

## SECTION 18. SUBDIVISION STANDARDS

### SUBDIVISION 18.01 PURPOSE, SCOPE AND COMPLIANCE.

1. Purpose.

All subdivisions of land hereafter submitted for approval shall comply in all respects with the regulations set forth herein. It is the purpose of these regulations to: (1) Encourage well-planned, efficient, and attractive developments by establishing adequate standards for design and construction; (2) Provide for the health, safety, and general welfare of the Community's residents and property owners, by requiring properly designed and coordinated streets and adequate sewage, water, and drainage facilities; (3) Secure the rights of the public with respect to public lands and waters; (4) Serve as a tool to carry out the objectives and policies of the Town's Comprehensive Land Use Plan; (5) Establish a means to provide adequate recreational areas, school sites, and other public facilities; (6) To assure equitable handling of all subdivision plats by providing uniform procedures.

2. Scope.

This Chapter shall apply to the division or re-division of a lot, tract, or parcel of land by plat, registered land survey or by United States Public Land Survey.

3. Compliance.

After the adoption of this Chapter, no lot in a Subdivision shall be sold and no permit shall be issued to alter or erect any building upon land in a Subdivision unless a Subdivision plat has been approved and recorded and until the improvements required by the Becker Joint Planning Board relative to the Subdivision have been constructed or arranged for as provided herein.

### SUBDIVISION 18.02. REQUIRED APPROVALS OF PLATS.

Before any Plat shall have validity, it shall have been reviewed by the Becker Planning Commission as part of a public hearing process, approved by the Becker Joint Planning Board and recorded in the Sherburne County Recorder's Office.

### SUBDIVISION 18.03. CONDITIONS FOR METES AND BOUNDS OR UNITED STATES PUBLIC LAND SURVEY CONVEYANCES.

1. No conveyance of land in which the land conveyed is described by metes and bounds, United States Public Land Survey, or by reference to an unapproved registered land survey made after the effective date of Laws 1961, Chapter 462, shall be made or recorded unless the parcel described in the conveyance:
  - A. Is a separate parcel of record at the effective date of this Chapter, or
  - B. Was the subject of a written agreement to convey that which was entered into prior to such date, or

- C. Was a separate parcel of not less than two and one-half (2 1/2) acres in area and one hundred fifty (150) feet in width on November 1, 2009, or
- D. Is a single parcel of commercial or industrial land of not less than five (5) acres and having a width of not less than (300) feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five (5) acres in area and three hundred (300) feet in width, or
- E. Is a single parcel of residential or agricultural land of not less than twenty (20) acres and having a width of five hundred (500) feet. Conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than twenty (20) acres in area and five hundred (500) feet in width.
- F. If a parcel to be divided contains less than forty (40) acres but is described by the rectangular survey system as a quarter-quarter section, in common ownership, the tract shall be considered eligible for an equal split of the parcel (see Section 18, Subdivision 18.06.02. Exceptions, Part D – Nominal Forty Subdivisions). A parcel divided under this provision shall be reviewed and acted upon by the Joint Planning Board.

*Ordinance 2020-01; March 24, 2020*

- 2. Any of the above transfers of land shall require a certificate of compliance duly executed by the Town Clerk after approval by the Town Board – unless noted in Section 18.06.02.F - prior to recording of the land transfer in the County Recorder's Office.

*3. Ordinance 2020-01; March 24, 2020*

- 4. The Town Board may refuse to take over tracts as streets or roads or to improve, repair, or maintain any tracts which have been subdivided in this manner.

**SUBDIVISION 18.04. ADMINISTRATION, ENFORCEMENT, AMENDMENTS AND FINDINGS.**

- 1. Authority.

The Town Zoning Administrator, Building Inspector, or other designated Board Official, shall administer and enforce the provisions of this Chapter and for the purpose of this Chapter.

- 2. Amendments.

The Town Board may amend, supplement, or repeal the provision of this Chapter after a public hearing has been held thereon. Such amendment may be initiated by the Town Board, Joint Planning Board, or by petition. A notice of time, place, and purpose of hearing shall be published in the official newspaper of the Town at least ten (10) days prior to the day of the hearing.

- 3. Standards for Findings.

In reviewing all proposed subdivisions, plats and planned unit developments the Joint Planning Board and the Town Board shall consider, and use as a basis for their decisions the following factors:

- A. Consistency with the design standards and other requirements of this Chapter.
- B. Consistency with the Joint Planning Board’s Future Zoning Map or other development plans.
- C. Consistency with the Zoning Chapter.

- D. The physical characteristics of the site, including but not limited to topography, erosion, and flooding potential, and soil limitations, are suitable for the type of development or use contemplated.
  - E. The proposed development will not create a negative fiscal or environmental impact upon the Town.
  - F. The proposed development is in accordance with the Comprehensive Land Use Plan.
  - G. The Town will not face undue financial hardship due to the development in question.
  - H. The Town will not face unnecessary interrupted use of public roadways, facilities, or property for an unspecified amount of time due to development the Town is not ready for.
  - I. The subdivision will not prohibit the orderly growth of the surrounding areas or the Township as a whole.
  - J. The subdivision will be developed and constructed in such a manner that there is a uniqueness about each building structure within the development and each structure must be at the construction standards that have been set within the Township.
4. Building Permits.
- No building permit shall be issued by any governmental official for the construction of any building, structure, or improvement on any land required to be subdivided by this Chapter until final plat approval has been granted and, if required, a development agreement executed.

**SUBDIVISION 18.05. BOARD OF ADJUSTMENT.**

The Joint Planning Board shall act as the Board of Adjustment for the subdivision regulations and will hear all appeals and requests and will recommend approval or denial of these appeals or requests to the Town Board for final approval.

**SUBDIVISION 18.06. VARIANCES, EXCEPTIONS, PLANNED UNIT DEVELOPMENT.**

- 1. Variances.
  - A. Variances may be approved where strict enforcement of the literal provisions of the Zoning or Subdivision Ordinance would cause practical difficulties because of circumstances unique to the individual property under consideration, and the grant of a variance will be in keeping with the spirit and intent of the ordinance. Practical Difficulties are described as follows:
    - 1. the property owner proposes to use the property in a reasonable manner not permitted by an official control;
    - 2. the plight of the landowner is due to circumstances unique to the property not created by the landowner;
    - 3. the variance, if granted, will not alter the essential character of the locality.
  - B. The following conditions must be met:

1. the landowner's land cannot be put to a reasonable use under the terms of the Zoning Ordinance or Subdivision Regulations;
  2. the plight of the landowner is due to circumstances unique to the land which were not created by the landowner;
  3. the grant of variance will not alter the essential character of the neighborhood;
  4. the grant of variance does not create a use not provided in the zoning district.
- C. All applications for a Variance shall be submitted to the Zoning Administrator 30 days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 500 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing.
- D. Submissions for Variances. The applicant shall complete the Variance application approved by the Board of Adjustment. The application shall contain submittal requirements, criteria for approval, procedure for consideration and Town contact information. The Town shall not accept applications where the applicant has past due fees or charges due to the Town until the account is made current.
- E. When costs to the Town involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the Town for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the Town may need to retain in reviewing permits.
- F. No Variance application shall be accepted by the Zoning Administrator from a contractor or property owner having outstanding violations. Variances can only be requested by contractors or property owners with outstanding violations upon resolution of the violation to the satisfaction of the Planning Commission.
- G. Failure by the owner to act within 12 months on a Variance unless extended by the Board of Adjustment shall void the Variance. A second extension shall require a new public hearing. This provision shall apply to any Variance outstanding at the time of the Ordinance adoption.
- H. Violations of the conditions of a Variance shall void the variance.
- I. Appeals from the action of the Town Board shall be filed with the District Court within 30 days after Council action.
- J. The Variance shall be filed by the Landowner with the County Recorder within 45 days of approval.

*Ordinance 2011-03; September 27, 2011*

2. Exceptions.

- A. Simple Lot Subdivisions. A simple, easily described division of a platted lot of record (e.g., East One- Half of Lot 31, West One-Half of Lot 31) into two separate lots may be exempt from the platting requirements of this Chapter at the discretion of the Joint Planning Board,

provided the resultant parcels meet all zoning and subdivision requirements. Such division requires approval by the Town Board.

- B. **Minor Subdivisions.** The supplementary information required herein entitled "Specifications for Plats" may be waived at the discretion of the Joint Planning Board for Minor Subdivisions as defined herein.
- C. **Boundary Adjustment Subdivisions.** A Boundary Adjustment Subdivision as defined herein may be exempt from the platting requirements of this Chapter at the discretion of the Joint Planning Board.
- D. **Nominal Forty Subdivisions.** For nominal forty-acre parcels - described as a quarter-quarter section – that are found by Certificate of Survey to be less than forty acres, the Joint Planning Board may approve a subdivision into two equal parcels by Metes and Bounds description. The Joint Planning Board, as with Minor Subdivisions, has discretion as to the supplementary information required. Parcels that are less than forty acres due only to nominal error or physical change, or previous dedication of rights-of-way, may qualify. The subdivider may be required to convey necessary rights-of-way to the Town upon subdivision.

*Ordinance 2020-01; March 24, 2020*

- 3. **Planned Unit Development.** The requirements of this Chapter may be waived by fulfillment of the Planned Unit Development requirements established in the Zoning Chapter.

#### SUBDIVISION 18.07. DEFINITIONS.

The following terms, as used in this Chapter, shall have the meanings stated:

- 1. **Alley.** A minor way providing secondary vehicular access to the side or rear of two (2) or more properties abutting on a street.
- 2. **Block.** An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river, lake, or rail line.
- 3. **Boulevard.** The portion of the street right-of-way between the curb line and the property line.
- 4. **Building.** Any structure used or intended for supporting or sheltering any use or occupancy.
- 5. **Building Setback Line.** A line parallel to a street between which line and the nearest street right-of-way line no building may be erected or placed.
- 6. **Butt Lots.** Any lot, or lots, at the end of a block, located between two corner lots.
- 7. **Certificate of Survey.** A survey prepared consistent with the standards of the surveying profession and signed by a licensed land surveyor.
- 8. **Collector Street.** A street so designated in the Comprehensive Plan.
- 9. **Comprehensive Guide Plan.** Compilation of policy statements, objectives, standards, and maps for guiding the physical, social and economic development, both public and private, of the Township and its environs, as defined in the Minnesota Municipal Planning Act, sometimes referred to as "Comprehensive Plan."

10. **Crosswalk or Pedestrian Way.** A publicly owned right-of-way which crosses a block and furnishes pedestrian access to adjacent streets or properties.
11. **Cul-De-Sac.** Short, local street having only one outlet and a vehicular turn-around area.
12. **Design Standards.** Specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right-of-way, blocks, easements, and lots.
13. **Double Frontage Lots.** A lot extending between and having frontage on a major street and a local street with vehicular access solely from the latter.
14. **Easement.** A grant by an owner of land for the specific use of said land for a public or quasi-public purpose.
15. **Final Plat.** Final map, drawing, or chart on which the subdivider's plan of a subdivision is presented, consistent with the standards of Minnesota Statutes Chapter 505, to the Town Board for approval and which, if approved, may be submitted to the County.
16. **Gang Mail Receptacle.** A structure approved by the Town of Becker that holds multiple U.S. Post Office approved individual mailboxes and newspaper boxes.
17. **Grade, Percentage Of.** The rise or fall of a street in feet and tenths of a foot for each one hundred (100) feet of horizontal distance measured at the center line of the street.
18. **Growth Management System.** The goals, policies, programs, ordinances, and regulations used to guide the Town's growth and development.
19. **Local Street.** A street of limited continuity used primarily for access to abutting properties and the local needs of the neighborhood.
20. **Lot:** A parcel of land separated from other parcels by legal description.
21. **Lot Area:** The contiguous horizontal plane of a lot, bounded by the lot lines.
22. **Lot, Corner:** A lot bounded by the intersecting boundaries of two (2) or more streets.
23. **Lot Coverage:** That portion of a lot covered with structures and hard surfaces such as parking, loading, and storage.
24. **Lot Depth:** The average horizontal distance between the front lot line and the rear lot line.
25. **Lot, Interior:** A lot other than a corner lot.
26. **Lot Line:** A line bounding the horizontal plane of a lot.
27. **Lot Line, Front:** The line connecting the side lot lines of a lot measured along the boundary of the right-of-way designated by the Town Board to serve the lot.
28. **Lot Line, Rear:** The lot line that is opposite the front lot line.
29. **Lot Line, Side:** Any lot line that is not a front lot line or a rear lot line.
30. **Lot, Through:** An interior lot having frontage on two (2) streets.
31. **Lot Width:** The horizontal distance between the side lot lines measured parallel to the front lot line at the front building setback.
32. **Lots of Record:** A Lot of Record is a parcel of land separated from other parcels by legal description and which satisfied the physical standards for width, depth, density, area, right of

way frontage and sewage treatment requirements established by law on the date the lot was recorded with the Sherburne County Recorder, after approval by the then appropriate governmental authority as a division or a subdivision. A lot of record which no longer meets the requirements described in the preceding provision hereof, is subject to the non-conforming use provisions of this Ordinance.

33. **Mail Receptacle.** A structure approved by the Town of Becker that holds U.S. Post Office approved individual mailboxes and newspaper boxes.
34. **Major Thoroughfare.** A street designated on the Comprehensive Land Use Plan as a freeway, arterial or collector street.
35. **Marginal Access Street.** A local street which is parallel and adjacent to the thoroughfare and which provides access to abutting properties and protection from through traffic.
36. **Parks and Playgrounds.** Public land and open spaces dedicated or reserved for recreational purposes.
37. **Planned Unit Development.** A tract of land planned and developed as a unit rather than an aggregate of improvements on individual lots.
38. **Plat.** A map or drawing indicating the subdivisions or re-subdivision of land, consistent with Minnesota Statutes chapter 505 and meeting the requirements enumerated herein, intended to be filed for record.
39. **Preliminary Plat.** A tentative map, drawing, or chart of a proposed subdivision meeting the requirements enumerated herein.
40. **Private Street.** A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public but is owned by one or more private parties.
41. **Protective Covenants.** Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.
42. **Registered Land Survey.** A survey meeting the standards of Minnesota Statute 508.47, or its subsequent amendments.
43. **Right-of-Way.** Land donated, dedicated and held in public trust for use as a street, alley, or crosswalk.
44. **Roadway Width.** See street width.
45. **Sketch Plan.** A plan drawn to scale used for planning and discussion purposes only.
46. **Street.** A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue or boulevard.
47. **Street Width.** The width of the improved surface of the street as measured at right angles or radially to the centerline of the street from curb face to curb face, or on streets without curbs from the outside edge of the improved shoulder to the outside edge of improved shoulder.
48. **Subdivider.** Any person commencing proceedings under this Chapter to effect a subdivision of land for themselves or others.

49. **Subdivision.** The division or re-division of a lot, tract, or parcel of land by plat, registered land survey or by United States Public Land Survey description.
50. **Subdivision, Boundary Adjustment.** The division of one or more lots of record for the purpose of combining a portion or portions thereof with other lots of record, without creating additional lots and provided that all resultant lots are no less compliant with the zoning and subdivision requirements of this Ordinance than they were prior to the Boundary Adjustment Subdivision.

*Ordinance 2016-03; May 24, 2016*

51. **Subdivision, Minor.** Any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new public street or road, or the extension of the Township streets or utilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of an adopted Comprehensive Plan, Official Zoning Map, Zoning Chapter, or these subdivision regulations.
52. **Subdivision, Nominal Forty.** A subdivision of a parcel of land, described by the rectangular survey system as a quarter-quarter section but found by certificate of survey to contain less than forty (40) acres through nominal error or physical change or/and by previous dedication of rights-of-way, into two equal parcels.

*Ordinance 2020-02; March 24, 2020*

53. **Subdivision, Simple Lot.** The division of a platted lot of record into two lots, each of which complies with all zoning and subdivision requirements
53. **United States Public Land Survey:** The original survey commissioned by the U. S. Government and described in Minn. Stat § 381.12 and required by Minn. Stat § 389.04.

#### SUBDIVISION 18.08. PROCEDURE FOR SUBDIVISION REVIEW.

1. Minor Subdivision Procedure.
  - A. Must be accompanied by a certificate of survey.
  - B. The request shall follow the procedure for subdivision review as outlined in this Code.
  - C. No more than one (1) minor subdivision or lot split will be permitted on an original parcel of record on the effective date of this Chapter.
  - D. The request shall include any additional requirements deemed necessary by the Zoning Administrator.
2. Sketch Plan Review.
 

An on-site review of a sketch plan by the Joint Planning Board is required prior to submission of an application for preliminary plat.

  - A. The subdivider shall submit a copy of the sketch plan 14 days prior to the regular Planning Commission meeting. At that time, the subdivider shall also request a site visit as part of the formal agenda.



- B. The Planning Commission and Joint Planning Board members shall walk the property with the applicant. Members shall strive to identify any unique features of the property that should appear on a preliminary plat submittal.
- C. The Planning Commission and Joint Planning Board shall not take action on the proposal, but may make suggestions to facilitate the preparation of an approvable preliminary plat or plan.

3. Preliminary Plat Procedures.

**Application and Fee.** The subdivider or owner shall file with the Town Clerk fourteen (14) copies of the preliminary plat and such supplementary information as may be required, along with a digital copy of the proposed subdivision in a format suitable for viewing and compatible with the County's GIS system, and a cash fee as set from time to time by the Town Board for the application and for each lot thereon. In addition to the application and fee, the subdivider shall be required to pay funds into escrow for all planning, engineering, and legal expenses incurred by the Township for the review of said request. Application for hearing by the Planning Commission and/or Joint Planning Board must be made to the Zoning Administrator on forms provided by the Joint Planning Board and shall include all information and data requested. The application must be reviewed by staff within a 10 day time frame to be assured of completion. If the application is incomplete a letter requesting additional information will be sent out prior to the ten day deadline.

- A. **Distribution of Preliminary Plat.** The Zoning Administrator shall refer a copy of the preliminary plat to each of the following persons or agencies: Town Planning Commission, County Planning Commission, Town Engineer, Town Attorney, and the Joint Planning Board for review and report. The preliminary plat must contain all information stated herein. If within thirty (30) days, any agency fails to submit a report, the Township may proceed on the assumption that the agency has approved the plat.
- B. **Planning Commission Review and Public Hearing.** The Planning Commission shall set a date for the official public hearing. Notice of such hearing shall be published at least once in the official paper of the Township and mailed to individual properties within five hundred (500) feet of the boundaries of the affected parcel included in the request not less than 10 days prior to the date of said hearing. Land separated by a public right-of-way shall be deemed to be adjacent for the purpose of this section. Failure of a property owner to receive said notice shall not invalidate any such proceedings. The public hearing may be continued from time to time to allow for full and fair consideration of the request.
- C. **Becker Joint Planning Board Action.** Upon receiving the report and recommendation from the Planning Commission, the Joint Planning Board shall have the option of holding a public hearing, if necessary, and may impose any conditions deemed necessary. If a public hearing is held, the notice and publication requirements set forth above must be followed. The Joint Planning Board shall act to approve or disapprove the preliminary plat on the basis of the Standards for Findings set forth herein. If disapproved, the reasons for disapproval shall be set forth in the minutes of the Town Board.
- D. **Response.** The Becker Joint Planning Board must approve or disapprove the preliminary plat application within 120 days from the date the application is deemed complete. Absent approval or disapproval within 120 days, the application is deemed approved.

4. Additional Information.

The Joint Planning Board and Staff shall have the authority to request additional information from the applicant concerning the preliminary plat or to retain expert testimony with the consent and at the expense of the applicant concerning said information to be declared necessary to establish compliance with all pertinent sections of this Chapter.

5. Approval or Denial of the Preliminary Plat.
  - A. Within 120 days from the date the application for preliminary plat approval is deemed complete, the Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the preliminary plat to the Joint Planning Board, and the Joint Planning Board shall approve or disapprove the preliminary plat.
  - B. For plats with multiple phases a final plat application for a subsequent phase must be submitted within two (2) years after approval of the previous phase final plat or the preliminary plat shall be considered void. Prior to the expiration of the final plat deadline, the Joint Planning Board may extend the approval for an additional (2) years. The extension request shall be in writing specifically designating the expiration date. Only one (1) extension may be granted per phase of the preliminary plat. If the preliminary plat is denied the subdivider or owner will be notified and informed of the reason(s) for denial.
6. Final Plat Procedures.
  - A. **Final Submittal.** The owner or subdivider shall file at least three (3) full sized mylar copies and three (3) reduced sized copies of the final plat for consideration by the Joint Planning Board incorporating all changes or modifications required as conditions of approval of the preliminary plat as approved. The plat shall be complete as to the information required under this Section. The Planning Commission shall review the final plat to assure consistency with the approved preliminary plat. The Planning Commission shall make a recommendation for approval or disapproval with conditions and reasons thereof to the Joint Planning Board. In a case where the plat is disapproved, the subdivider shall be notified in writing of the reasons for such disapproval and what requirements, if any, are necessary to meet the approval of the Commission.
  - B. The final plat, together with the recommendations of the Planning Commission shall be submitted to the Joint Planning Board at its next regularly scheduled meeting. If accepted, the final plat shall be approved by resolution, including acceptance of all agreements for basic improvements, public dedication and other requirements as indicated in this Chapter, by the Planning Commission, and by the Joint Planning Board. It shall be the responsibility of the subdivider to file the plat with the appropriate county offices after final approval. Within sixty (60) days the subdivider must give a copy of the recorded subdivision to show proof of recording. Failure to do so within one (1) year of final approval shall result in the requiring of a new preliminary plat. This new preliminary plat must be reviewed in accordance with the procedure set out in this Chapter to ensure compliance with any new requirements.

#### SUBDIVISION 18.09. SPECIFICATIONS FOR PLATS.

1. Information Required For Preliminary Plats.
  - A. **General Requirements.** The plat shall be clearly and legibly drawn at a scale of one (1) inch equaling one hundred (100) feet or larger, and shall contain at least the following information:

1. Proposed name of subdivision, not similar to any existing subdivision.
2. Date and North Arrow.
3. Scale of plat, not less than one (1) inch to one hundred (100) feet.
4. Indication of any proposed covenants.
5. Location map indicating location of proposed subdivision in relationship to general known area.
6. Names and addresses of the subdivider and surveyor making plat and property owners of record within three hundred fifty (350) feet of the proposed subdivision.
7. Legal description of proposed subdivision.

**B. Existing Conditions and proposed Design Features.**

1. Boundary line of proposed subdivision.
2. Zoning of land within and abutting the subdivision.
3. Layout, dimensions and acreage of proposed lots and blocks.
4. Name, location and right-of-way width of existing or proposed streets, highways, alleys, sidewalks, and pedestrian ways.
5. Soil survey, grading plan, soil erosion and sediment control plan, and landscaping plan.
6. Location and elevation of the Ordinary High water mark of all lakes, rivers, streams and wetlands.
7. Location, dimensions, and purpose of existing and proposed utilities and utility easements.
8. Primary and secondary individual sewage treatment system locations for each lot.
9. Existing and proposed storm water drainage systems including drainage easements.
10. Boundary lines of adjoining unsubdivided or subdivided land within three hundred and fifty (350) feet, identifying by name and ownership.
11. Statement of proposed use of development including type and number of structures and units.
12. Proposed zoning changes, if necessary.
13. Minimum front, side, and rear yard setbacks as required by the Zoning Chapter.
14. Location, dimensions. and size of areas, other than streets, alleys, pedestrian ways, and utility easements, proposed to be dedicated or reserved for public uses.
15. Inventory of existing trees above 6-inches diameter by type and size and the proposed tree preservation plan for property included within the subdivision.
16. The Type of Structure proposed based on drainage, grading, and sewer elevations must be shown for each lot in the subdivision.

- C. Supplementary Information.** The following information may be required if it is deemed necessary and appropriate by the Zoning Administrator, the Joint Planning Board, or the Town Board.

1. Statement of adequacy of existing or proposed utilities to accommodate or serve the proposed development.
  2. Statement relative to the relationship of the proposed subdivision with existing or potential adjacent subdivisions.
  3. Statement of estimated costs of proposed required improvements.
  4. Other information deemed necessary by the Joint Planning Board, Zoning Administrator, Town Board, or Subdivider.
2. Qualifications Governing Approval of a Preliminary Plat.

The approval of a preliminary plat by the Joint Planning Board Board shall only constitute acceptance of the design as a basis for the preparation of the final plat by the owners or subdividers. Subsequent approval by appropriate officials having jurisdiction will be required of the proposals pertaining to water supplies, storm drainage, sewage disposal, sidewalks, grading, gradients, roadway widths, and the surfacing of streets prior to the approval of the final plat. The subdivider shall also present evidence that the plat has been reviewed by, and meets the requirements of, those responsible for the provision of gas, electric, and telephone service. No plans will be approved for a subdivision which include any area subject to periodic flooding or which contains extremely poor drainage capabilities which would make adequate drainage of the streets and lots impossible, unless the subdivider agrees to make improvements, the design and construction which comply with the drainage requirements cited in the Township's Engineering Standards. The grading and drainage design is to be reviewed and approved by the Town Engineer.

3. Information Required for Final Plats.

The final plat shall be prepared in accordance with provisions of Minnesota State Statutes. The final plat must include all changes required from the preliminary plat. The following concurrent documents shall be submitted with the final plat:

- A. Review by an independent Professional Land Surveyor, verifying that calculations contained in the plat are accurate and that the plat conforms to the requirements of State Statutes.
- B. An up-to-date certified abstract of title or such other evidence as required by the Town Attorney.
- C. A development agreement, where required.
- D. All documents to be filed concurrent with the plat, including any declarations, deed restrictions, easements and covenants.

#### SUBDIVISION 18.10. SUBDIVISION DESIGN STANDARDS.

1. Streets and Alleys.
  - A. **General.** All streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be served by such streets.
  - B. Streets in a subdivision shall either provide for the continuation of existing streets in the surrounding areas, or conform to a plan adopted by the Town Board.

- C. Minor streets should be arranged so that their use is discouraged by through traffic.
- D. Permanent cul-de-sacs can have a length of no more than one thousand, four hundred (1,400) feet with a minimum radius for the turn around to be sixty six (66) feet. Lots within a cul-de-sac are required to be ninety (90) feet wide at the thirty (30) foot setback.
- E. There shall be no direct access to major thoroughfares from individual lots. If a proposed parcel of plat is adjacent to a freeway, arterial, or collector street a foliage buffer must be installed to block lots from the street.
- F. Private streets or half streets shall be prohibited.
- G. Where adjoining lands are not subdivided, some of the streets in the new subdivision shall be required to be extended to the boundary line of the tract to make provision for future access into adjacent areas.
- H. All subdivisions shall be required to conform to the Comprehensive Plan. Arterial and collector streets shown on the Land Use Plan shall be dedicated, on the locations and widths shown, to the Township as a condition of plat approval.
- I. Public right of way widths shall be dedicated using the following minimum standards or those recommended by the State or County Highway Department when applicable (in feet):

Type of Street Right of Way

Arterial:	100 feet
Collector:	66 feet
Minor or Local:	66 feet
Marginal Access:	66 feet
Cul-De-Sac:	66-foot radius

- J. Alleys should have a minimum right-of-way width of thirty (30) feet and shall conform to the gradient requirements of local streets.
2. Grading and Alignment.
- A. **Horizontal Alignment.** The minimum roadway centerline radius shall be no less than three hundred (300) feet unless otherwise approved by the Town.
  - B. **Vertical Alignment.** Minimum stopping sight distances for vertical alignments shall be based on AASHTO standards for thirty (30) mile per hour design speeds for local streets and fifty five (55) mile per hour design speeds for collector streets.
  - C. **Minimum and Maximum Grades.** Minimum: five tenths (0.5%) percent; Maximum: four (4%) percent for collector streets, seven (7%) percent for local streets.
3. Intersections.
- A. Streets shall intersect as nearly to ninety (90) degrees as possible. In no case shall streets intersect at less than seventy-five (75) degrees.
  - B. No more than two (2) streets shall cross at any one intersection.
  - C. The minimum distance between the centerlines of offset intersections shall be one hundred fifty (150) feet.

4. Easements.
- A. **Utilities.** Easements at least twelve (12) feet wide centered on the rear and side lot lines shall be provided for utilities. They shall have continuity of alignment from lot to lot and block to block. At the option of the developer for commercial or industrial plats, easements along side lot lines can be granted subsequent to the platting of the lots. Easements are still required six (6) feet on both sides of the lot lines but these easements can be granted at a later date. Easements must be granted at the time of sale/development of a lot within the plat. It shall be the responsibility of the developer to provide said easement to the Township, along with the establishment of, documentation, recording, and fees at the developers expense. The developer shall also provide evidence that said easement is of record. A copy of said recorded easement shall be given to the Township no later than sixty (60) days of the sale date of the property. The Town Board must authorize said alternative easement arrangement at the time of approval of the final plat. In the event a sale involves a lot split, the developer will be required to furnish a copy of the proposed easement at the time of the request for the lot split.
  - B. **Drainage.** Easements shall be provided along each side of any water course to establish a storm sewer, drainage, or floodway right-of-way. Its boundaries shall conform substantially with the centerline alignment of such water course.
  - C. **Protective.** Protective or scenic easements shall be provided to a depth of one hundred (100) feet from the high water line of all lakes, ponds and streams or to such logical, natural or ecological boundary as can be agreed upon by the owner and the Township.
  - D. **Right of Way.** An additional ten (10) foot easement shall be granted on either side of all rights-of- way within the boundaries of a subdivision.
  - E. **Perimeter.** A perimeter easement around the exterior of the entire plat shall be established to a minimum of ten (10) feet.
5. Blocks.
- A. **Arrangement.** A block shall be so designed as to provide two (2) tiers of lots except where lots back onto a major street, natural feature, railroad, or subdivision boundary, in which case, it may have a single tier of lots.
  - B. **Length.** The maximum length of blocks shall be one thousand five hundred (1500) feet and the minimum length, four (400) feet.
6. Lots.
- A. **Location.** All lots shall abut for their full frontage on a publicly dedicated street.
  - B. **Size.** The lot dimensions shall be such as to comply with the minimum lot areas specified in the Zoning Ordinance.
  - C. **Useable Open Spaces.**
    - 1. There must be a minimum of 40 feet of useable open spaces in the rear yards of all lots abutting delineated wetlands as measured from the ordinary high water level or elevation of the line of permanent aquatic vegetation, whichever is greater.
    - 2. There must be a minimum of 30 feet of useable open space in the rear yards of all lots abutting drainageways or retention / detention ponds as measured from the ordinary high water level to the proposed primary structures in all plats.

- D. **Butt Lots.** Butt lots shall be prohibited.
  - E. **Side Lot Lines.** Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines.
  - F. **Water Courses.** Lots abutting upon a water course, drainageway, channel, or stream shall have sufficient depth and width to provide a minimum area of land not subject to flooding equal to the minimum lot dimensions specified in the Zoning Chapter for the district in which the lots are located.
  - G. **Drainage.** Lots shall be graded so as to provide drainage away from building locations.
  - H. **Width Related to Depth.** To prevent narrow, deep lots, the depth of a lot should not exceed two and one-half (2 1/2) times the width as measured at the building line.
  - I. **Double Frontage Lots.** Double frontage lots (lots with frontage on two parallel streets) shall not be permitted except where lots back to a major thoroughfare street. Such lots have an additional depth of at least ten (10) feet in order to allow for screen planting along the back line.
  - J. **Corner Lots.** Corner lots will have the same width requirement as the zoning district that they are in as stated in the Zoning Chapter.
  - K. **Cul De Sac Lots and Lots on Curved Streets.** Lots within cul-de-sacs and lots on corner lots are generally pie shaped in their layout so they are required to be ninety (90) feet wide at the required front setback line.
  - L. **Future Arrangements.** Where parcels of land are subdivided into unusually large lots, such as when large lots are required for septic systems, the plat shall be designed and shall show, in dashed lines, how lots can be re-subdivided at some future date when public sanitary sewer and water are available. Structures on these lots must be placed on a side of the lot that is to be determined by the owner with approval by the Town Zoning Administrator.
  - M. **Individual Lot Site Plans.** It is required that all residential lots shall have a site plan which identifies general location and pad elevation for the principal structure. The site plan must identify drainage ways and finished elevations for the lot, in keeping with the total drainage requirements for the plat. All deciduous trees over 6 inch in diameter and all coniferous trees 6 feet or taller shall be shown. In addition, the site plan must identify the type of structure that is possible for each lot based on depth of utilities or drainage limitations imposed by the plat or topography. Said types shall include full basements, walkouts, lookouts, splits, slab on grade, or single story. Building permits will not be issued until Individual Lot Site Plans are submitted.
7. Soil Erosion and Steep Slopes.
- A. The developer shall obtain a National Pollution Discharge Elimination System permit from the Minnesota Pollution Control Agency. The Stormwater Pollution Prevention Plan shall be adhered to.
  - B. Topsoil and vegetation distributed or destroyed during or after construction shall be replaced or replanted to minimize soil erosion.
  - C. No construction or grading shall be allowed on slopes greater than twenty (20) percent. The subdivider does have the option of dedicating steep slopes to the Township or an officially recognized homeownership association.

- D. During and after construction, slopes shall be protected from erosion by quick establishment of vegetative cover, benches, terraced, mulches, or other proper protection devices or practices. Stands of existing vegetation adequate to control erosion should be preserved wherever possible.
  - E. Any land reclamation or filling shall be approved by the Zoning Administrator.
8. Public Sites, Pedestrian Ways, Open Spaces, and Natural Features.
- A. **Public Uses.** Where a proposed park, play ground, school, trail system or other public use shown on the Comprehensive Land Use Plan is located in whole or in part within a subdivision, the area shall be dedicated to the public or reserved for public purchase at fair market value. If within two (2) years of recording of the plat, the purchase is not consummated, the reservation shall be cancelled.
  - B. **Private Parks.** Subdividers shall be encouraged to provide small privately-owned parks and open spaces in all commercial, industrial, and residential developments to satisfy the needs of employees, shoppers, and small children.
  - C. **Pedestrian Ways and Trails.** Subdividers shall define a meaningful pedestrian circulation system which is in accordance to the Comprehensive Land Use Plan and connects to the major trail system, to schools, parks, and shopping areas.
  - D. **Mitigated Wetlands.** All mitigated wetlands must be contained entirely within an outlot for deeding to the Township to ensure preservation of the environmental integrity of the wetlands
  - E. **Natural Features.** Existing natural features which add value to and enhance the attractiveness of the development and the community (trees, water courses, etc.) shall be preserved, insofar as possible, in the design of the subdivision. Planting strips shall be placed along highways and railroad lines to screen the view and to reduce noise levels in residential areas.
9. Drainage.
- A. Plans for surface water runoff and drainage shall be reviewed and approved by the Planning Commission, Town Engineer and Joint Planning Board prior to final plat approval.
  - B. The subdivision should be so designed that the drainage system utilizes to the greatest extent possible existing natural overland flows, open channel and drainage routes.
  - C. The drainage system shall be constructed and operational during the initial phase of construction.

#### SUBDIVISION 18.11. DEDICATIONS AND CONDITIONS OF SUCH DEDICATION.

1. Residential Dedication.

In all new residential subdivisions, lot splits, minor subdivision and in properties changing from one zoning district to a higher density residential zoning district, the Township shall require that a sufficient portion of such land be set aside and dedicated to the public for parks, schools, playgrounds, or other public use exclusive of property dedicated for streets and other public



ways. This is pursuant to Minnesota Statute 462.358. It shall be presumed that a sufficient amount of land has been dedicated for parks, schools, and playgrounds for the present and future residents of the subdivision if the subdivider dedicates at least ten (10%) percent of the land in the subdivision. The Township upon consideration of the particular type of development proposed in the subdivision or land rezoned, may require larger or lesser amounts of land to be dedicated if it determines that the present and future residents of the subdivision or development would require greater or lesser amounts of land for such purposes. The Township shall be the sole determinant in requiring the land dedication or requiring a per-dwelling unit cash payment. The amount of this fee shall be determined by the Town Board as part of the annual schedule of fees and charges. The fees shall be due by the developer at the time of entrance into a development agreement. If the property is rezoned, the fee shall be required at the time of the building permit payment when the property is developed.

2. Other Dedications.

In commercial, Industrial, or other Nonresidential subdivisions the Joint Planning Board may decide not to require the subdivider to contribute land, cash or any combination thereof. In those instances, however, where the Town deems it in the public interest to require a contribution, the subdivider shall dedicate five percent of the undeveloped land or cash in the amount of the land's assessed valuation prior to development.

3. Findings of Facts for Dedications.

It shall be deemed to be in the public interest to require land dedication, cash contribution, or any combination thereof when the Town Board after review and recommendation makes one or more of the following findings of fact:

- A. All or part of the proposed subdivision has been designated as park, playground, public open space, storm sewer holding areas or ponds as adopted in the Town Comprehensive Plan.
- B. Such contribution is necessary in order to protect adjacent land uses from potential conflicting land used which could exist on the land subdivided.
- C. The increased number of residents to reside or be employed within the subdivision will increase the recreational demands upon the Town.
- D. Such contribution is necessary to provide proper surface water run-off generated by the uses proposed within the subdivision.
- E. The land proposed to be subdivided contains or borders upon existing unique topographical features including but not limited to ponds, lakes, streams, timber stands, water holding areas, hills, steep slopes, drainage areas, or bluffs which should be preserved to prevent foreseeable safety, pollution, or erosion hazards or to provide unique recreational and aesthetic qualities and enjoyment to the Town.
- F. Such contribution is necessary to comply with or fulfill the goals, policies, and programs of the Town.

4. Exceptions for Outlots.

In subdivisions which include outlots for future development or outlots within a subdivision that are designed specifically for other purposes, the subdivider shall contribute land, cash, or any combination thereof as provided herein, whichever is applicable as well as the following criteria:

- A. For land contributions, the entire subdivision, including the land within the outlots will be included in the determination of the total land dedication percentage.
  - B. For cash contributions only that land exclusive of the outlots will be included in the determination of the total land dedication percentage.
5. Geographic Location of Dedications.
- In such cases where the subdivider is required to dedicate land area the Town Board shall have the right to determine the geographic location and configuration of said dedication. The land dedicated shall not consist primarily of wetland, steep slopes or other natural or man-made features that make the property unusable as parkland.

#### SUBDIVISION 18.12. SUBDIVISION IMPROVEMENTS.

1. Required Improvement Contract.

Prior to installation of required improvements and prior to approval of the final plat, the subdivider shall enter into a contract with the Town requiring that the subdivider furnish and construct said improvements at his sole expense and in accordance with plans and specifications to be approved by the Town Engineer. The contract shall stipulate the type and extent of the improvements to be constructed, the cost of construction, the construction time schedule, the Town's authority to inspect the construction, and the amount of the escrow deposit to the Town to be furnished in accordance with the requirements of this Section. Alternatively, the Township in its discretion may require that, or, at the request of the subdivider may agree to undertake the installation of the required improvements in which event the subdivider shall enter into a contract with the Township agreeing to pay the expense thereof, including all construction, engineering, legal, financing, and administrative costs incurred by the Township by reason thereof. By such contract the developer shall agree to the method and schedule of payment to the Township as determined by the Township, and, if required, shall agree to furnish the escrow deposit as required herein.

2. Required Improvements.

Prior to the approval of the final plat, the subdivider shall have agreed in the manner set forth below to install in conformity with construction plans, approved by the Town Engineer and in conformity with all applicable standards and Town Code provisions, the following improvements on the site:

- A. **Monuments.** Monuments of a permanent character as required by Minnesota Statute Chapter 505, shall be placed at each corner or angle on the outside boundary of the subdivision, Pipes or steel rods shall be placed at each corner of each lot and at each intersection of street center lines.
- B. **Streets and Alleys.** All streets and alleys shall be graded to their full width except in areas where tree cover and topography can and should be preserved. All streets and alleys shall have an adequate sub-base, and shall be improved with an all-weather permanent surface in accordance with Town minimum design standards as recommended by the Town Engineer.

- C. **Curb and Gutter.** Permanent curb and gutter may be required on either one or both sides of each improved street dedicated in the plat where required in the Township Engineering Standards.
- D. **Storm Drainage.** A system that will adequately take care of the surface water runoff within the subdivision shall be provided including storm sewers, drain inlets, manholes, culverts, and other structures and easements, as recommended by the Town Engineer.
- E. **Street Signs.** Street signs of a standard design approved by the Township shall be installed at each street intersection.
- F. **Public Utilities.** All utility lines for telephone and electrical services shall be placed underground, unless overhead placement is specifically allowed by the Town Board.
- G. **Street Lighting.** Street lighting may be required in all subdivisions. Plans shall be approved by the Town Board.
- H. **Pedestrian Ways.** All walkways adjacent to streets or otherwise defined by easement shall be improved to adequately accommodate pedestrian traffic.
- I. **Subdivision Signage.** A sign stating the name of the subdivision must be established at the entrance to the subdivision in a location approved with the final plat for all residential subdivisions of 15 or more units. For subdivisions with multiple phases only one sign for the entire subdivision is required and the sign shall be established when the abutting roadway is established. Said sign shall be made of a natural maintenance free material such as stone, brick or granite and the subdivision name must be in letters at least eight (8) inches high and approved by the Joint Planning Board..

3. Financial Guarantee.

Prior to the approval of the final plat, if the subdivider is to undertake the installation of the required improvements, he shall make an escrow deposit equal to the total administrative and construction costs of the improvements as estimated by the Town Engineer and Town Attorney, and including the cost of inspection by the Township. If the Township undertakes the installation of said improvements, and if required by the Township, the subdivider shall make an escrow deposit and furnish a surety bond or other acceptable security in the amount of the sum the subdivider has agreed to pay the Township for the installation of said improvement. Any such escrow deposit, bond or other security shall accrue to the Township in case of default of the subdivider. In case of default the Township shall appropriate any such bond or security. The term of any deposit, bond or security shall be specified by the Township. Any deposit, bond, or security must be subject to approval by the Township. Deposits shall be made with the Town Treasurer or with a responsible escrow agent acceptable to the Township. The Township may agree to provide for reduction of the amount of any bond, security, or escrow deposit by reason of completion of, or in payment for, the improvements for which said bond, security, or deposit has been made. Nothing herein shall preclude the Township from making special assessment against benefited property for improvements made on it.

5. Construction Plans and As-Builts.

- A. **Construction Plans.** Construction Plans for the required improvements conforming in all respects to the standards of the Town and the applicable ordinances, shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of

Minnesota; said plans must contain the engineer's certification. Such plans, together with the quantity of construction items, shall be submitted to the Town Engineer for approval.

- B. As-Built Drawings.** Upon Town Engineer's certificate of compliance, the subdivider shall furnish the Town with as-built drawings prepared by a Registered Engineer showing the improvements as built or in place.

#### SUBDIVISION 18.13. VIOLATION A MISDEMEANOR.

Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.