

1.00 GENERAL PROVISIONS

1.01 TITLE

This ordinance shall be known as the “SUBDIVISION ORDINANCE OF THE CITY OF CHISAGO CITY” and will be referred to as “this ordinance.”

1.02 PURPOSE OF THE SUBDIVISION ORDINANCE

Pursuant to the authority contained in Minnesota Statutes 462.358, this ordinance is adopted for the following purposes:

- A. To provide for the orderly, economic, and safe development of land and public services and facilities.
- B. To promote the public health, safety, morals, and general welfare of the residents of the City.
- C. To preserve and protect wetlands, drainage areas, woodlands, and significant tree stands, ravines, shorelands, and sloped areas.
- D. To locate neighborhood parks and trail systems to provide convenient access between residential lots and parks, open space, and other destinations in the community.
- E. To assure equitable handling of all subdivision plats by providing uniform procedures.
- F. To provide for the coordinated planning of public facilities with land already developed and areas yet to be developed.

1.03 SCOPE

The provisions of this ordinance relate to any division of a tract of land into two (2) or more parcels by platting, replatting, conveyance, registered land survey lot line adjustment or other means.

1.04 JURISDICTION

These regulations governing plats and the subdivisions of land shall apply to the area within the corporation limits of the City of Chisago City. By right of Minnesota Statutes 462.358, the City can extend its subdivision rights two miles beyond its boundaries in any direction but not in a town which has adopted subdivision regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the subdivision of land equal distance from its

boundaries within this area.

1.05 COMPLIANCE

After the 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 unless a subdivision plat has been approved and recorded and until the public improvements are installed and dedications made as provided by these regulations.

1.06 REQUIRED APPROVAL OF SUBDIVISION PLATS

Before any plat is legally binding, it shall be approved by the City Council and recorded in the Chisago County Recorder's Office.

1.07 CONFLICT

It is not intended by this ordinance to annul or interfere with any official regulation or ordinance of the City provided, however, that when there is a difference between minimum standards or dimensions herein and those contained in other official regulations or ordinances of the City, the highest standards shall apply.

1.08 EXCEPTIONS

Where written justification is submitted by an applicant which clearly indicates that the intent of this ordinance can be satisfied without going through the procedural requirements of this ordinance and upon receiving the recommendation of the Planning Commission, the City Council by resolution may exempt the conveyance and the conveyance may then be filed or recorded.

1.09 CONVEYANCE OF METES AND BOUNDS

No conveyance of one 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 minor subdivisions as described in 1.12 of this Section and those conveyances except under 1.13 of this Section.

1.10 SUBDIVISION WITHOUT CENTRAL WATER & SEWER

All proposed subdivisions must have City sewer and water in order to subdivide.

Subdivision without City water and sewer can be allowed only if all the following conditions are met:

- A. The area proposed for subdivision is appropriate for development with the exception that it is too low in relation to the nearest City sewer line for a gravity sewer, and the amount of land available for development is too small to make it economically feasible to construct a sewage lift station. In this situation, the City may require the subdivision hook into City water.
- B. The area proposed for subdivision is appropriate for development with the exception that it is too far from existing City water and sewer lines to make it economically feasible to extend the lines to serve the proposed development. In allowing a subdivision under this provision, the City may require the subdivision to hook into City water and sewer in the future when it has been extended to the subdivision. The City may assess the cost of the extension to the benefiting property owners.
- C. Where the proposed lot size is two (2) acres in the Rural Residential – Existing (RR-1) or two and a half (2 ½) acres in all other residential districts or greater and the soil tests show the site can support a septic system according to PCA standards and the subdivider shows how the lot can be resubdivided (Ghost Plat) when City water and sewer service is available.

The City Council must make findings of fact before approving a subdivision under these provisions. The City Council shall have the authority to deny a subdivision request if it appears that the intent of these regulations, the Comprehensive Plan, or the Zoning Code may be violated.

1.11 SUBDIVISIONS LOCATED IN FLOOD PLAIN DISTRICT EXCEPT FOR THOSE LOTS OR AREAS PRESERVED AS OPEN SPACE

All lots located within the Flood Plain District shall contain a building site at or above the Regulatory Flood Protection Elevation, have road access both to the subdivision and to the individual building site no lower than two (2) feet below the Regulatory Flood Protection Elevation and shall meet other applicable provisions of the Flood Plain District within the Chisago Zoning Ordinance. In no case shall lots preserved as open space be used to meet open space regulations for buildable lots. In the General Flood Plain District, applicants shall provide the information required in the Zoning Ordinance for

evaluating conditional uses within the district, and the subdivision shall be evaluated in accordance with this information and the established factors used for conditional use decisions contained in the Zoning Ordinance.

1.12 MINOR SUBDIVISIONS

In the case of a subdivision resulting in two (2) lots situated in a neighborhood with public road access and City water and sewer services or there is adequate soil for a septic well system, conditions are well defined and no further resubdivision is expected, the Zoning Administrator may exempt the subdivider from complying with some of the requirements of these regulations, after submission of a survey by a registered land surveyor of the proposed subdivision and the newly created property lines will not cause any resulting lot to be in violation of these regulations or the Zoning Code. Request for a minor subdivision maybe required to dedicate land for park and/or trail purposes in order to comply with City Park and Trail Comprehensive Plan.

In the case of a request to subdivide a lot which is a part of a recorded plat or to create not more than two (2) new lots, and the newly created property lines will not cause any resulting lot to be in violation of these regulations or the Zoning Code, the division may be approved by the zoning administrator, after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision. There shall be only one minor subdivision with regard to the original tract in any thirty six (36) month period. The zoning administrator shall have the authority to deny minor subdivisions if it appears that the intent of these regulations or the Zoning Code may be violated. Each new lot must have the required frontage or access on to an improved public road and be connected to City water and sanitary sewer service.

In the case of a subdivision resulting in three (3) or more lots a development agreement will be required.

1.13 RESUBDIVISION

In the case of a request to divide a lot other than an outlot, which is a part of a recorded plat where the subdivision is to permit the adding of a parcel of land to an abutting lot or to create two (2) lots where the newly created property line will not cause the remaining portion of any lot to be in violation with this ordinance or the Zoning Ordinance, the subdivision may be approved by the Zoning Administrator with submission of a Certified

Survey or a Registered Land Survey, as applicable by a registered land surveyor showing the original lot and the proposed subdivision.

1.14 EXEMPTIONS

The following conveyances shall be exempt from the provisions of this ordinance and shall not constitute a subdivision:

- A. The parcel was a separate lot of record prior to the effective date of this ordinance.
- B. The parcel was the subject of a recorded written agreement to convey entered into prior to the effective date of this ordinance.
- C. The parcel is a single parcel of land of not less than two (2) acres in area or 150 feet in width and all parcels have frontage or required access on to a public right-of-way.
- D. 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.
- E. Cemetery lots.
- F. Parcels resulting from court orders or the adjustment of a lot line by the relocation of a common boundary as the result of a correctional survey of a previously recorded parcel instrument of conveyance.

(Adopted: June 1997. Amended: July 2008. Amended: February 2023.)