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CITY OF CLARISSA, MINNESOTA

ZONING AND SUBDIVISION  
ORDINANCE

# TABLE OF CONTENTS

	<u>PAGE</u>
PART I: CITY OF CLARISSA, MINNESOTA ZONING ORDINANCE	1
Section I: General Provisions	1
Section II: Zoning Use Districts	5
Section III: Districts	7
Section IV: General Requirements	18
Section V: Administration	24
 PART II: CITY OF CLARISSA, MINNESOTA SUBDIVISION ORDINANCE	 29
Article I: General Provisions	29
Article II: Definitions	30
Article III: Platting Procedures	34
Article IV: Development Standards	39
Article V: Conveyance by Metes and Bounds	46
Article VI: Park, Open Space and Natural Features	47
Article VII: Required Improvements	48
Article VIII: Small Subdivisions	51
Article IX: Administration and Enforcement	52
Article X: Validity	53
Article XI: Effective Date	53
 SUBDIVISION CHECKLIST	 54



ZONING ORDINANCE

CITY OF CLARISSA, MINNESOTA

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ZONING ORDINANCE  
CITY OF CLARISSA, MINNESOTA

An ordinance relating to the zoning and use of land in the City of Clarissa, Minnesota.

SECTION I  
GENERAL PROVISIONS

SECTION 1.01: TITLE

This ordinance from the date of its passage shall be entitled: ZONING ORDINANCE, CITY OF CLARISSA, MINNESOTA.

SECTION 1.02: PURPOSE

The purpose of this ordinance is to promote the public health, safety, comfort, and general welfare of the people of Clarissa, Minnesota. To accomplish this end, the ordinance shall divide the city into districts, and regulate the use therein. The ordinance provides and promotes the orderly development of agricultural, residential mobile home, commercial, industrial, and shoreland areas.

SECTION 1.03: LEGAL AUTHORITY

This ordinance is enacted pursuant to the Municipal Planning Act, M.S. 462-351 et seq., the Municipal Shoreland Act, law of Minnesota 1973, chapter 397 are policies declared in M.S. 1974, chapter 105, 115 and 117, the Management of Flood Plain Areas of Minnesota, M.S. 1969, chapter 104.05.

SECTION 1.04: COMPLIANCE

No structure located in the City of Clarissa shall be enacted or altered which does not comply with the regulations of this ordinance for the zoning use district wherein located, nor shall any structure or premises be used for any purpose other than a use permitted by this ordinance in the district where located.

SECTION 1.05: DEFINITIONS

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

1. The word person includes a firm, association, partnership, trust, company or corporation as well as an individual.
2. The word shall is mandatory, the word may is permissive.

3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.
4. The word lot shall include the words 'piece' and 'parcel'.
5. Abandoned Motor Vehicle - a motor vehicle, as defined in Minnesota Statutes, Chapter 169.01, that:
  - a. has remained for a period of more than 48 hours on public property illegally.
  - b. has remained for a period of more than 48 hours on public property and is lacking vital component parts such that it is in inoperable condition.
  - c. has remained for a period of more than 48 hours on private property without the consent of the person in control of such property.
  - d. has remained for a period of more than 48 hours on private property with or without the consent of the person in control of such property, which is in an operable condition such that it has no substantial potential further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.
  - e. has been voluntarily surrendered by its owner to a unit of government or person duly licensed pursuant to Minnesota Statutes, 168B.10 and these regulations, except that a classic car or pioneer car, as defined by statute shall not be considered an abandoned motor vehicle within the meaning of these regulations.
6. Accessory Use or Structure - A use or structure on the same lot width, and of a nature customarily incidental and subordinate to, the main building.
7. Agriculture - The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, and necessary accessory uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
8. Apartment - A room or suite of rooms which is designed for, intended for or occupied by one family and equipped with cooking facilities.
9. Conditional Use - A land use or development that would be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon finding that (1) certain conditions as detailed in the zoning ordinance exist, and (2) the use or development conforms to the land-use plan of the city and (3) is compatible with the existing neighborhood. A public hearing is required before issuance of conditional use permit.
10. Conditional Use Permit - A permit issues by the City Clerk when ordered by the City Council. When such a permit is issued, it may or may not have stated thereon any special requirements as may be imposed as a condition for issuance of that permit, subsequent use of the premises covered by such a permit would change to a non-conforming use at any time such special requirements stated on the permit were not adhered to, and would subject the premises to conciliation of its Certificate of Compliance by action of the City Council.
11. Family - An individual or two or more persons related by blood or marriage or a group of not more than five unrelated persons living together on the premises or in a single house-keeping unit, as distinguished from a group occupying a boarding house, lodging home, hotel, or club lodge.

12. Flood Plain - The areas adjoining a water course which have been or hereafter may be covered by a regional flood.
13. Hardship - The property in question cannot be put to a reasonable use under the conditions allowed by the official controls; the plight of the land owner is due to circumstances unique to his property, not created by the land owner; and the variance, if granted, will not alter the essential character of the localit Economic considerations alone shall not constitute a hardship of a reasonable role for the property exists under terms of the official controls.
14. Home Occupations - An occupation carried on by an occupant of a dwelling as an accessory activity to the main residential use of the building. The floor area devoted to the occupation shall not exceed 25% of the total ground area occupied by the building on the lot.
15. Junkyard - An area where used waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, parked, disassembled or handled, including but not limited to scrap iron, and other metals, paper, rags, rubber products, bottles, and used building materials. Storage of material in conjunction with construction or a manufacturing process shall not be included. Such use shall not include garbage.
16. Lot - A lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open space, as are herein required.
17. Mobile Home - A manufactured relocatable residential unit providing completed, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation.
18. Non-Conforming Use - Any building, structure or land lawfully occupied by a use established at the time of the passage of this ordinance or amendment to it, which does not conform, after the passage of this ordinance or amendment to it.
19. Normal High Water Mark - A mark delineating the highest water level which has been maintained for a sufficient period of time to have evidence upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.
20. Parking Space - A suitably surfaced and maintained area for the storage of one standard automobile (10' x 20').
21. Public Waters - Any waters of the State of Minnesota which serve a beneficial public purpose, as defined in Minnesota Statutes 1974, Secion 105.37; Subdivision 6. However, no lake, pond or flowage of less than 10 acres in size and no river or stream having a total drainage area less than two square miles need be regulate
22. Setback - The minimum horizontal distance between a structure or sanitary facility and the normal high water makr or between a structure or sanitary facility and a road, highway, or property line.



Zoning Ordinance  
City of Clarissa, Minnesota

23. Shoreland - Land located within the following distances from public water:  
(1) 1,000 feet from the normal high water mark of a lake, pond, or flowage;  
and (2) 300 feet from a river or stream.
24. Sign - A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directed attention to a product, place, activity, person, institution or business.
25. Use, Permitted - A use which conforms with the requirements of the zoning district within which it is located.
26. Variance - Any modification or variation of official controls where it is determined that, because of exceptional hardships, strict enforcement of the official controls is impractical.
27. Zoning Map, Official - The map or maps incorporated into this chapter as part thereof, designating the zoning district.

## SECTION II

### ZONING USE DISTRICTS

#### SECTION 2.01: DISTRICTS FOR ANNEXED AND UNZONED AREAS

##### 2.011: Annexed Areas

Areas hereafter annexed to the City of Clarissa shall be considered to be in the A., Agricultural District until placed wholly or partly in another district by amendment as provided for herein.

##### 2.012: Unzoned Areas

Areas not included in any district shall be considered reserved for public use and purposes to the extent necessary.

#### SECTION 2.02: DISTRICT BOUNDARIES

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys or railroad lines shall be considered to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in event of change in shore line shall be construed as varying with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or bodies of water shall be construed to follow such center lines.
4. Boundaries indicated as approximately following the city limits shall be construed as such city limits.
5. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot may be interpreted by the Planning Commission upon request of the owner.

#### SECTION 2.03: DISTRICT REGULATIONS

1. The regulation of this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, and particularly except as hereinafter provided.
2. No building, structure or land shall hereafter be used or occupied, and no building structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
3. No building or other structure shall hereafter be erected or altered: to exceed the height or bulk, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required; or in any other manner contrary to the provision of this ordinance.

Zoning Ordinance  
City of Clarissa, Minnesota

4. No part of a yard, or other open space, or off street parking required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or landing space similarly required for any other building.
5. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirement established by this ordinance.

SECTION 2.04: ESTABLISHMENT OF DISTRICT AND (DISTRICT) MAP

Certain districts are hereby created which shall be shown upon the (District) map which is incorporated herein and made a part hereof. Said map and all notation, references and other information shown thereon shall be as much a part of this chapter as if the matters and information set forth by said map were all duly described herein.

1. *A - Agricultural*
2. *R - Residential*
3. *M - Mobile Home*
4. *C - Commercial*
5. *I - Industrial*
6. *SD - Shoreland District*

SECTION III  
DISTRICTS

SECTION 3.01: A - AGRICULTURAL

3.011: Purpose

To establish and maintain a district that is rural in character. Permitted uses are one and two family dwellings along with all uses commonly classed as agricultural.

3.012: Permitted Uses

1. Agriculture, including farm dwellings and agricultural buildings.
2. Forests and production or woodland products including portable sawmills for cutting timber grown primarily on the premises.
3. Single-family dwellings.
4. Public and private parks.
5. Golf courses and driving tees.

3.013: Conditional Uses

1. Commercial outdoor recreation areas.
2. Extraction of gravel and minerals.
3. Other rural residential uses determined by the Planning Commission to be of the same general character as the principal uses above and found not to be detrimental to the general public health and welfare.

3.014: Accessory Uses

Uses incidental to the principal uses are allowed.

3.015: Lot Area, Lot Width, and Yard Requirements

Minimum requirements:

<i>lot size</i>	<i>five acres</i>
<i>lot width</i>	<i>200 feet</i>
<i>front yard</i>	<i>50 feet from the public right-of-way</i>
<i>side yard</i>	<i>25 feet</i>

3.016: Height Requirements

Two and one half stories or thirty feet.

SECTION 3.02: R-RESIDENTIAL DISTRICT

3.021: Purpose

This district is intended to establish an area of medium density residential uses.

3.022: Permitted Uses

1. *Single and two-family detached dwellings.*
2. *Commercial greenhouses and nurseries.*
3. *Public parks and playgrounds.*

3.023: Conditional Uses

- |                                |                                |
|--------------------------------|--------------------------------|
| 1. <i>Schools.</i>             | 5. <i>Golf courses.</i>        |
| 2. <i>Churches.</i>            | 6. <i>Planned development.</i> |
| 3. <i>Municipal buildings.</i> | * 7. <i>Multi-family.</i>      |
| 4. <i>Medical facilities.</i>  |                                |

3.024: Accessory Uses

Accessory uses incidental to and on the same zoning lot as the principal use, are allow

3.025: Lot Area, Lot Width and Yard Requirement

lot size	15,000 square feet with municipal sewer (single family)
	20,000 square feet without municipal sewer (single family)
	40,000 square feet (two family)
lot width	100 feet (single family)
front yard	35 feet from all public right-of-ways
side yard	10 feet interior lot
	30 feet corner lot
rear yard	30 feet

Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard set back on each road or highway side of each lot. No accessory building shall project beyond the front yard line of either road.

3.026: Height Requirements

Two and one half stories or thirty feet.

SECTION 3.03: M-MOBILE HOME DISTRICT

3.031: Purpose

This district is intended to establish an area of high density residential uses.

3.032: Permitted Uses

1. Mobile homes.
2. Multi-family dwellings.
3. Public parks and playgrounds.

3.033: Conditional Uses

1. Schools.
2. Churches.
3. Municipal buildings.
4. Medical facilities.
5. Golf courses.
6. Planned development.
7. Mobile home sales.

3.034: Accessory Uses

Accessory uses incidental to and on the same zoning lot as the principal use, are allowe

3.035: Lot Area, Lot Width and Yard Requirement

Minimum requirements:

<i>lot area</i>	<i>4500 square feet</i>
<i>lot width</i>	<i>45 feet</i>
<i>lot depth</i>	<i>100 feet</i>
<i>front yard</i>	<i>25 feet</i>
<i>side yard</i>	<i>20 feet</i>
<i>rear yard</i>	<i>10 feet</i>

*There shall be a minimum of six mobile homes per gross acre of land.*

3.036: Height Requirements

Maximum height of mobile home is sixteen feet.

3.037: Application for Mobile Home Development

The property owner shall apply to the city clerk on a form provided and such application shall include the development plan, and a plot plan showing the following:

1. *Location and legal description of the site.*
2. *All streets, lights, driveways, parking areas and sidewalks.*
3. *A drawing of the proposed foundation, supposed system and tiedowns for individual mobile home.*
4. *The size and arrangement of mobile home lots and the location of all accessory building.*
5. *The topography by two foot contour intervals and a grading plan.*
6. *Open space areas.*
7. *All gas, sewer, water, telephone and electric lines.*
8. *A typical lot plan.*

The application is subject to approval by the Planning and Zoning Commission which may require changes if needed.

SECTION 3.04: C. COMMERCIAL

3.041: Purpose

The Commercial District is designed to provide for the convenient highway orientated business facilities and to satisfy the shopping needs of the people of Clarissa.

3.042: Permitted Uses

1. Appliance store.
2. Automobile service station.
3. Bakery goods.
4. Barber, beauty shops.
5. Bowling alley.
6. Cafe, cafeteria, including drive-in eating establishment.
7. Drug store.
8. Grocery store.
9. Hardware store.
10. Laundry, self service.
11. Liquor store.
12. Lumber yard.
13. Medical, dental clinic, optician.
14. Motel.
15. Post Office.
16. Professional offices.
17. Public buildings.
18. Realty offices.
19. Resorts.
20. Variety store.
21. Wearing apparel store.

3.043: Conditional Uses

1. Single and two-family dwellings.
2. Multiple dwellings.
3. Planned development.
4. Other commercial uses determined by the Planning Commission to be of the same general character as the principal uses above and found not to be detrimental to the general public health and welfare.

3.044: Accessory Uses

Accessory uses incidental to the principal uses are allowed.

3.045: Lot Coverage, Lot Width, and Yard Requirement

Requirements:

<i>lot coverage</i>	<i>no more than fifty percent of the lot or plot area shall be occupied by buildings</i>
<i>lot width</i>	<i>100 feet abutting the public right-of-way</i>
<i>front yard</i>	<i>25 feet from all public right-of-ways</i>
<i>side yard</i>	<i>15 feet, except that no building shall be located within thirty feet of any rear lot line abutting a lot in any residential district.</i>

3.046: Off Street Parking and Unloading

As established in Section 4.04.

SECTION 3.05: I INDUSTRIAL

3.051: Purpose

The planned industrial district is established to provide exemplary standards of development for certain industrial uses with proper control, this area should become compatible with the character of the adjacent districts.

3.052: Permitted Uses

1. Conducting a process, fabrication, storage, manufacturing, or wholesaling operation
2. Automobile painting, tire recapping and major repair operations when conducted within a completely enclosed building.
3. Cold storage plants, bottling plants.
4. Machine shops.
5. Warehousing.



3.053: Conditional Uses

1. Truck and freight terminals and open sales lots.
2. Radio and transmission towers.
3. Contractors yards when conducted within a building or a completely covered area.
4. Restaurants.
5. Fuel storage.
6. Cement and concrete works.
7. Saw mill.
8. Auto wrecking, junk yards.
9. Open storage.
10. Other industrial uses determined by the Planning Commission to be of the same general character as the principal uses previously listed and found not to be detrimental to the general public health and welfare.

3.054: Lot Area, Lot Width, Yard Requirements

<i>lot area</i>	<i>one acre</i>
<i>lot width</i>	<i>200 feet abutting the public right-of-way</i>
<i>front yard</i>	<i>35 feet from the public right-of-way</i>
<i>side yard</i>	<i>15 feet</i>
<i>rear yard</i>	<i>30 feet</i>

3.055: Height Requirement

Two and one half stories or thirty feet.

3.056: Maximum Front Coverage

The sum total of the ground area concerned by all structures (permitted and conditional) on the zoning lot on which the structures are located shall not exceed 50%.

3.057: Performance Standards

Applicants for Building Permits in the 'I' district shall submit such evidence as may be required by the zoning administrator to assure compliance with the performance standards. Should the zoning administrator have any doubts as to the ability of any proposed use to meet the required standards, the matter shall be referred to the Planning Commission who shall make a recommendation to the city council who shall then grant or deny the application.

3.058: Off Street Parking and Loading-Unloading Facilities

Off street parking and loading-unloading facilities shall be required as established in the general regulations. All off street parking and loading-unloading spaces shall be located on the same lot as the principal use.

SECTION 3.06: SD. SHORELAND DISTRICT

3.061: Purpose

In order to reduce the effects of over-crowding, to prevent pollution of waters of the state, to provide ample space on lots for sanitary facilities, to maintain property values, to maintain the natural characteristic of shoreland, and to provide for the wise utilization of water and related land resources of the state.

3.062: Public Water Classification:

General Development

Eagle Creek

3.063: Shoreland Lot Area, Yard and Setback Regulations

When applicable zoning districts are within the shoreland district, and the lot area, yard, and setback requirements of the shoreland district are more restrictive than those defined herein, then the more restrictive standards shall apply.

3.064: Permitted Uses

All permitted uses allowed and regulated by the applicable zoning districts of this ordinance and official zoning map.

3.065: Conditional Uses

All permitted conditional uses allowed are regulated by applicable zoning districts of this ordinance.

3.066: Accessory Uses

Accessory uses incidental to the principal uses are allowed.

3.067: Minimum Allowable Lot Size

The total area of all impervious surfaces shall not exceed 30% of the lot area.

3.068: Lot Area, Setbacks and Other Dimensional Requirements  
are Hereby Established as Presented in Table I

TABLE I

	<u>GENERAL DEVELOPMENT (GD)</u>
lot area	20,000 square feet * 15,000 square feet + 10,000 square feet #
water frontage and width at building line	100 feet * 75 feet +, #
building setback from normal high water mark	75 feet
elevation of lowest floor above highest recorded water level	3 feet
building setback from roads and streets	The setback regulations shall be the same as those required for the applicable zoning districts as shown in the zone.
side yard minimum	The side yard regulations shall be the same as those required for the applicable zoning districts as shown on the zone map.
* --	Lots without municipal sewer
+ --	Lots served by municipal sewer abutting public waters
# --	Lots served by public sewer and not abutting public waters

3.069: Height

Two and one half stories or thirty feet.

3.0691: Sanitary Requirements in the Shoreland District

Septic tank and soil absorption systems shall meet the following minimum requirements.

GENERAL DEVELOPMENT (GD)

Septic tank (sealed):

minimum distance from nearest well	50 feet
minimum distance from occupied building	10 feet
minimum distance from lake or stream	50 feet
minimum distance from property line	10 feet

*Absorption System (drain field, cesspools, etc.)*

<i>minimum distance from nearest well</i>	<i>50 feet</i>
<i>minimum distance from lake or stream</i>	<i>50 feet</i>
<i>minimum distance from occupied building</i>	<i>20 feet</i>
<i>minimum distance from property line</i>	<i>10 feet</i>
<i>minimum distance from bottom of absorption system to ground water table (verticle)</i>	<i>4 feet</i>

Soil absorption system shall not be allowed in the following areas for disposal of domestic sewage.

- 1. Low swampy areas or areas subject to flooding.*
- 2. Areas where the highest known ground water table, bed rock or impervious soil conditions are within four feet of the bottom of the system.*
- 3. Areas of gound slope which create a danger of seepage of effluent into the surface of the ground.*

3.0692: Soil Absorption Systems

Soil absorption systems shall not be allowed in the following areas for disposal of domestic sewage.

- 1. Low swampy areas or areas subject to flooding.*
- 2. Areas where the highest known ground water table, bed rock or impervious soil conditions are within four feet of the bottom of the system.*
- 3. Areas of ground slope which create a danger of seepage of effluent onto the surface of the ground.*

3.0693: Non-Conforming Sanitary Systems in Shoreland District

Non-conforming septic systems shall be brought into conformity within five years from adoption of this ordinance. A non-conforming septic system in operation after July of 1981, shall be in violation of this ordinance.

3.0694: Variances to Setbacks

- 1. Where structures incorporate a method of sewage disposal other than soil absorption or,*
- 2. In areas of unusual topography or substantial elevation above the lake level setbacks may be varied to allow the owner reasonable use and enjoyment.*

3.0695: Permitted Exceptions

Commercial, or permitted open space uses requireing landing or public water may be allowed as conditional uses.

3.0696: Shoreland Alternations

Natural vegetation in shoreland areas shall be preserved insofar as practical and reasonable in order to retard surface run-off and soil erosion. The removal of natural vegetation shall be controlled by the following criteria.

1. *Clear cutting is prohibited, except as necessary for placing public roads, utilities, structures and parking areas.*
2. *Vegetation shall be restored insofar as feasible after any construction project.*
3. *Selective cutting of trees and underbrush shall be allowed as long as sufficient cover is left to make motor vehicles and structure inconspicuous.*

Grading and filling in the shoreland area or where the slope of the land is toward a public water or a watercourse leading to a public water must be authorized by a (conditional use permit) before such work is begun. The permit may be granted subject to the conditions that:

1. *The smallest amount of bare ground shall be exposed for as short a time as feasible.*
2. *Temporary ground cover, such as mulch, shall be used and permanent vegetative cover, such as sod, shall be provided.*
3. *Methods to prevent erosion and trap sediment shall be employed.*
4. *Fill shall be stabilized to accepted engineering standards.*

3.0697: Alterations of Beds of Public Waters

Any work which will change or diminish the course, current, or cross section of the public water shall be approved by the Commission of Natural Resources before work is begun. This includes construction of channels, ditches, lagooning, dredging of lakes or stream bottom for removal of mulch, silt or weeds and filling in the lake or stream bed.

3.0698: Subdivision of Land in the Shoreland District

No land shall be subdivided which is unsuitable for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe erosion potential, or any other feature likely to be harmful to the health, safety, or welfare of the residents of Clarissa.

3.0699: Planned Development

Preliminary plans for planned development shall be approved by the Commissioner of Natural Resources prior to their approval by the City Council. The final plan for a planned development shall not be modified, amended, repealed, or otherwise altered unless approved by the developer, the City of Clarissa, and the Commissioner of Natural Resources.

3.06991: Notification of Public Hearings

Copies of all notices of any public hearing to consider variances, conditional uses, or amendments pertaining to land within the Shoreland District shall be received by the Commissioner of Natural Resources at least ten days prior to such hearings. A copy of amendments and final decisions granting variances or conditional uses within the Shoreland District shall be received by the Commissioner of Natural Resources within ten days of final action or amendment.

3.06992: Inconsistent Plats

All plats which are inconsistent within the Shoreland District shall be approved by the Commissioner of Natural Resources before approval by the City Council. Copies of all plats within the Shoreland District shall be submitted to the Commissioner of Natural Resources within ten days of final approval by the City Council.

3.06993: Variances to Zoning Regulations & Modifications in Subdivision Standards in the Shoreland District

The City Council may issue variances to the zoning regulations and may permit modification in the Subdivision Regulations of this section when all of the following conditions are met:

1. *Because of the unique topography or other conditions of land involved, literal application of the provisions of this ordinance would impose undue hardship.*
2. *Conditions and assurances attached to variances or plat approval that assure compliance with the requirements of this ordinance.*
3. *The purpose and intent of this ordinance is observed.*



## SECTION IV GENERAL REQUIREMENTS

### SECTION 4.01: PURPOSE

Pursuant to the purpose of this ordinance, there are certain several requirements that are not provided for in the previous sections. It is the purpose of this section to set forth these requirements.

### SECTION 4.02: NON-CONFORMING USES

#### 4.021: Non-Conforming Land

A lawful non-conforming use of land existing at the date of enactment of this ordinance may be continued, but if discontinued for a period of twelve consecutive calendar months, it shall not thereafter be resumed and any future use of such land shall be in conformity with all provisions hereof. The use of land if changed from a non-conforming use, shall be in conformity with the provisions of the specific district.

#### 4.022: Non-Conforming Structures

A lawful non-conforming use of a structure existing at the date of enactment of this ordinance may be continued, and such use may be extended throughout the building or changed to another non-conforming use permitted in the same district provided no structural alterations except those required by law, and no additions or enlargements are made to such building.

#### 4.023: Restoration of Structures

When a non-conforming structure is destroyed or damaged by fire, wind, flood, explosion or other casualty, to an extent exceeding one-half of its original value or where a structure is destroyed or damaged to such an extent that its total demolition is required by existing or hereinafter adopted law or ordinance, or is required to protect the public health, safety, any future structure or use shall conform to the provision of the specific district.

#### 4.024: District Changes

The provision of this section shall apply to any use that may become non-conforming due to a change in the classification of the district in which it is located as a result of rezoning from the effective date of the ordinance making such change.

#### 4.025: Conditional Uses

Any use which is permitted in a district only as a conditional use shall, upon its establishment, be considered a conforming use in that district, but subject to any conditions of a conditional permit for such use.



SECTION 4.03: GENERAL SIGN PROVISIONS

Notwithstanding directional or parking signs, no sign shall be located on the zoning lot or on the exterior portion of any structure, except those signs which identify the name and/or type of business conducted within such structure or identify the building. All flashing, revolving and intermittently lighted signs are expressly prohibited.

SECTION 4.04: PARKING AND LOADING REQUIREMENTS

Off street automobile parking shall be provided on any commercial, industrial, and residential lot on which any new structures are hereafter established in conformance with said districts requirements. The parking area shall be provided with vehicular access to a street, alley, or roadway and shall be required with such use and shall not be reduced or encroached upon in any manner.

Off street required automobile parking space shall not be utilized for open storage or for the storage of vehicles which are in-operable or for sale or for rent.

If, in the application of these provisions, a fractional number is obtained, on parking space shall be provided for that fraction. Each space required constitutes a cross area of 300 square feet.

4.041: Standards

Residential - two spaces for each family unit

Tourist Accomodations - hotel, motel--one and one half parking spaces for each rental room or unit.

Commercial - determined by the City Council following review by the Planning Commission.

Industrial - one space for each two employees on maximum shift or one for each 500 square feet of gross floor area, whichever is larger.

Uses not Specifically Noted - determined by the City Council following review by the Planning Commission.

Screening of Parking Areas - offstreet parking areas, whether public or private. for six or more vehicles, shall be screened by a fence, wall or evergreen plant material if the parking area is visable from adjoining residential or public assembly areas, or is visible from such areas which are located across a public roadway.

4.042: Loading

All required berths shall be off-street and shall be located on the same lot as the building to be served. Loading berths shall not occupy the required front yard space.

Any space allocated as a loading berth or maneuvering area shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking aera.

All loading berths and accessways shall be improved with a durable material to control the dust and drainage.

Unless otherwise specified, a required loading berth shall be not less than 15 feet wide, 50 feet in length and 14 feet in height, exclusive of risk and maneuvering space.

4.043: Required Loading Spaces:

Retail sales, service stores, and offices: one loading berth for each 6,000 square feet of floor area.

Manufacturing, fabrication, processing and warehousing: one loading berth for each building having 3,000 square feet of floor area, plus one loading berth for each additional 25,000 square feet of floor area up to 100,000 square feet plus one loading berth for each 50,000 square feet of floor area over the first 100,000 square feet of floor area.

Uses not specifically noted: determined by the City Council following review by the Planning Commission.

SECTION 4.05: PERFORMANCE STANDARDS

Intent: It is the intent of this section to provide that industrial and commercial related activities shall be established and maintained with the proper front streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of the following:

4.051: Noise

Any use established shall be so operated that no undue noise resulting from said use is perceptible beyond the boundaries of the property on which such use is located. This standard shall not apply to incidental traffic, loading, parking, construction, farming or maintenance operators.

4.052: Vibration

Any use creating periodic, earth-shaking vibrations shall be prohibited if undue vibrations are perceptible beyond boundaries of the property on which the use is located. The standard shall not apply to vibrations created during the process of construction.

4.053: Glare

Glare, whether direct or reflected, such as from floodlights, spotlights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the site or origin at any property line.

4.054: Smoke, Dust, Fumes or Gases

Any use established, enlarged or remodeled after the effective date of this ordinance shall be so operated as to meet the minimum requirements of the Minnesota Pollution Control Agency for the emission of smoke, dust, fumes, or gases.

4.055: Toxic or Noxious Matter

Any use shall not discharge into the atmosphere, water or subsoil, any toxic or noxious matter. All sewage and industrial wastes shall be treated and disposed of in such manner as to comply with the Minnesota State Department of Health Standards and Requirements.

4.056: Storage Standards

All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties except for the following:

*recreational equipment*  
*construction equipment*  
*agricultural equipment*

4.057: Hazardous Materials

Any use requiring the storage, utilization, or manufacturing of hazardous products shall not be located not less than 400 feet from any residence or public meeting place.

4.058: Visual Standards

Where any commercial or industrial use is adjacent to property zoned or developed for residential use, that activity shall provide screening along the boundary of the residential property. Screening shall also be provided where a commercial or industrial activity is across the street from a residential zone, but not on that side of a commercial or industry considered to be the front as determined by the city clerk. Junk and auto wrecking yards shall be adequately screened by fences, walls, land forms, and/or natural or planted landscape materials to effectively conceal the establishment from the surrounding area.

SECTION 4.06: SANITATION STANDARDS

The 1971 edition of the Minnesota Individual Sewage Disposal System Code of Minimum standards recommended by the Minnesota Department of Health, as from time to time amended or as from time to time modified by the Clarissa City Council to include the use of other types of disposal systems as approved by the Minnesota Department of Health, the Minnesota Pollution Control Agency and the Clarissa City Council, is hereby adopted by reference and made a part of this ordinance as is fully set forth herein, and all development proposed in any of the zoning use districts established by this ordinance shall comply with the sanitation standards therein provided.

4.061: Permits

No person, firm or corporation shall install, alter or extend individual sewage disposal systems in the city without first obtaining a permit therefore from the city clerk for the specific installation, alteration or extension. The permit shall be valid for a period of twelve months from date of issue.

Each application for a permit shall state the correct legal description of the property on which the proposed installation, alteration, or extension is to take place and each application for a permit shall be accompanied by a plot plan of the land showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed system with substantiating data, if necessary, attesting to the compliance with the minimum standards of this ordinance. A complete plan shall include the location, size and design of all parts of the system to be installed, altered or extended. The application shall also show the present or proposed name of the person, firm, or corporation who is to install the system and shall provide such additional information as may be required by the city clerk.

Every individual sewage disposal system installed after the effective date of this ordinance and every alteration or extension to any system made after that date shall conform to the standards of the Minnesota Department of Health Code herein adopted by reference as from time to time may be modified by the City Council of Clarissa.

The Planning Commission may require percolation tests when soil absorption capabilities within the proposed system are in doubt. The percolation test shall be administered by the city clerk or one of his authorized agents. The tests shall be conducted in compliance with the standards as set forth in the Minnesota Department of Health Code. The results shall be evaluated by the Planning Commission and such conditions necessary to meet minimum Health Code Standards be so attached to sewage permit. The fee for such percolation tests shall be set by the City Council.

4.062: Inspections

The city clerk shall cause such inspection or inspections as are necessary to determine compliance with this ordinance, no part of the system shall be covered until it has been inspected and accepted by the city clerk or his agent. It shall be the responsibility of the applicant for the permit to notify the City Clerk that the job will be ready for inspection or re-inspection, and it shall be the duty of the city clerk to cause the indicated inspection within forty-eight hours of said notification. It shall be the duty of the owner or occupant of the property to give the city clerk or his agent free access to the property at reasonable times for the purpose of making such inspections. Upon satisfactory completion and final inspection of the system, the city clerk shall issue to the applicant a certificate of zoning compliance.

If upon inspection it is discovered that any part of the system is not constructed in accordance with the minimum standards provided for in this ordinance, the applicant shall pay an additional inspection fee for each inspection. The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated.

SECTION 4.07: RIGHT OF INSPECTION

An applicant for any permit under this ordinance, by making such application, does thereby give the city clerk reasonable right of access to the premises concerned for inspection from time to time, so he may carry out his duties as specified in this ordinance.

SECTION 4.08: RIGHT OF INSPECTION FOR INVESTIGATION

The city clerk is hereby authorized to enter upon lands within the City of Clarissa for the purpose of carrying out his duties and functions imposed upon him under this ordinance, or to make investigations of any violations of this ordinance, and to cause proceedings to be instituted if proofs at hand warrant such action.

SECTION 4.09: PLANNED DEVELOPMENT

4.091: Purpose

The planned development alternative is offered as a response to the need of a more flexible design approach to the total community environment, and to insure maximum participation of the planning commission in the creation of individual development within the context of the comprehensive community plan.

4.092: Allowed Uses

All the permitted and conditional uses for the specific district are allowed with the addition that residential dwellings may be attached, detached, townhouses, clustered, or multiple type, and that five percent of the land may be developed to other residential and commercial uses determined by the Planning Commission to be complementary to the general character of the permitted uses above and found not to be detrimental to the general public health and welfare.

4.093: Development Intensity

There shall be no requirement for lot size, yard size, or gravel coverage. All developments need follow good design practice.

4.094: Plan Approval Requirements

All development plans shall be subject to complete design review by the Planning Commission with special consideration for landscaping, plans, architectural design features, dedication of public lands, easements, underground services and utilities, and sanitary facilities, in addition to other improvements. Issuance of a building permit is conditional on completion of the development in accordance with the development plan. Failure to initiate construction within nine months, as determined by the city clerk invalidates the plan approval.

4.095: Procedure

Each request for a planned development shall follow the procedure required for residential subdivision or planned mobile home developments.

## SECTION V ADMINISTRATION

### SECTION 5.01: PLANNING COMMISSION

For the purpose of administering this ordinance, the City Council shall act in lieu of a Planning Commission and Board of Adjustment and Appeals until such time as said Council creates by separate outline a Planning Commission and/or Board of Adjustments and Appeals.

Members of the Commission may be compensated in an amount determined by the City Council and may be paid their necessary expenses in attending meetings of the Commission and in the conduct of the business of the Commission.

### SECTION 5.02: ZONING COORDINATOR

This ordinance shall be administered by the Zoning Coordinator appointed by the City Council. The Zoning Coordinator shall:

- determine if applications comply with terms of the ordinance
- conduct inspections of building and use of land to determine compliance with the ordinance
- maintain permanent records of this ordinance
- receive, file and forward all applications for appeals, variance, conditional uses, and amendments to the designated official bodies
- notify, in writing, any person responsible for violating a provision of this ordinance, indicating the nature of the violation and ordering the action necessary to correct it
- serve as ex-officio member of the Planning Commission.

### SECTION 5.03: VARIANCES

Where the City Council and Planning Commission find that extraordinary and unnecessary hardships may result from strict compliance with this ordinance, variances may be granted provided that such variations will not have the effect of nullifying the intent and purpose of the ordinance.

Application for issuance of the variance shall be made with the Planning Commission with a statement of the exceptional conditions and the peculiar difficulties involved. A site plan may be prescribed by the Planning Commission.

The City Clerk shall notify contiguous property owners of the intent of the proposed action and the date when the petitioners shall appear before the Planning Commission.

The City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed variance upon the health safety, and the general welfare of the community and that issuance of the variance will not merely serve as a convenience to the applicant, but is necessary to alleviate a demonstrable difficulty. No application for a variance which has been denied shall be resubmitted for a period of six months from date of denial.

A violation of any condition set forth in granting a variance shall be a violation of this ordinance and automatically terminates the variance. A variance shall become void one year after it was granted unless made use of.

SECTION 5.04: CONDITIONAL USES

Conditional use permits may be issued for any of the following:

1. *Any of the uses or purposes for which such permits are required or permitted by the provisions of this ordinance.*
2. *Application for the issuance of a conditional use permit shall be made to the City Council. The application shall be accompanied by such plans, elevations, and site plans as prescribed by the Planning Commission.*
3. *Upon receipt of the application and other requested material the Planning Commission shall hold one public hearing as regulated by law. Written notice of public hearing shall be sent to all property owners of record within 300 feet of the selected property. Following the hearing, the Planning Commission shall make a report to the city council recommending whatever action it deems advisable. It may designate conditions and require guarantees in the granting of use permits in the manner provided for the granting of adjustments. Upon receipt of the report of the Planning Commission, the City Council shall hold whatever public hearings it seems advisable and shall make a decision upon the proposal to grant a permit. If it finds that the conditions exist which are necessary under this section in order for the Planning Commission to recommend the granting of the Conditional use permit, it may attach to the permit such conditions and guarantees as may be necessary to assure reasonable development.*

No Conditional Use shall be recommended by the Planning Commission unless:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *A building permit must be applied for within nine months of the granting of the conditional use permit.*

**Revocation:**

A violation of any condition set forth in a conditional use permit shall be a violation of this ordinance and automatically terminate the permit. A conditional use permit shall become void one year after being granted by the City Council unless made use of and if discontinued for a period of 90 days or more.

SECTION 5.05: AMENDMENTS

An amendment to the Zoning Ordinance may be initiated by the City Council, Planning Commission or by petition of not less than 50 percent of the property owners situated within 300 feet of the proposed change.

An amendment not initiated by the Planning Commission shall be referred to the Planning Commission, for study and report, and may not be acted upon by the council until it has received the recommendation of the Planning Commission on the proposed amendment or until 60 days have elapsed from the date of reference of the amendment without a report of the Planning Commission.

Public hearings are required before an amendment shall be adopted. A public hearing shall be held by the Planning Commission or by the City Council.

SECTION 5.06: BUILDING PERMITS

From the effective date of this ordinance it shall be unlawful to proceed with construction, alteration, repair, enlargement, demolition, removal, or placement of any building or part of without first obtaining a building permit.

Requests for a building permit shall be made to the City Council. Each application for a permit to construct, alter or move a building on a lot shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be used. The size and location of the building and accessory buildings to be erected or moved on said lot shall be indicated on the site plan. Application of any kind of building permit shall contain only information as may be deemed necessary for proper enforcement of the ordinance. A Building Permit will become void one year after it was granted unless made use of.

SECTION 5.07: CERTIFICATE OF ZONING COMPLIANCE

Upon completion of any work or project in respect to a conditional use permit or a variance granted pursuant to this ordinance, and prior to the use or occupancy of the land or structure permitted by a conditional use permit or variance a certificate of zoning compliance shall be issued therefore by the City Council stating that the use of the land or structure conforms to the requirements of this ordinance. Prior to issuance of the certificate of Zoning Compliance, the City Clerk shall inspect the structure or premises to assure the said structure or premises be in compliance with the requirement of this ordinance.

SECTION 5.08: APPEALS FROM PLANNING COMMISSION

The decision of the Planning Commission may not be final. Any person or persons having an interest affected by this ordinance or any decision made relating to this ordinance shall have the right to appeal to the City Council, within 60 days of the filing of the decision of the Planning Commission with the City Council.

The decision of the City Council may not be final. Any person or persons jointly or severally aggrieved by any decision of the City Council may appeal to the District Court of Todd County by filing a petition setting forth that such decision is illegal in whole or in part, specifying the grounds for such illegality. A 4/5 majority of the City Council would be needed to over-rule a decision of the Planning Commission.



SECTION 5.09: VIOLATIONS

Violations of this ordinance shall be a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$300, and/or imprisonment for a period not to exceed 90 days for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

In the event of a violation or a threatened violation of this ordinance, the council, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violation and it is in the duty of the attorney to institute such action.

No person shall perform work upon a project requiring a building permit, Conditional Use permit, or a variance issued under this ordinance unless such permit has been issued and posted on the premises and the accuracy of setback distances and building sizes have been verified. Any person performing such work shall be criminally liable to the same extent as the property owner.

Any citizen or taxpayer of Clarissa may institute mandamus proceedings in district court to compel, specific performance by the proper official or officials of any duty required by this ordinance.

SECTION 5.10: SCHEDULE OF FEES

The City Council shall determine the fee and collection procedure for all permits, certificates, or petition issued by the Planning Commission. No permit, certificate or petition shall be recognized or issued unless such fee or fees have been paid in full.

SECTION 5.11: VALIDITY

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

SECTION 5.12: REPEAL OF CONFLICTING ORDINANCE

Any Zoning Ordinance existing at the time of adoption of this Zoning Ordinance together with all amendments and supplements thereto, and all other ordinances promulgated by the City of Clarissa which are inconsistent with the provisions of this ordinance are, to the extent of such inconsistency and no further, hereby repealed.

CITY OF CLARISSA

MINNESOTA

SUBDIVISION ORDINANCE



Prior to the submission of any plat, the subdivider shall file a petition for rezoning, accompanied by a map or sketch of the proposed plat if the area under consideration for platting is in any zoning district other than R-1 Single Family Residential. The City Clerk shall then give proper notice and schedule a public hearing in accordance with the procedures defined in the zoning ordinance.



CITY OF CLARISSA, MINNESOTA  
SUBDIVISION ORDINANCE

ORDINANCE NO.:

An ordinance establishing rules and regulations for the subdivision and platting of lands, defining certain terms, providing for the preparation of plats and the installation of streets and other improvements, establishing procedures for the approval and recording of plats, providing for amendments of this ordinance and prescribing penalties for violations.

Now be it ordained and enacted by the City Council of the City of Clarissa.

ARTICLE I - GENERAL PROVISIONS

Section 1 - Title

This ordinance shall be known as the subdivision ordinance of the City of Clarissa.

Section 2 - Purpose

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

1. To provide for the orderly, economic and safe development of land and urban services and facilities.
2. To promote the public health, safety, morals and general welfare of the residents of the City.
3. To assure equitable handling of all subdivision plats by providing uniform procedures.

Section 3 - Jurisdiction

These regulations governing plats and subdivision of land shall apply to the area within the corporate limits of the City of Clarissa.

Section 4 - Compliance

After 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 a subdivision plat has been approved and recorded and the unit improvements required by the City Council relative to subdivision have been constructed or guaranteed as provided herein.

Section 5 - Required Approvals of Subdivision Plats

Before any plat shall have any validity, it shall have been approved by the City Planning Commission and the City Council and recorded in the office of the Registrar of Deeds of Todd County.

Section 6 - Conflict

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

ARTICLE II - DEFINITIONS

For the purpose of this ordinance certain words used herein are defined. The word 'shall' is mandatory - words used in the present tense shall include the future; and the singular number shall include the plural, and the plural the singular.

Grade: the rise or fall of a street in feet and tenths of a foot for each one hundred (100) feet or horizontal distance measured at the center line of a street.

Alley: A public right-of-way which affords a secondary means of access to abutting property.

Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.

Building: Any structure having a roof which may provide shelter or enclosure of persons, or animals. When said structure is divided by partition walls without openings, each portion of such buildings so separated shall be deemed a separate building.

Building Setback Line: The minimum horizontal distance and the street right-of-way as prescribed in the zoning ordinance.

Commission: Planning and zoning commission of Clarissa, Minnesota.

Comprehensive Plan: The general plan for land use, transportation, and community facilities - prepared and maintained by the Planning and Zoning Commission of the City of Clarissa.

Cross-Walk: The right-of-way across or within a block, for use by pedestrian traffic whether designated as a pedestrian way, crosswalk, or however otherwise designated.

Cul-De-Sac: A comparatively short street having but one end open to traffic and the other end being permanently terminated by a vehicular turn around.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer: The Clarissa City Engineer.

Final Plat: A drawing in final form, showing a proposed subdivision containing all information and detail required by state statutes and by this ordinance to be presented to the planning and zoning commission for



approval and which if adopted, may be duly filed with the Todd County Registrar of Deeds.

Lot: A parcel, piece, or portion of land designated by metes and bounds, registered land survey, auditor's plat, or other means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof.

Lot Depth: The main horizontal distance between the front lot line and the rear lot line.

Preliminary Plat: A drawing clearly marked 'preliminary plat' showing the salient features of a proposed subdivision.

Lot of Record: A platted lot or metes and bounds parcel which has been recorded in the office of the Todd County Registrar of Deeds prior to adoption of this ordinance.

Lot Width: The horizontal distance between the side lines of a lot measured parallel to the front line of the lot and the setback line.

Official Map: The map established by the City Council in accordance with State Statutes showing streets, highways, and parks, both existing and proposed.

Planned Unit Development: A development which consists of two or more principal structures or uses on a single parcel of land.

Right-of-Way: Land dedicated and publicly owned for use as a street, alley, or crosswalk.

Street: A public right-of-way which affords a primary means of access to abutting property.

Street, Collector: A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major street.

Street, Major: A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

Street, Minor: A street intended to serve primarily as an access to abutting properties.

Street, Pavement: The wearing surface of a street.

Street, Width: The width of right-of-way measured at right angles to the center line of the street.

Subdivisor: Any person, firm, corporation, partnership, or association who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

Subdivision: The division or redivision of a lot, tract, or parcel of land, regardless of how it is to be used, into two or more lots either by plat or by metes and bounds description; or the division or redivision of land involving dedication of a new park, playground, street or other public right-of-way facility; or the vacation, realignment or any other change in existing streets, alleys, easements, recreation areas, water or other public improvements or facilities, provided, however the following classes shall be exempt.

1. The division of land for agricultural purposes into parcels greater than five acres where no new streets, roads, or other right-of-ways are involved.
2. The division of a lot of record for the purpose of attachment to contiguous lots provided no residual plot is left.

Surveyor: The City of Clarissa or his authorized representative.

ARTICLE III - PLATTING PROCEDURES

Whenever any subdivision or land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividor or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures:

Section 1 - Plan Pre-Application Meeting

1.1 The subdividor shall submit the following to the City Clerk:

- a. Three copies of the preliminary plat and any protective covenants.

1.2 The clerk shall refer two copies of the Preliminary Plat to the Planning Commission and one copy to the surveyor. If the proposed subdivision fronts upon or has access to a state or federal trunk highway, the clerk shall require an extra copy and shall refer this copy to the District Engineer of the Minnesota Highway Department for review as required by state law.

1.3 The surveyor shall within 30 days submit reports to the Commission expressing recommendation for approval, disapproval or revisions. Submission of such sketch plan shall not constitute a formal filing of a preliminary plat.

1.4 The subdividor, or a duly authorized representative, shall attend the Commission meeting at which time the proposal is scheduled for consideration to discuss the requirements which pertain to his subdivision or resubdivision.

1.5 The Commission shall determine whether such plan conforms to design standards set forth in this ordinance and conforms to the comprehensive plan. The Planning Commission shall make specific recommendations and comments about this sketch plan to be incorporated by the applicant in the next submission to the Commission.

Data required for sketch plan at pre-application:

1. Location map
2. Sketch plan of street and lot layout (on topographic map if possible)
3. Conformity with comprehensive plan
4. Conformity with official map
5. Conformity with zoning

1.6 No fee shall be required of the subdividor for the submission of the sketch plan.

## Section 2 - Preliminary Plat

- 2.1 Within six (6) months of the Planning Commissions consideration of a sketch plan, the subdividor shall submit to the City Clerk ten copies of a Preliminary Plat of the proposed subdivision. The Preliminary Plat shall be submitted two (2) weeks prior to the next regular scheduled Commission meeting and shall be accompanied by a fee of twenty-five dollars (\$25) plus one dollar (\$1) for each lot. Failure to act within the above time limit shall invalidate an approved sketch plan and require that it be resubmitted.
- 2.2 The City Clerk shall notify the secretary of the Planning Commission so the proposal can be placed on the agenda of the next meeting of the Planning Commission.
- 2.3 The Clerk shall submit copies of the preliminary plat to: the City Engineer, the utility companies, the District Engineer of the Minnesota Highway Department if the plat borders a federal, state or state aid highway; the county engineer if the subdivision requires curb cuts or access points on a county road and two copies to the Planning Commission.
- 2.4 The Planning Commission shall study the practicability of the Preliminary Plat taking into consideration the requirements of the City and the best use of the land being subdivided. Attention shall be given to the arrangement,

location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as unsubdivided, and the requirements of the Community Development Plan of the City of Clarissa, the official map, the zoning map and the Todd County land use plan and zoning map.

- 2.5 A public hearing date shall be set to be held within 45 days of the filing date. The required legal publications shall be made and notices shall be sent to all property owners within 300 feet of the exterior boundary of the proposed plat. A Planning Commission meeting may serve as a public hearing provided the legal requirements pertaining to the same are met.
- 2.6 At the Public hearing, the subdivider and all interested persons shall have the opportunity to be heard upon completion of the hearing, the Commission prepares and submits a report along with a copy of the Preliminary Plat to the City Council. Upon receipt of the Commission's reports, the City Council reviews the report and Preliminary Plat. The Council may hold another hearing or hearings, or take action to approve, disapprove, or specify conditions for approval of the plat.
- 2.7 Upon completion of their review, the above-mentioned offices or agencies submit their comments to the proposed subdivision to the Planning Commission at its next scheduled meeting. The Planning Commission reviews the proposed subdivision as well as the comments from the other agencies and its engineer.

#### 2.8 Preliminary Plat Requirements

1. Location map
2. Site map (including land within 300 feet of boundary)
3. Existing and proposed streets
4. Existing and proposed utilities

5. Names of adjacent property owners
6. Topography (two foot contour interval)
7. Location of significant natural features
8. Areas subject to flooding and wetlands
9. Any easements or buildings on the tract to be platted
10. Location of existing and proposed parks, school sites and other public areas.
11. Existing and proposed zoning changes
12. Preliminary plat map ( at a scale no smaller than 100 feet to the inch)
13. Name of subdivision
14. Location of section, township, etc.
15. Names and addresses of owners and subdividor
16. Names of surveyor and engineer
17. Names of adjoining sale divisions
18. Rate plat prepared
19. North arrow
20. Scale
21. Block and lot numbers
22. Names, locations and widths of adjacent streets (existing)
23. Names, location and widths of streets proposed by the subdivision  
(no duplication of existing streets unless the proposed street is  
an extension of an existing street.)
24. Location and width of alley, crosswalks or pedestrian ways, and easements
25. Lot layout with dimensions and building setback lines
26. Parcels or land to be dedicated or reserved for public access
27. Utilities (water lines, storm drains, sanitary sewers, fire hydrants, etc.)
28. Sidewalks
29. Street trees
30. Street lighting and signs
31. Proposed restrictive covenants

SECTION 3 - Final Plat

- 3.1 The owner or subdivider shall file within six months after the approval of the preliminary Plat with the Planning Commission.
- 3.2 Unless an extension of time is requested by the subdividor and granted by the Commission, the subdividor shall have one year following approval of the Preliminary Plat to submit to the zoning coordinator six paper prints of the Final Plat, together with an up-to-date abstract of title or a certificate of title, an opinion of title by the subdividor's attorney and a form indicating latitude and departure traverse closure.
- 3.3 The Final Plat shall conform to all Minnesota platting regulations and is correctly surveyed. The Planning Commission shall state whether a Final Plat conforms to the Preliminary Plat approved by the Commission, with the recommended changes, if changes were required.
- 3.4 Upon receipt of the Final Plat, the City Clerk shall refer two copies to the Planning Commission, one copy to the City Engineer, and other copies to other agencies as the Planning Commission may desire. Each person or agency above, shall submit a report on the Final Plat to the City Clerk within 15 days of receipt of the Final Plat.
- 3.5 Any construction plans for required improvements shall be submitted to the City Engineer for his estimate of construction costs. A copy of the estimated construction costs shall be submitted to the city attorney for the preparation of the agreement required for the installation of improvements.
- 3.6 Prior to the final approval of the Final Plat, the financial arrangements for required improvements under the required improvement section of this ordinance shall be complied with.

- 3.7 Upon completion of the requirements above and notation to the effect upon the Final Plat, it shall be deemed to have final approval and shall be signed by the chairman of the Planning Commission and the appropriate city officials as required by Minnesota statutes. The Final Plat shall then be filed with the Todd County Registrar of Deeds by the applicant. A Final Plat not filed within 90 days of approval by the city Planning Commission shall become null and void, unless the particular circumstances of the applicant warrant the Commission to grant no extension which shall not exceed 180 days.
- 3.8 No changes, erasures, modifications or revisions shall be made in any Final Plat after approval by the Planning Commission and endorsed in writing on the plat, unless the plat is resubmitted to the Commission for any approved modifications. In the event that any Final Plat is recorded without complying with this requirement, the Final Plat shall become null and void and the Commission shall institute proceedings to have the plat stricken from the records of the county.

#### ARTICLE IV - DEVELOPMENT STANDARDS

##### Section 1 - Street

Streets shall be of sufficient width, suitably located and adequately constructed to conform with the comprehensive plan. The streets shall be considered in their relationship to topographic features, drainage, and the relationship to the proposed land uses to be served by such streets. The street alignment shall cause no undue hardship to adjoining properties and shall be coordinated so as to comprise a convenient system.



Section 2 - Street Arrangement

- 2.1 Streets in the subdivision shall provide for the continuation of principal streets or adjoining subdivisions and for the proper projection of principal streets into adjoining properties which are not yet subdivided in order to make possible necessary community services.
- 2.2 Minor streets shall be arranged so their use by through traffic will be discouraged.

Section 3 - Blocks

Blocks shall not be less than 500 feet nor more than 1,200 feet in length. No block width shall be less than twice the normal lot depth, unless it abuts a railroad right-of-way, a limited access highway, or a major or arterial street, a river or a park.

Section 4 - Street Alignment

- 4.1 Street jogs with center line offset less than 150 feet shall be avoided.
- 4.2 All streets shall join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins.

Section 5 - Dead End Streets

The creation of dead end or loop residential streets will be encouraged wherever the Planning Commission finds this type of street development will not interfere with normal traffic circulation in the area.

Section 6 - Service Standards

- 6.1 Where a subdivision borders on or contains a railroad right-of-way, a limited access highway right-of-way, existing or planned, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance appropriate for the use of the intervening land (Park purposes in R zones or C or I use in the appropriate districts).

- 6.2 When a subdivision abuts or contains an existing or proposed arterial or major street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatments as may be necessary for adequate protection of residential properties and to attend separation of through and local traffic.

Section 7 - Prohibited Plans

- 7.1 Half streets and partial streets are prohibited.
- 7.2 Private streets, unless part of an approved planned unit development, in which case the streets shall conform to the approved design criteria of the city.
- 7.3 Reverse strips controlling access to streets.
- 7.4 Intersection with more than four corners.

Section 8 - Street Design and Improvement

All streets shall be graded; and in areas served with water and sewer, the street shall be improved by surfacing with concrete or plant mix bituminous and shall be provided with concrete curbs and gutters. The grading and improvements shall be approved as to the design specifications by the engineer. In areas not served by water and sewer, curbs and gutters may not be required; and streets may be of a suitable compacted gravel surface as approved by the engineer.

Section 9 - Street Widths

- 9.1 Minimum right-of-way dimensions for all streets shall be 66 feet.
- 9.2 Greater widths may be required depending upon anticipated traffic volumes, planned function of the street and character of planned abutting land.

Section 10 - Street Grades

Arterials and Major	Maximum Grade	6%	Minimum Grade	.5%
Collector	Maximum Grade	8%	Minimum Grade	.5%
Minor and Access	Maximum Grade	10%	Minimum Grade	.5%

Section 11 - Utilities

11.1 Water Utilities

11.2 Where connection with a Public Water System is feasible, that system shall be utilized and service shall be provided to each lot. House service shall be of a type approved by the engineer.

11.3 All water mains, materials and design shall be approved by the engineer. Over-sized mains may be required with the additional costs to be borne by the benefited properties.

11.4 Fire hydrants of a type approved by the engineer shall be installed in accordance with adopted standards.

Section 12 - Sanitary Sewer

12.1 Where connection with Sanitary Sewer trench lines is feasible, that system shall be utilized and service shall be provided to each lot. House service for Sanitary Sewer shall be approved by the engineer.

12.2 All Sanitary Sewer lines, materials and design shall be approved by the engineer. Over size sewer lines may be required with the additional cost to be borne by the benefited parties.

12.3 When main trunk lines are not accessible, internal trunk sewers, together with all necessary laterals extending from the mains to three (3) feet beyond the curb or curb line shall be installed and capped for future connection.

12.4 All installations shall be approved by the engineer.

Section 13 - Storm Sewer

- 13.1 All surface and underground drainage systems shall be installed to adequately remove all natural drainage that accumulates in the developed property. All such systems shall be in conformity to the drainage plans and all piping shall provide complete removal and a permanent solution for the removal of drainage water.
- 13.2 When an existing storm sewer system is feasible that system shall be utilized.
- 13.3 The drainage system shall be designed large enough to accomodate potential runoff from its entire upstream drainage area, whether inside or outside of the subdivision. The drainage shall be based on conditions of total potential developed permitted by the zoning ordinance in the watershed. Over-sized storm sewer lines may be required with the additional costs to be borne by the benefited properties.

Section 14 - Electrical

- 14.1 Electrical utilities whenever feasible, shall be installed underground and completed prior to street surfacing.
- 14.2 When overhead power poles are used, the poles shall be placed in a rear lot easement and positioned so as to provide individual service to each lot.

Section 15 - Street Lighting

Street lighting shall be in conformance with street lighting plans. Light standards and fixtures shall be installed after the approval of the engineer.

Section 16 - Gas

Natural gas lines shall be installed by the appropriate gas company and completed before street surfacing.

Section 17 - Telephone

- 17.1 Telephone facilities, when feasible shall be installed underground prior to street surfacing.
- 17.2 When overhead lines are used, the pole shall be placed in a rear easement and positioned so as to provide individual service to each lot.

Section 18 - Easement

- 18.1 Utility easements of at least twenty (20) feet wide shall be provided where necessary. The easements shall have continuity of alignment from block to block; and at deflection points, easement for pole-line anchors shall be provided where necessary. Easements may be required along property lines from utility easements on rear lot lines and right-of-way.
- 18.2 Where a subdivision is transversed by a water course, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way substantially with the lines of such water course, together with such further width or construction or both, as will be adequate for stormwater runoff. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy runoff.
- 18.3 Easement shall be dedicated for the required use.

Section 19 - Lots

- 19.1 Where possible, site lot lines shall be at right angles to straight street lines or radical to curved street lines, unless a variance from this rule shall give a better street or lot plan.
- 19.2 Lots with frontage on two (2) parallel streets shall be permitted only under unusual circumstances.
- 19.3 Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable out lot, unless the owner can show future plans for such remnants.
- 19.4 Lots abutting upon a water course, drainway, channel, stream or water hole shall have additional depth or width, to assure that home sites are not subject to flooding.
- 19.5 In subdividing of any land, regard shall be shown for all natural features, which if preserved will add attractiveness to the proposed development.



ARTICLE V - CONVEYANCE BY METES AND BOUNDS

No conveyance of land to which these regulations are applicable shall be filed or recorded if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after the effective date of this ordinance. The foregoing provision shall not apply to a conveyance if the land described:

1. Was a separate parcel of record on the date of adoption of this ordinance.
2. Was the subject of a written agreement to convey entered into prior to the date of the adoption of this ordinance.
3. Is a single parcel of land of not less than five (5) acres and having a width of not less than 300 feet.

Only one division of land in which the tract is described by metes and bounds shall be permitted. Any further division of the remaining land must be by plat duly approved and recorded in accordance with laws and regulations in such case made and provided. Any further conveyance of land by metes and bounds description may be handled as a variance.





ARTICLE VI - PARK, OPEN SPACE AND NATURAL FEATURES

Section 1 - Identified Park Areas

Where a proposed park, playground or open space is identified on the Community Development Plan and that area is located in whole or in part in a subdivision, the Planning Commission shall require that such area or areas be shown on plats in accordance with the requirements specified in this section. Such area or areas shall be dedicated to the City by the subdividor if the City Council approves such dedication.

Section 2 - Park Sites

The Planning Commission shall require that plats show sites of a nature that would be suitable for park, playground or other recreational development.

The Planning Commission may require the developer satisfactorily grade any such recreation areas shown on the plat.

Section 3 - Required Land for Parks

In all new subdivisions, eight percent (8%) of the gross area shall be dedicated for public recreation space, school sites, or other public use with such percentage being in addition to property reserved for streets, alleys, easements or other public ways. If a subdivision is too small for practical dedication of public land or if no land in the subdivision is suitable for such use, the subdividor shall be required to pay a fee of \$50 - \$100 per lot created or 10 percent of the land value prior to its subdivision.

Section 4 - Dedication During First Plat

If a new subdivision is designed to be platted in several additions, all public recreation space, school sites or other public use lands in the total subdivision except streets, alleys or easements other than these leading directly to such sites shall be dedicated at the time of platting of the first addition.



ARTICLE VII - REQUIRED IMPROVEMENTS

Prior to Final Plat approval, the subdividor shall agree to provide the required improvements at his own expense in conformity with the construction plan approved by the City Engineer and in conformity with the requirements of this ordinance.

Section 1 - Payment of Improvements

The required improvements which are listed in this ordinance are to be furnished and installed at the sole expense of the subdividor and at no expense to the City of Clarissa unless otherwise stated.

Section 2 - Construction Plans

The contruction plans for the required improvements, together with the subdividor's cost estimated of the necessary construction materials, shall be submitted to the City Engineer for his estimate of the total cost of the improvements. Upon the Engineer's approval, the plans shall be the basis of the cost portion of the contract required by the next section of this ordinance.

Section 3 - Contract for Installation if Improvements

Before installation of any required improvements and prior to approval of the Final Plat, the subdividor shall enter into a contract in writing with the City of Clarissa that shall require the subdividor to furnish and construct the improvements at his sole expense in accordance with plans, specifications and normal contract conditions approved by the City Council. The contract shall include provisions for supervisions of contructions details by the City Engineer. The contract shall require the subdividor to make an escrow deposit or furnish a performance bond as specified in this ordinance.

Section 4 - Financial Guarantee

The Planning Commission may exercise one or more of the following financial guarantees to assure completion of minimum necessary required improvements.

Section 5 - Escrow Deposit

An amount equal to 125 percent of the City Engineer's cost estimate and the costs of inspection of the improvements to be provided and/or installed by the subdividor per his contract shall be deposited with the City Clerk by the Subdividor. The City shall be entitled to reimbursement from said deposit for cost and expense incurred by the City for inspection and for the completion of the work not approved by the City Engineer and for any damages sustained by the breach of the contract. Upon completion of the work and termination of any liability, the remaining balance of the escrow deposit shall be refunded to the subdividor.

Section 6 - Performance Bond

The subdividor may furnish a public contractor's performance bond as prescribed by Minnesota Statutes, with a corporate surety in a penal sum equal to 125 percent of the City Engineer's estimated cost for the required improvements to be provided and/or installed by the subdividor. The performance bond shall be approved by the city attorney prior to its acceptance. A certified check shall be submitted by the subdividor for the estimated inspection costs of the required improvements.

#### Section 7 - Completed Improvements

If improvements have been completed within the subdivision prior to Final Plat approval or execution of the contract for required improvements, they shall be accepted as equivalent improvements in compliance with the requirements of this ordinance, only if the City Engineer certifies he is satisfied with existing improvements.

#### Section 8 - Inspection of Improvements

The subdividor shall notify the City Engineer at least ten days prior to construction of the required improvements and at such time pay the inspection fee.

#### Section 9 - Modification of the Design Improvements

If unforeseen conditions arise that make it necessary to modify the location or design of such required improvements, the City Engineer may, upon approval of the Planning Commission, authorize modification, provided these modifications are within the spirit and intent of the original approved requirements.

#### Section 10 - Proper Installation of Improvements

If the required improvements have not been constructed in accordance with plans and specifications filed by the subdividor the City Engineer shall report these findings to the City Council and the Planning Commission. The City Clerk shall then notify the subdividor, and if necessary, the bonding company, and take all necessary steps to preserve the City's rights under the bond. No plat shall be approved by the Planning Commission as long as the Subdividor is in default on a previously approved plat.



ARTICLE VIII - SMALL SUBDIVISIONS

For purposes of conveying title or securing building permits, the following chapters, platting procedures, design features and document, shall not apply to the division of one or more lots platted into lots and blocks and designated in a subdivision plat on file and of record in the office of the County Registrar of Deeds, into one or more separately described tracts, nor shall said ordinance apply to the consolidation of two or more such platted lots or platted lots or parts thereof into one or more tracts, upon compliance with the following conditions: (1) The owner or owners of such platted lot or lots to be so divided shall file with the City Clerk a proposed survey plat be registered land surveyor of the lot or lots to be divided or consolidated; such plat or survey shall show the dimensions of said lot as measured upon the recorded plat, and also the proposed division thereof, a written description of the separately described tract or tracts which will result from the proposed subdivision or consolidation shall be filed with such plat or survey; (2) the separately described tract of land to be conveyed or designated for building permit purposes by reason of such division or consolidation as described upon said proposed plat, shall not be less than the minimum dimensions required to secure the minimum lot area specified in the Zoning Ordinance; (3) As a result of such division or consolidation as herein authorized, no remaining part of an original subdivision lot shall become a separately described lot upon said proposed plat with a size less than the minimum dimensions required to secure the minimum lot area specified in the Zoning Ordinance.





ARTICLE IX - ADMINISTRATION AND ENFORCEMENT

Section 1 Administration

- 1.1 The Planning Commission shall administer the provisions of this Ordinance.
- 1.2 All appeals applying to the terms of this Ordinance shall be made to the City Council acting as the Board of Adjustment and Appeals.

Section 2 - Building Permits

No building permit shall be issued by any governing official for the construction of any building, structure or improvement on any land henceforth subdivided until all requirements of this Ordinance have been fully complied with.

Section 3 - Variance

- 3.1 The Planning Commission may recommend a variation to the City Council from strict compliance with the ordinance when extraordinary and unnecessary hardships are imposed on the property owner. Such variations shall not deter from the Public Welfare, nullify the intent and purpose of the Community Development Plan, or the Zoning Ordinance.
- 3.2 Application for a variance shall be made in writing by the subdivider when the preliminary plat is filed. The Plans for variance shall include such covenants and other such provisions necessary to guarantee the full achievement of the Plan.
- 3.3 If the Commission refuses to recommend a variation, the subdivider may petition the Board of Adjustment and Appeals for a review of the decision for application of variation.

Section 4 - Amendments

Amendments shall be initiated by the Planning Commission and recommendations to the City Council. The Planning Commission shall hold at least one Public Hearing when a subdivision amendment is to be considered. Following the hearing the Planning Commission shall report its findings and recommendations to the City Council. The City Council shall hold such Public Hearings upon the amendment or any part thereof in such form it deems advisable.

Section 5 - Fees

The City Council shall determine the fee and collection procedure for subdividing.

Section 6 - Violations and Penalties

- 6.1 Any person who violates any of the terms or provisions of this ordinance shall be charged with a misdemeanor, punishable upon conviction by a fine of not more than three hundred dollars (\$300) or imprisonment not exceeding 90 days. Each violation and each day of violation shall be deemed as a separate offense.

- 6.2 In the event of a violation or a threatened violation of this ordinance, the City Council, or any member thereof, in addition of other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation, or threatened violation, and it shall be the duty of the City Attorney to institute such action.
- 6.3 Any tax payer or citizen of Clarissa may institute mandamus proceedings in district court to compel specific performance by the proper official or officials of any duty required by the ordinance.

ARTICLE X - VALIDITY

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

ARTICLE XI - EFFECTIVE DATE

This ordinance shall be in force and effect upon the due passage and publication in the manner provided by law.

*Passed by Clarissa City Council on Nov 1, 76*

*Published*