be required.
- F. It is the policy of the City to preserve existing trees and natural woodland areas and with respect to specific site development to retain as far as practical, substantial tree stands which can be incorporated into the overall landscape plan.
- G. No clear-cutting of woodland areas shall be permitted except as approved in a subdivision, planned unit development or site plan application.

**Subdivision 10. Erosion and Sediment Control.**

- A. The development shall conform to the topography and soils to create the least potential for soil erosion.
- B. Detailed requirements for each plat shall be set forth in the development agreement.
- C. Erosion and Sediment Control Plans shall be submitted to the City Engineer for approval. All plans shall be in accordance with MPCA NPDES Phase 2 Permit requirements.

**ARTICLE 8. CONSERVATION SUBDIVISION**

**Subdivision 1. Purpose.**

The purpose of the Conservation Subdivision is to protect and retain significant natural areas, as identified in the Natural Resources Analysis and Inventory prepared and adopted in the Comprehensive Plan. The City has identified preservation and enhancement of natural areas of significant importance in the process of planning for future growth and development; and as such, has established the Conservation Subdivision regulations as a tool for encouraging the sustainability of the City's natural resources for future generations.

**Subdivision 2. Intent.**

It is the intent of the Conservation Subdivision method to:

- A. Provide for the unified and planned development of clustered residential uses which are designed and located, in an effort to reduce the perceived density of development, provide privacy for residential dwellings, and to incorporate large tracts of predominantly protected common open space in perpetuity.
- B. Allow for the continuation of agricultural uses in those areas best suited for such activities and when adjacent to residential uses are made compatible with such uses.
- C. Maintain and protect the City of Isanti's natural character by preserving areas containing such unique and environmentally sensitive natural features such as woodlands, river and stream corridors, drainage ways, wetlands, floodplains, prairies, steep slopes, critical species habitats, and productive agricultural land by setting them aside from development.



- D. Connect common open space areas, wetlands, and identified natural areas between adjacent parcels to create environmental corridors throughout the City of Isanti.
- E. Preserve scenic views and minimize the views of new development from existing homes and roadways.
- F. Allow for greater design flexibility in the siting of residential dwellings and other types of development features than would be permitted by the application of standard regulations; in order to minimize disturbance of landscape elements and sensitive areas, scenic quality, and the overall aesthetic value of the landscape.
- G. Increase flexibility in the siting of services and infrastructure through the alteration of road length, utility requirements, drainage requirements, and the amount of paving required for residential development, when possible.
- H. Reduce erosion and sedimentation by retaining existing vegetation.
- I. Permit various means for owning common open space, preserved landscape elements, agricultural land, and to protect such areas from development in perpetuity.

### **Subdivision 3. Applicability.**

The Conservation Subdivision provides an alternative set of design objectives and standards for subdivision and residential development.

### **Subdivision 4. Residential Cluster Development.**

The purpose of the residential cluster development method seeks to maintain the rural character associated with the outlying areas of the City of Isanti through the preservation of agricultural land, woodlands, natural corridors, and other significant natural features and areas while allowing residential development that is consistent with the goals and objectives of the City Comprehensive Plan. This type of development will allow an alternative to large lot single-family housing and will reduce the cost of constructing and maintaining public facilities and infrastructure. Protected open space will enhance and preserve the natural character of the community and create distinct neighborhoods for future residents.

### **Subdivision 5. Development Standards.**

Conservation Subdivision developers shall comply with the following minimum standards, unless otherwise modified by the City Council based upon a record of findings that the proposed modification(s) would better enhance the natural character more so than the strict interpretation of the Conservation Subdivision regulations of the City of Isanti and would otherwise be consistent with the purpose and intent of the Comprehensive Plan and Conservation Subdivision.

- A. Land Area. The minimum land area required for a Conservation Subdivision is five (5) acres.
- B. Density Standards. The total number of dwelling units permitted within a Conservation Subdivision may not exceed the density limitation contained within the underlying zoning district. If the following additional standards are met, then the following density bonuses may apply. Density bonuses shall not exceed thirty (30) percent and must be approved and granted by the City Council.
  - 1. A ten (10) percent increase for preserving land in open space with a conservation easement by a qualified land trust.
  - 2. A ten (10) percent increase for the development of common gardens and / or a village green.
  - 3. Developments which preserve additional open space beyond the minimum requirements of this Section may be qualified for a density bonus. The developments shall receive a density bonus of half the additional percentage of open space preserved. For example, each development is required to preserve thirty (30) percent of the land in open space. If the

development has fifty (50) percent of its land in open space, the developer is qualified for an additional ten (10) percent density bonus. ( $\frac{1}{2} * (50\% - 30\%) = 10\%$ )

C. Open Space.

1. The total open space area within a Conservation Subdivision shall be at least thirty (30) percent of the total buildable land area. Land that is not buildable shall be considered open space but shall not count towards the buildable land area. Dwelling units shall be grouped so that at least thirty (30) percent of the buildable land of the proposed development remains open space in a large contiguous pattern. The open space shall consist of agricultural lands, natural habitats, pedestrian corridors, neighborhood or community recreation areas, and other environmentally significant areas.
2. Each open space outlot shall be classified as natural habitat, neighborhood recreation, or pedestrian corridor open space, and shall conform to the type of use, location criteria, and deed restrictions of that classification.
  - a. Natural Habitat. The development shall preserve the maximum quantity of natural habitat open spaces in contiguous, connected configuration. Natural habitat open spaces may include, but are not limited to fields, wetlands, slopes, bluffs, dense woods, lakes, ponds, streams, shorelands, and other environmentally sensitive areas or desirable viewsheds.
  - b. Pedestrian Corridors. The development shall locate pedestrian corridor open spaces in strategic places such that larger open space outlots and designated places of destination both on the development tract and adjacent tracts are connected with one another. Pedestrian corridor open spaces may include, but are not limited to established regional trails, local pathways, paved walkways, and shorelines. Pedestrian corridor outlots shall be a minimum of twenty (20) feet in width. Motorized vehicles shall be prohibited.
  - c. Neighborhood Recreation. The development shall locate neighborhood recreation open spaces such that they are an integral part of the neighborhood of surrounding homesites, at an elevation appropriate to their intended recreational use, defined by coherent boundaries, and accessible to all neighborhood residents. Neighborhood recreation open spaces may include, but are not limited to greens, commons, playgrounds, ballfields, gardens, or other recreational areas.
3. All open space shall be subject to conservation easements and used for the purposes as defined within its open space classification section. Habitable structures shall not be permitted in any open space outlot. Ownership of common open space and facilities shall not be transferred to another entity except in conformance with this subdivision. Documentation of the proposed ownership arrangement for common facilities and open space shall accompany the Preliminary Plat, including draft contracts, articles of incorporation, by-laws, etc. The land shall be controlled in one (1) or more of the following manners, as determined by the City.
  - a. Homeowner's Association.

Open spaces may be owned in common by the property owners created through the subdivision of the original tract. Management shall be the responsibility of that subdivision's homeowners association. In the case where at least one (1) open space is held in common ownership, a homeowner association shall be established for that subdivision. Membership in the association by all property owners in the subdivision is mandatory. The homeowner association documents or the declaration of covenants, conditions and restrictions shall contain the following information:

    - (1) The legal description of the common lands and facilities.
    - (2) The restrictions placed upon the use and enjoyment of the lands or facilities including the persons or entities entitled to enforce the restrictions.

- (3) A mechanism for resolving disputes among the owners or association members.
  - (4) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes, and insurance premiums.
  - (5) The conditions and timing of the transfer of ownership and control of land or facilities to the association or to common ownership.
- b. Land Trust or Private / Non-Profit Conservation Organization. Open space may be deeded to an established land trust or private / non-profit conservation organization. Management shall be the responsibility of the land trust or private / non-profit conservation organization. Maintenance may be performed by the neighborhood homeowners association, through written agreement between the association and the land trust or private / non-profit conservation organization.
- (1) Open space may be protected by establishing conservation easements in perpetuity in favor of an established land trust or private / non-profit conservation organization as provided within Minnesota Statutes 84.64 – 84.65. Unless the document establishing the restrictions specifically provides to the contrary, the City shall have no responsibility for the maintenance or management of the area subject to the restrictions. The form and content of the deed or other instrument establishing the restrictions must be approved by the City prior to the execution and delivery thereof.
  - (2) Stormwater drainage systems located within open spaces or the residential lots shall be covered by utility and drainage easements dedicated on the Final Plat to the City.
- c. City of Isanti.
- (1) Open space may be deeded to the City of Isanti for open space purposes or conveyed by easement to the City. Open space areas shall be in accordance with the 2008 Comprehensive Plan and the Parks, Trails, and Open Space Plan, subject to City Council Approval.
  - (2) Open space may be protected by establishing conservation restrictions in perpetuity in favor of the City as provided within Minnesota Statutes 84.64 – 84-65. Unless the document establishing the restrictions specifically provides to the contrary, the City shall have no responsibility for the maintenance or management of the area subject to the restrictions. The form and content of the deed or other instrument establishing the restrictions must be approved by the City prior to the execution and delivery thereof. Notwithstanding any provision of this Ordinance to the contrary, the City may, in cases where conservation restrictions are utilized to meet open space dedication requirements of this Ordinance, waive the requirement that the area subject to the restrictions be platted as a separate outlot.
- d. Ownership retained by original landowner. Ownership of common open space may be retained by the original landowner or developer provided that:
- (1) Resident access to the open space is limited by agreement between the owner of the common open space and property owners of the development, as indicated by documents signed at the time of purchase of said lots or dwelling units.
  - (2) The open space may be retained by the owner for agricultural purposes.
  - (3) The original landowner or legal representative may transfer ownership to another person in compliance with this subsection.

4. Common open space shall be restricted in perpetuity from further subdivision or land development by conservation easement pursuant to Minnesota Statutes, and such conservation easement shall be recorded in the office of the Isanti County Recorder.

D. Lot Design.

Lots shall be sited so as to achieve the following objectives:

1. Lots shall be laid out to receive City services in the most efficient manner and as to maintain the largest portion of contiguous land for open space.
2. Residential lot areas shall consist of buildable land as defined by this Ordinance.
3. Residential lots shall be located in a manner that preserves existing significant trees and woodlands on the site.
4. Lots shall be arranged such that a majority of the principle structures will take visual advantage of an identifiable feature, building, structure, greenway, wetland, woods, lake, stream, or other open space which could be described as a view shed.
5. Lots may be arranged such that the principle structure faces a local street enhanced with landscaping, street trees, boulevards, medians, or other landscaping techniques appropriate to the City's Street Design Standards.
6. Lot size and setbacks shall be consistent with the regulations stated in the zoning district in which the parcel(s) are located. Such standards may be departed from upon approval of the City Council.
7. Lots shall be located in cluster groups and a plat may contain more than one (1) cluster group.
8. In order to establish a cohesive neighborhood, clusters shall include five (5) lots or twenty-five (25) percent of the allowable number of lots on the parcel to be subdivided, whichever is greater. An efficiency of land utilization should be encouraged by maximizing the number of lots in any one cluster development, while adhering to density and open space requirements.

E. Structures.

The structures within the neighborhoods should convey a particular architectural style with similar building materials, components, and roof pitches.

F. Buffer Zones.

1. In conservation subdivisions, buffer zones from the outer boundaries of the lot lines of each cluster group shall conform to the separation distances as provided:
  - (a) From other cluster group boundaries, existing and proposed right-of-ways for arterial and collector roadways, agricultural uses, and subdivision site boundaries; a fifty (50) foot buffer zone is required.
  - (b) From wetlands, floodplains, water courses, and drainage ways; a seventy-five (75) foot buffer zone is required.
2. Separation distances may be reduced up to fifty (50) percent, if the applicant can demonstrate that such reduced setbacks are more appropriate for the site and will improve the project's conformance with the design objectives, the intent of this Ordinance, and the goals, policies, and objectives of the City of Isanti Comprehensive Plan.
  - (a) All buffer zones shall be planted with native grasses, shrubs, and trees.
  - (b) Roads may be substituted for the buffer zone, if it creates an effective barrier between yards and agricultural fields and pastures.

G. Landscaping.

1. Tree preservation and reforestation requirements of this Ordinance shall apply.
2. Existing trees and vegetation considered indigenous and appropriate to the natural landscape shall be preserved to the extent reasonably possible.

3. Landscaping is required along all streets outside of the designated right-of-way to consist of at least one (1) tree for every thirty (30) feet of frontage or placed in clusters at the same ratio.
4. A landscape plan is required for the entire site. Residential lots shall meet the landscaping requirements as provided within the Zoning Ordinance.
5. The overall landscape plan will be given flexibility, if the plan incorporates the placement of buildings on sites to minimize and preserve existing landscaping and trees.

H. Pathways.

Trails and sidewalks shall be identified, which extend through buildable land area or through the open space land to connect to other planned or existing trails and sidewalks on adjacent parcels or along local roadways.

I. Streets.

1. All new roadways shall be constructed and maintained in accordance with this Ordinance and the City of Isanti Design Standards.
2. Dead-end streets are prohibited, unless such street will connect with another street at the closed end with future development, and cul-de-sacs shall be permitted only where topography or other physical conditions justify their use.
3. Roads shall be designed to minimize the visual size and scale of the development and help discourage excessive speeds.
4. Street widths and alignments should be carefully scaled to neighborhood size and be patterned after the character of existing residential streets. Future connections shall be identified and platted as an easement to encourage future connections so as to avoid long cul-de-sacs and potential congestion as development and density increases throughout the City.
5. The applicant shall demonstrate that access from a primary road to the site is adequate and has the capacity to handle traffic generated by the proposed project and will not endanger the safety of the general public.

J. Storm water Management.

1. Storm water management shall meet the requirements established within this Ordinance.

**Subdivision 6. Submittals and Review Process.**

- A. Plans required and submitted under this Section must be submitted in a form which will satisfy the requirements of this Ordinance for Concept, Preliminary and Final Plats.
- B. It is the intent of this Section that the requirements of the Subdivision Ordinance be carried out simultaneously with the review of a Planned Unit Development under the Zoning Ordinance.

**ARTICLE 9. TREE PRESERVATION**

**Subdivision 1. Findings and Purpose Statement.**

The City recognizes that the preservation and replanting of trees is important in maintaining a healthy and desirable community and finds that it is in the best interest of the City to protect, preserve, and enhance the natural environment of the community. The City encourages a resourceful and sensible approach to development, redevelopment, and alteration of trees and / or wooded areas. The City also recognizes that a certain amount of tree loss is an inevitable consequence of the development process. The City Council finds that these tree preservation regulations will help to establish a balance between an individual's rights to develop a parcel(s) and the needs of the community to protect aspects of the natural environment. The purpose of the tree preservation regulations include, but are not limited to, the following:

- A. Prevention of soil erosion and sedimentation from storm water runoff;

- B. Protection and preservation of the environment;
- C. Improve air quality and control the urban heat island effect;
- D. Protect and increase property values;
- E. Assure the orderly development and redevelopment of areas with trees or wooded areas, so as to minimize tree and habitat loss;
- F. Improve energy conservation through natural insulation, wind breaks, and shading;
- G. Establish natural buffers between conflicting land uses;
- H. Provide incentives for creative land use and environmentally compatible site design, which preserves trees and minimizes tree removal and clear cutting during development;
- I. Reduce noise pollution;
- J. Reforestation of open lands;
- K. Establish minimum standards for tree preservation and the mitigation of environmental impacts that result from tree removal; and
- L. Enforce tree preservation and protection standards that promote and protect the public health, safety, and welfare of the City.

**Subdivision 2. Tree Survey and Preservation Plan.**

- A. Scope of Application. A tree survey and preservation plan shall be submitted to, approved by the City Council, and implemented in connection with the following:
  - 1. Grading or excavation permit.
  - 2. New development in any zoning district.
  - 3. New building construction in any zoning district.
  - 4. Expansion of any existing commercial, industrial, or institutional building or impervious surface area by 10% or greater of the gross floor area, where an approved tree preservation plan is not on file with the City and trees may be affected by the proposed expansion.
- B. Exemptions. The provisions of this Section shall not apply to trees removed as a result of additions to existing structures or construction of new accessory structures for single-family, two-family, or three-family parcels.
- C. Tree Survey. Upon submittal of a Preliminary Plat application; a tree survey of the site shall be prepared by a registered landscape architect or licensed forester. This survey shall include the following information: species, size, condition and location of all significant, damaged or diseased trees on site. All significant, damaged or diseased trees shall be tagged and identified by number on the survey. A delineation of the existing canopy coverage area(s) which outlines all areas covered by tree canopy shall be included as part of the survey. Additionally, all damaged and diseased trees shall be cataloged with the nature and extent of any damage or disease specified.
- D. Tree Preservation Plan Requirements.  
The tree preservation plan may be submitted or incorporated with a grading, drainage and erosion control plan. All tree preservation plans must be certified by a licensed forester or landscaped architect. To the extent practical, site design shall preserve significant trees as well as woodland areas. Special priority for tree preservation shall be given to areas within floodplains, wetlands,

stream corridors, wooded slopes, and along collector and arterial roadway corridors. The tree preservation plan, a narrative and map or series of maps, shall include the following information:

1. A Certificate of Survey, prepared in accordance with City specifications;
2. Information obtained within the tree survey should be presented in both graphic and tabular form;
3. Areas to be graded and limits of land disturbance should be delineated;
4. All significant trees to be removed within the construction area should be identified in both graphic and tabular form;
5. Measures to protect significant trees and woodlands should be noted; and,
6. Signature of the person(s) preparing the plan.

E. Reforestation Plan.

In accordance with this Article, if significant trees and woodlands are removed from the parcel(s) to be developed, the applicant shall provide a reforestation plan. A reforestation plan shall be prepared and signed by a licensed landscape architect or forester and shall contain the following information and adhere to the following criteria:

1. Location and diameter or height of all trees to be planted;
2. List of all replacement trees including species, caliper; and planting method;
3. Statement explaining why replacement trees are necessary; and
4. Rationale for selection of placement/forestation trees.
5. The replacement trees shall be at least two and a half (2 1/2) inches caliper and will be species that conform to the tree list as provided within Section 15, Subdivision 5 of the Zoning Ordinance.
6. No more than one-third (1/3) of the trees may be from any one (1) tree species.
7. Plantings shall be of similar vegetation as found on the site and shall be appropriate for the soil conditions found on the site.
8. Trees to be planted shall be from certified nursery stock.

**Subdivision 3. Protective Measures.**

A. Required Protective Measures. The tree preservation plan shall identify and require the following measures to be utilized during construction to protect significant trees and woodland areas:

1. Installation of snow fencing or polyethylene laminar safety netting placed at the drip line or at the Critical Root Zone, whichever is greater. No grade change, construction activity, or storage of materials shall occur within the fenced area.
2. Placement of fill against the trunk of the tree, on the root crown, and under the drip line of the tree is prohibited.
3. Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fuels or paints.
4. Pruning of oak trees must not take place from April 15 through July 1. If wounding of oak trees occurs, a non-toxic tree wound dressing must be applied immediately.

B. Additional Protective Measures. The following tree protection measures are suggested to protect significant trees and woodland areas that are intended to be preserved according to the submitted tree preservation plan and may be required by the City:

1. Installation of retaining walls or tree wells to preserve trees.
2. Placement of utilities in common trenches outside of the drip line of significant trees, or use of tunneled installation.
3. Use of tree root aeration, fertilization, and / or irrigation systems.
4. Transplanting of significant trees into a protected area for later moving into permanent sites within the construction area.
5. Therapeutic pruning of diseased tree branches or damaged and exposed root systems.

6. Installation of root severing protection barriers along Critical Root Zones.
7. Designation of areas for soil and equipment storage to prevent soil compaction in Critical Root Zones.

#### **Subdivision 4. Tree Replacement Ratio**

Significant trees or woodlands that are lost and / or removed as defined within this Subdivision shall be replaced in accordance with the requirements as identified below:

- A. Significant deciduous trees eight (8) inches or greater shall be replaced by two (2), two and one-half (2.5) inch caliper or greater deciduous trees or two (2), six (6) foot high coniferous trees.
- B. Significant deciduous trees twelve (12) inches or greater shall be replaced by three (3), two and one-half (2.5) inch caliper or greater deciduous trees or three (3), six (6) foot high coniferous trees.
- C. Significant coniferous trees eight (8) feet high or greater shall be replaced by one (1), six (6) foot high or greater coniferous tree.
- D. Significant coniferous trees twelve (12) feet high or greater shall be replaced by two (2), six (6) foot high or greater coniferous trees.
- E. In no case will the total number of replacement trees exceed eight (8) trees per acre. Parking lots, driveways, and accessory uses should take existing trees into account prior to construction.
- F. Trees Not Counted. The caliper inches of significant trees to be removed for water quality treatment ponds, public trails or sidewalks, and right-of-way for arterial and collector roadways shall be exempt from the calculation of total significant caliper inches on a development site.

#### **Subdivision 5. Compliance with Tree Preservation and Reforestation Plan.**

- A. The applicant shall implement the tree preservation and reforestation plan prior to and during any construction. The tree protection measures shall remain in place until all grading and construction activity is completed or until a request is made to and approved by the City Administrator or their designee.
- B. No significant trees or woodland areas shall be removed until a tree preservation plan is approved and such removals shall be in accordance with the approved plan.
- C. The City shall have the right to inspect the development and / or building site in order to determine compliance with the approved tree preservation and reforestation plans.

#### **Subdivision 6. Amendments Tree Preservation and Reforestation Plan.**

- A. The tree preservation and reforestation plan may be amended after it has been approved by the City Council. The City Administrator or their designee shall have the authority to approve amendments, except that a change resulting in removal of more than ten (10) percent of the significant tree inches that were shown as preserved on a City Council approved tree preservation plan shall require further review by the City Council.
- B. As part of any amendment to a tree preservation plan, the required reforestation and / or restitution shall be increased or decreased as appropriate. Requests for amendments shall be submitted prior to removal of any trees shown as preserved on the approved plan.

#### **Subdivision 7. Performance Guarantee.**

- A. Upon approval of the tree preservation and reforestation plan, the City shall require an irrevocable letter of credit or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance



with the conditions of the approval. An amount equal to 125% of the estimated costs to furnish and replace the trees shall be provided to the City.

- B. Following written request from the applicant for acceptance, the performance guarantee will be released upon verification by the City that the tree preservation and reforestation plan was followed. In no event shall the performance guarantee be released earlier than two (2) growing seasons after the date of approval of final inspection.

#### **Subdivision 8. Removal of Diseased Trees Required.**

Prior to any grading, all diseased, hazardous, and nuisance trees on the subject property shall be identified by the City in accordance with the tree disease control and prevention regulations of the City Code. Any and all diseased or hazardous trees as identified in other sections of this Ordinance shall be removed from the property at the expense of the property owner, at the time of grading, if so directed.

#### **Subdivision 9. Inspection.**

The City shall have the right to inspect the development and / or building site in order to determine compliance with the approved tree preservation and reforestation plan. The City shall determine whether the tree preservation and reforestation plan has been implemented as approved.

#### **Subdivision 10. Warranty Requirement.**

Any replacement tree(s) which is not alive or healthy, as determined by the City, or which subsequently dies due to construction activity within two (2) growing seasons after the date of project closure shall be removed by the developer and replaced with a new healthy tree meeting the same minimum size requirements within eight (8) months of the tree(s) removal.

#### **Subdivision 11. Public Trees.**

- A. Authority. The City shall have the right, but does not have the obligation, to plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way of all streets, alleys, avenues, and lanes as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds, pursuant to City Code. The City shall be responsible for the planting and maintenance of public trees, which are located within parks, outlots, and other properties owned by the City.
- B. Removal and Installation of Public Trees.
1. No trees, bushes, vines, shrubs, and/or ground cover are to be removed by anyone, including adjacent landowners, from any City-owned land or public right-of-way without the permission of the City of Isanti; unless said tree, bush, vine, shrub, and/or ground cover was planted within the public right-of-way by the adjacent property owner, pursuant to City Code.
  2. Street trees, which are located in the public right-of-way or boulevard that die of disease, insects, or natural disaster may be removed by the City. The City shall have the right to remove trees within the boulevard, so as to protect the public health, safety, and welfare. The City is not responsible for ongoing maintenance and replacement of trees planted within the boulevard by private parties.
- C. No person shall intentionally damage, cut, carve, transplant, or remove any public tree; attach any rope, wire, nails, advertisements, or other contrivance to any public tree; allow any gaseous liquid, or solid substance which is harmful to such trees to come into contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree.
- D. Each tree shall be planted a minimum of five (5) feet from the public right-of-way.

#### **ARTICLE 10. PARK DEDICATION** *(This Article was amended 12-5-2023 by Ordinance No. 800)*

**Subdivision 1. Intent.**

The City Council recognizes that it is essential to the health, safety, and general welfare of the citizens of the City of Isanti that the character and quality of the natural environment be of major importance in the planning and development of the City, both now and into the future. The preservation of land for public use as parks (active and passive), recreational facilities, playgrounds, trails, wetlands, natural and scenic areas, and public open spaces; are essential for maintaining a healthful and desirable environment for the citizens of the community. The City must provide these amenities, to not only present residents, but future residents that may choose to live, work, and recreate within the community. It is recognized by the City Council that the need for these amenities and natural areas are directly related to the density and intensity of population and development permitted within the City. Increased population, intensity of uses, and the types of development permitted result in greater demands for these types of amenities and facilities. To disregard these principles would result in the deterioration of public spaces, facilities, and the natural environment; which would diminish the quality of life that residents have come to expect within the community.

**Subdivision 2. Park Land Dedication Requirements.**

- A. As a prerequisite to subdivision approval, subdividers shall make a park dedicated cash contribution to the City's ParkFund as provided in this section. The cash contribution amount shall be established by the City Council through Ordinance as permitted by MN Statute 462.358 as may be amended time to time.
- B. If City Council finds it is in the public's best interest to accept dedicated land for parks, playgrounds, public green/ open space, or trails in lieu of a cash contribution, it must be included in a Developer's Agreement and the value of the land must be calculated based on fair market value. "Fair market value" shall be defined per MN Statute 462.358 as may be amended time to time.
- C. The Parks and Recreation Board and/or Planning Commission shall recommend to the City Council the land dedication and cash contribution requirements for proposed subdivisions. Land dedication shall be consistent with the most recent Comprehensive Plan and the Parks, Trails, and Open Space Plan.
- D. If the property being subdivided was previously subdivided, a credit will be given for similar requirements satisfied in conjunction with the previous subdivision.
- E. Land area conveyed or dedicated to the City shall not be used in calculating density requirements of the City zoning ordinance and shall be in addition to and not in lieu of open space requirements for planned unit developments.
- F. Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas may be used for credit, at the discretion of the City Council, against the requirement of dedication for park and recreation purposes, provided the City Council finds it is in the public interest.

- G. The City, upon consideration of the particular type of development, may require larger or lesser parcels of land to be dedicated if the city determines that present or future residents would require greater or lesser land for park and playground purposes.
- H. The City may elect to receive a combination of cash, land, and development of the land for park use if City Council determines it is in the best interest of the public. The fair market value of the land to be dedicated to the City and the value of the park development of the land shall be calculated. That amount shall be subtracted from the cash contribution required by subsection (A) above. The remainder shall be the cash contribution requirement.
- I.
- J. Planned Unit Developments with mixed land uses shall make cash and/or land contributions in accordance with this section based upon the percentage of land devoted to the various uses.
- K. One hundred percent (100%) of the park cash contribution shall be paid immediately upon approval and execution of the Development Agreement or at time of Building Permit issuance.
- L. Park dedicated cash contributions shall be deposited in the City's Park Fund
- M. As defined in MN Statute 462.358 as may be amended time to time, cash payments received must be used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space based on the approved park systems plan. Cash payments must not be used for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands, or open space.
- P. Subdividers of land abutting streets that have been designated in the city's comprehensive plan for the installation of a trail shall be required to dedicate the land for the trail to the city and construct the trail.

**Subdivision 3. Determination of Land to be Dedicated.**

- A. Land to be dedicated shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Dedicated land must be buildable as required per MN Statute. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography,

geology, hydrology, tree cover, access and location.

- B. When a proposed park, playground, recreational area, school site or other public ground has been indicated in the City's comprehensive plan and is located in whole or in part within a proposed plat, it shall be designated as such on the plat and shall be dedicated to the appropriate governmental unit.
- C. Land dedication shall be selected based upon the policies and recommendations provided within the Comprehensive Plan. Active parkland areas shall be exclusive of wetlands, slopes exceeding twelve (12) percent, ponding areas, or other features unsuitable for active park development. The City may accept natural open space or passive parks containing unique natural environmental features as part of the parkland dedication. Selection of park land for dedication shall be at the discretion of the City Council based upon the policies and recommendations of the Comprehensive Plan and Comprehensive Park, Trails, and Open Space Plan. The City Council may vary from these requirements if a development demonstrates unique attributes sufficient for parks and open space included in the development.
- D. Lands to be dedicated shall not be located in drainage ways, floodplains, or ponding areas after the site has been developed.

#### **Subdivision 4. Land in Excess of Dedication Requirements.**

Where land requested for public use exceeds the amount legally and reasonably required by the City and the developer will not dedicate the additional amount, the City may consider an option or purchase of said additional amount of land.

#### **Subdivision 5. Standards for Accepting Dedication of Land.**

In addition to all the other requirements of this Section, all land to be dedicated to satisfy the park dedication requirements shall meet the following standards:

- A. The area dedicated shall meet the needs of the City as identified within the Comprehensive Plan and Comprehensive Parks, Trails, and Open Space Plan;
- B. The applicant, prior to Final Plat Approval, deliver to the City Attorney an Abstract of Title or Registered Property Abstract for all land to be dedicated, evidencing good marketable title without liens or encumbrances of any kind. It shall have a marketable title, free and clear of any mortgages, liens, encumbrances, assessments and taxes. The conveyance documents shall be in a form acceptable to the City;
- C. The required conveyance of land to be dedicated and any payment of cash equivalency in lieu of land dedication shall be made prior to filing of the final plat or granting of final approval;
- D. The removal of trees, topsoil, storage of construction equipment, burying of construction debris, or stockpiling of surplus soil on dedicated land is strictly forbidden without the written approval of the City.

### **Subdivision 6. Required Improvements to Dedicated Lands.**

- A. Applicants shall provide finished grading and ground cover for all park, playground, and public open spaces within their development contract; and,
- B. Where dedicated park areas fall outside a developer's plat or subdivision, the developer shall establish monumental irons on all dedicated park properties for the purpose of identifying park boundaries. The developer shall also provide a certificate of survey, prepared by a registered land surveyor to the park and recreation department.

## **ARTICLE 11. REQUIRED IMPROVEMENTS**

### **Subdivision 1. Dedication of Land or Contribution in Cash for Public Purposes.**

In every plat or subdivision the developer may be required to dedicate land or make cash contributions for public streets, easements for sewers, electric, gas, water facilities, storm water drainage, holding ponds and similar utilities and improvements.

### **Subdivision 2. Required Improvements.**

- A. The subdivider shall submit engineering plans and specifications satisfactory to the city for all required improvements, as listed or as specified in this chapter. These improvements must be initiated within one (1) year of final plat approval and completed within two (2) years.
- B. The following public improvements are required in every plat:
  - 1. All subdivision boundary corners, block and lot corners, road intersection corners and points of tangency and curvature shall be marked with durable iron or steel monuments meeting the minimum requirements of state law. The city may, when a subdivision is essentially complete, require a development to have the plat re-staked to replace the original monuments destroyed or obliterated during the construction process.
  - 2. As a rule, the surface water discharge rate from the subdivision is to be retained at the predevelopment rate for a 2-year, 24 -hour; 10-year, 24-hour; and 100-year, 24-hour rain events through the use of surface water detention/retention facilities or other appropriate means as approved by the city engineer. All stormwater requirements are outlined within the Stormwater Management Ordinance.
  - 3. Every street shall have an adequate sub-base and shall be improved with a bituminous or concrete surface in accordance with the design standards specified by the city for urban or rural sections. Except in areas where lot widths exceed one hundred (100) feet or topography or tree cover dictates otherwise, grading shall provide for easy installation of sidewalks.
  - 4. Concrete curb and gutter shall be required for all urban street sections.
  - 5. Sidewalks and trails shall be required, in accordance with the standards presented herein.
  - 6. The subdivider shall be required to provide a connection to the public water system for every lot in the subdivision.
  - 7. Street lighting shall meet the following requirements:
    - a. Street lighting type and design shall be approved by the city prior to installation.
    - b. 100w High Pressure Sodium (HPS) lights shall be placed at intersections, cul-de-sacs and a maximum of 300 feet in-between.
    - c. All County Road intersections require a 150w HPS light.
    - d. All commercial lighting shall consist of 250w HPS lights. Total cut-off lighting fixtures (i.e. shoebox design) shall be used in commercial areas.

8. If available, public sanitary sewer main and service connections shall be approved by the city engineer and installed to serve all lots in the subdivision.
  9. A system that will adequately accommodate the surface water runoff within the subdivision, as required by this chapter, shall be provided.
  10. Street signs of standard design approved by the city shall be installed at each street intersection before building permits will be issued. Regulatory signs shall be installed as required.
  11. Where any proposed plat adjoins a natural lake, pond, river or stream, including streams which flow only intermittently, the city may require that a strip of land running along all sides thereof which are contiguous to such lake, pond or stream, be dedicated to the city for public use, or subject to a perpetual easement in favor of the city for the purpose of protecting its hydraulic efficiency and natural character and beauty.
  12. All utility lines for telephone, cable tv, internet and electrical service shall be placed underground or where this is not feasible shall be placed in rear lot line easements when carried on overhead poles.
- C. Prior to the city signing the final plat and prior to the construction of any improvements, the developer shall provide the city with an irrevocable letter of credit or cash escrow to insure that all improvements required by this chapter will be installed and paid for at no expense to the City. For improvements to be installed by the developer, the developer is obligated to install and complete all such improvements at his own expense and under the supervision and inspection of the city. For improvements which the city agrees to install, the developer shall pay the cost of such improvements through payment of special assessments. As security to the city for installation of the improvements or the payment of the special assessments, the developer shall be required to file a cash escrow or an irrevocable letter of credit in an amount and form acceptable to the city to cover the cost of all public improvements and special assessments. All financial sureties shall be from a financial institution that is FDIC insured.

<u><b>Date</b></u>	<u><b>Ordinance</b></u>	<u><b>Description</b></u>	<u><b>Article &amp; Subdivision(s)</b></u>
November 4, 2020	Ordinance No. 740	Repeal and Replace Chapter 536	Repeal and Replace Chapter in its entirety
December 5, 2023	Ordinance No. 800	Amendments to Article 10 Titled Park Dedication	Article 10; Subdivision 2 & Subdivision 3