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ARTHUR TOWNSHIP SUBDIVISION ORDINANCE

**Arthur Township
Kanabec County, Minnesota**

OCTOBER 13, 2010

TABLE OF CONTENTS

| <u>Section</u> | <u>Title</u> | <u>Page</u> |
|----------------|--|-------------|
| 1 | General Provisions..... | 2 |
| 2 | Definition of Terms..... | 4 |
| 3 | Procedure for Plat Review and Approval | 6 |
| 4 | Major Subdivisions | 9 |
| 5 | Preliminary and Final Plat Data Requirements..... | 14 |
| 6 | Major Subdivision Design Standards..... | 18 |
| 7 | Required Improvements..... | 21 |
| 8 | Payment for Installation of Improvements | 23 |
| 9 | Variances and Zoning Ordinance Amendments | 26 |
| 10 | Fees | 26 |
| 11 | Enforcement, Penalty, Notification and Disclosure..... | 26 |
| 12 | Date of Effect..... | 27 |

ARTHUR TOWNSHIP SUBDIVISION ORDINANCE

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 to help promote the public health, safety, and general welfare in Arthur Township, Kanabec County, Minnesota.

The Board of Supervisors of the Town of Arthur ordains:

SECTION 1

GENERAL PROVISIONS

Subd. 1. Title. This Ordinance shall be known as the “Arthur Township Subdivision Ordinance,” except as referred to herein, where it shall be known as this “Ordinance.” This Ordinance is adopted pursuant to the Town Board’s authority under Minnesota Statutes, Sections 462.351 to 462.364 and such other law as may apply. This Ordinance does not rely on the authority provided in Minnesota Statutes, Sections 366.10 to 366.181 and the procedures and requirements of those sections do not apply to this Ordinance.

Subd. 2. Purpose. Pursuant to the authority contained in Minnesota Statutes, Section 462.358, this Ordinance is adopted for the following purposes:

- A. To provide for the orderly, economic and safe development of land, public services and facilities;
- B. To promote the public health, safety, morals and general welfare of the residents of the Town; and
- C. To assure equitable handling of the subdivision of land by providing uniform procedures.

Subd. 3. Scope. The rules and regulations governing plats and subdivision of land contained herein shall apply within the Town. Except in the case of re-subdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the Office of the Kanabec County Recorder prior to the effective date of this Ordinance, nor is it intended by this Ordinance to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this Ordinance, or with restrictive covenants running with the land. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Ordinance shall apply. This Ordinance does not apply to those divisions of land:

- A. Where all the resulting parcels, tracts, lots, or interests will be five acres or larger in size for commercial and industrial uses;

B. Creating cemetery lots; or

C. Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.

Subd. 4. Compliance. Any subdivision creating parcels, tracts or lots after the adoption of this Ordinance shall be platted. All plats must be approved by the Planning Commission and the Town Board in accordance with the procedures set forth in this Ordinance and recorded in the Kanabec County Recorder's Office.

Subd. 5. General Requirements. A subdivider shall comply with all of the following:

A. Whenever there is a difference between the minimum standards or dimensions required in this Ordinance and any other standards or dimensions in the Zoning Ordinance, the most restrictive standards or dimensions shall apply.

B. Any mandatory environmental assessment worksheet or impact statement required by state law shall be submitted as part of the application for preliminary plat approval.

C. No structure shall be built or placed on a lot in a new plat until the road and drainage improvements are substantially completed, except model homes as may be allowed in the development agreement. Whether the improvements have been substantially completed shall be determined by the Town, but generally shall mean the gravel base or bituminous road surface has been installed and approved by the Town.

D. Consent for the subdivision of property shall be required from all owners of the property and, for any subdivisions involving dedications of land or easements to the public, from all mortgagees of the property.

E. Any person submitting an application pursuant to this Ordinance shall be required to fully reimburse the Town for all professional fees and costs it incurs related to or arising out of its processing of the application. An applicant shall submit a cash escrow in the amount determined by the Town with its application and shall deposit additional funds with the Town as may be needed to fully reimburse the Town for its costs. The Town may immediately suspend its processing of an application or deny an application if an applicant fails to deposit the required amounts or otherwise fails to fully reimburse the Town for its actual costs. The Town may pursue any remedies available to it under law to recover its costs including, but not limited to, drawing on any security provided or certifying the unpaid amount to the county auditor for collection against the applicant's property as an unpaid service charge under Minnesota Statutes, Section 366.012.

F. Any request for a variance from the standards or requirements established in this Ordinance shall be applied for and heard in accordance with the variance procedures established in the Zoning Ordinance.

- G. Any security required by this Ordinance must be on a form, and be issued by a financial institution, acceptable to the Town.

Subd. 5. Separability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder.

Subd. 6. Prohibition on Recording and Exemptions. No conveyance of one or more parcels in which land is described by metes and bounds or by reference to an unapproved registered land survey or to an unapproved plat made after the effective date of this Ordinance shall be filed or recorded, except in the certain cases of minor subdivisions as defined in this Ordinance except for those conveyances of land expressly exempted in Minnesota Statutes, section 462.358, subdivision 4b(b).

SECTION 2

DEFINITIONS OF TERMS

The following words and terms wherever they occur in this Ordinance, shall have the meaning given them in this Section.

Subd. 1. Alley. A public right-of-way which affords secondary access to abutting property.

Subd. 2. Block. The enclosed area within the perimeter of roads, property lines, or boundaries of the subdivision.

Subd. 3. Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Subd. 4. Building Setback. The minimum horizontal distance between the building and the specified lot line as prescribed in the Zoning Ordinance.

Subd. 5. Comprehensive Plan. A plan prepared and adopted by the Town including a compilation of policy statements, goals, standards and maps indicating the general locations recommended for the various functional classes of land use and for the general physical development of the community.

Subd. 6. Crosswalk. A publicly owned right-of-way which crosses a block and furnishes pedestrian access to adjacent streets or properties.

Subd. 7. Design Standards. Specifications for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items such as right-of-way, blocks, easements, and lots.

Subd. 8. Final Plat. The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Town Board for approval, which, if approved, will be submitted to the County Recorder. Said plat must conform to this Ordinance, the Zoning Ordinance and all applicable state laws.

Subd. 9. Grade, Percentage of. The rise or fall of a street in feet and tenths of a foot or each 100 feet or the horizontal distance measured at the center line of the street.

Subd. 10. Growth Management System. The goals, policies, programs, ordinances, and regulations used to guide the Township's growth and development.

Subd. 11. Lot. A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plot, or other accepted means which is separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof, and to be occupied by one principal building or use and its accessory buildings, together with such open spaces as are required under the provisions of the Zoning Ordinance.

Subd. 11A. Developed Lot. A lot consisting of a principal dwelling with electric power and state certified septic system suitable for occupancy.

Subd. 12. Lot of Record. A parcel of land, whether subdivided or otherwise legally described of record as of the effective date of this Ordinance.

Subd. 13. Pedestrian Way. Public or private right-of-way across a block or within a block for the purposes of providing access for pedestrians, which may also be used for the installation of utilities.

Subd. 14. Planned Unit Development (PUD). A type of development characterized by a unified site design for a number of building units or building sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, increased density, or a mix of structure types and land uses.

Subd. 15. Planning Commission. The planning agency of the Town, members of which are to be appointed by the Town Board.

Subd. 16. Plat. A map or drawing indicating the subdivision or re-subdivision of land, intended to be filed for record.

Subd. 17. Preliminary Plat. The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted along with required supporting data to the Planning Commission and the Town Board for their consideration and approval as to its compliance with the Town's growth management goals, policies and ordinances.

Subd. 18. Reserve Strip. A purported road, way or strip of land reserved for the use of a limited number of persons or purposes as distinguished from a publicly dedicated road.

Subd. 19. Re-Subdivision. A further subdivision any lot within a plat or involving the alteration of the established boundaries or location of any street, lot line, or public way within a plat.

Subd. 20. Right-of-Way. The land designated by the Town Board for vehicular and pedestrian traffic by easement, dedication, statutory user, common law dedication or other instrument or legal right.

Subd. 21. Street, Arterial. A street or highway with access restrictions designed to carry large volumes of traffic between various sections of the Town and beyond.

Subd. 22. Street, Collector. A street which carries traffic primarily between arterial streets or minor streets. Collector streets include, but are not limited to, the principal entrance streets of residential subdivisions and the principal streets for circulation within such subdivision.

Subd. 23. Street, Cul-de-sac. A comparatively short minor street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

Subd. 24. Street, Marginal Access. A minor street which is parallel and adjacent to a highway or an arterial street, and which provides access to abutting properties and protection from through traffic.

Subd. 25. Street, Minor Local. A street which serves primarily as access to abutting properties, and is not intended to carry through traffic.

Subd. 26. Street, Public. A public right-of-way dedicated to or owned by a federal, State, county or local government agency, affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway thoroughfare, parkway, road, cartway, avenue or boulevard.

Subd. 27. Subdivider. Any individual, firm, association, syndicate, partnership, corporation, trust or legal entity having sufficient interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.

Subd. 28. Subdivision. Any land which is separated or divided, or proposed to be separated or divided, into two or more lots, parcels, tracts, sites, units or interests for the purpose of offer, sale or lease. Subdivision includes re-subdivision.

SECTION 3

LOT LINE ADJUSTMENTS, ADMINISTRATIVE LOT SPLITS, AND MINOR SUBDIVISIONS

Subd. 1. Lot Line Adjustments. The division of land made for the purpose of adjusting the boundary lines of parcels of land to an abutting lot or to otherwise exchange property between

adjacent lots which does not create any new lots, tracts, parcels or sites. A lot line adjustment shall not be permitted if it would result in any lot, tract, parcel or site not containing sufficient area and dimensions to meet minimum requirements for width, lot size, and area for building as required by the Zoning Ordinance. The newly acquired land must be combined on the same deed for recording purposes as the remainder of the owner's property.

- A. An application for a lot line adjustment must be submitted the Zoning Administrator on the Town's application form together with the required submittals and the applicable application fee and escrow amount to be used by the Town to reimburse itself for professional costs. The Zoning Administrator shall forward complete applications to the Town Board for action. The Town may require the applicant to enter into a development agreement with the Town regarding the lot line adjustment.
- B. Information which must be submitted with an application for a lot line adjustment shall include:
 - 1. Completed application with escrow deposit.
 - 2. Legal description of the original parcel(s) and the new lot line adjustment parcel(s).
 - 3. A certificate of survey showing the new lot line adjustment parcel(s) and the lot dimensions. All improvements (buildings, fences, septic, well, etc.) on the property shall be shown on the certificate of survey.

Subd. 2. Administrative Minor Lot Split. A division of land resulting in no more than two lots that are each 20 acres or more in size and have 500 feet or more of road frontage may be approved administratively as a minor lot split. The lots resulting from a minor lot split shall meet all other requirements of the underlying zoning district.

- A. An application for a minor lot split must be submitted the Zoning Administrator on the Town's application form together with the required submittals and the applicable application fee and escrow amount to be used by the Town to reimburse itself for professional costs. The Zoning Administrator shall review the proposed minor lot split and if that person determines it complies with the requirements of this Ordinance and the Zoning Ordinance, shall approve the split. The Zoning Administrator may consult the Town Attorney as needed regarding a requested minor lot split and may place conditions on the grant of approval. The Town may place conditions on its approval and may require the applicant to enter into a development agreement with the Town regarding the minor lot split.
- B. Information which must be submitted with an application for a minor lot split shall include:
 - 1. Completed application and escrow deposit.

2. Legal description of the original parcel and the new lots.
3. A certificate of survey showing the original parcel(s) and the new lot(s) and the lot dimensions and the buildable area on the new lots. The certificate of survey should also identify the driveway access points. All improvements (buildings, fences, septic, well, etc) on the property shall be shown on the certificate of survey.
4. Proof that the real estate taxes for the entire year have been paid in full.
5. A title commitment or title opinion that establishes ownership of the original parcels.
6. Aerial photograph.
7. Soil testing for the installation of an on-site sewage disposal system for a primary and secondary site.
8. Deeds which will be used to convey the new lots or a request that the Township Attorney prepare the deeds of conveyance.

Subd. 3. Minor Subdivisions. A proposed subdivision containing three or fewer lots fronting an existing public street, not involving any new street or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, not expected to involve any further re-subdivision, and not in conflict with any provision or portion of the comprehensive plan, zoning map, Zoning Ordinance, or this Ordinance may be processed as a minor subdivision.

- A. An application for a minor subdivision must be submitted to the Zoning Administrator on the Town's application form together with the required submittals and the applicable application fee and escrow amount to be used by the Town to reimburse itself for professional costs. The Zoning Administrator shall forward complete applications to the Planning Commission for review. The Planning Commission shall forward the application with its recommendations to the Town Board for final action. The Town may place conditions on its approval and may require the applicant to enter into a development agreement with the Town regarding the minor subdivision.
- B. Information which must be submitted with an application for a minor subdivision shall include:
 1. Completed application and escrow deposit.
 2. Legal description of the original parcel and the new lots.
 3. A certificate of survey prepared by a licensed land surveyor showing the boundaries of the newly created lots. All improvements on the property should also be shown on the Boundary Survey.
 4. Proof that the real estate taxes for the year have been paid in full.

5. A title commitment or title opinion that establishes ownership of the original parcel.
 6. Soil testing for the installation of an on-site sewage disposal system for a primary and secondary site.
 7. Topographic data at ten (10) foot contour intervals. Data at two-foot contour intervals and flood plain information may be required if deemed necessary by Town Staff.
 8. Buildable area on the parcels.
 9. Driveway access points.
 10. Drainage, grading, and erosion control plans.
 11. Wetland delineation report and map.
- C. The Town Board may waive certain requirements of this Ordinance for minor subdivisions. The Town Board reserves the right to require the dedication of streets, utility or drainage easements, or public park land or cash in lieu of land.
- D. There shall be only one minor subdivision permitted with regard to the original tract in any calendar year.
- E. The Town Board shall have the authority to deny a minor subdivision if it appears that the intent of this Ordinance or the Zoning Ordinance may be violated.
- F. Each parcel involved in a minor subdivision must have frontage on a public road.
- G. All wetland areas and DNR protected waters shall be protected with a drainage easement up to the 100-year flood elevation or the wetland boundary, whichever is more restrictive.

SECTION 4

MAJOR SUBDIVISIONS

Subd. 1. General. The following procedures shall be followed with respect to all subdivision not classified as a lot line adjustment, administrative minor lot split, or minor subdivision by this Ordinance including, but not limited to, subdivisions resulting in four or more lots, or any size subdivision requiring any new street or extension of an existing street. No plat shall be recorded until a preliminary plat and a final plat of the proposed subdivision have been reviewed by the Planning Commission and approved by the Town Board as set forth in the procedures provided herein. No lot within a plat shall be sold until the subdivision has been approved and recorded in accordance with this Ordinance. Planned unit developments (PUD) shall be administered according to Section 10 of the Zoning Ordinance.

Subd. 2. Pre-Application Meeting. Prior to the preparation of a preliminary plat, the subdividers or owners shall meet with the Zoning Administrator and other appropriate staff and officials in order to be made fully aware of all applicable ordinances, regulations, and plans in the area to be subdivided. At that time, or at a subsequent informal meeting, the subdivider shall

submit a general sketch of the proposed subdivision and preliminary proposals for the provision of water and sanitary sewer service. The sketch plan can be presented in simple form but must show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and developments and to the natural resources and topography of the site.

Subd. 3. Preliminary Plat.

- A. After the pre-application meeting, the subdivider shall submit an application for preliminary plat to the Zoning Administrator on an official application form. Such application shall be accompanied by a non-refundable fee in an amount set forth in the Town Fee Schedule. Such application shall also be accompanied by 10 copies of the preliminary plat and a listing of all property owners and properties of record within one-half mile of the property. The Zoning Administrator shall refer said application and preliminary plat to the Planning Commission for consideration.
- B. The Town Clerk shall set a date for a public hearing on the preliminary plat before the Planning Commission. Notice of such hearing shall be published in the official newspaper of the Town at least 10 days prior to the date of the hearing. Such notice shall also be mailed not less than 10 days prior to the date of the hearing to:
 - 1. All property owners and properties of record according to the County Assessor records within one-half mile of the property.
 - 2. The Commissioner of the Minnesota Department of Natural Resources if the proposed subdivision is located in a Shoreland District.
 - 3. The Commissioner of the Minnesota Department of Transportation and the Kanabec County Engineer if the proposed plat abuts or includes a State Trunk Highway or a County State Aid Road, respectively.
 - 4. The clerk of each town and city that abuts the proposed subdivision. When proposed subdivision is located in the Rural Residential District, the City of Mora Zoning Administrator shall also be notified.
- C. A copy of the notice of the public hearing and a list of all of the property owners, properties and governmental agencies to which the notices were sent shall be attested to by the Town Clerk and made part of the official record. The failure to give mailed notice to an individual property owner or governmental agency, or defects in the notice shall not invalidate the proceedings, provided that a good faith attempt was made to comply with the notice requirements of this Section.

- D. The Planning Commission shall consider the preliminary plat and hold the public hearing at its next regular meeting unless the application filing date falls within 15 days of said meeting, in which case the preliminary plat will be placed on the agenda and considered at the next regular meeting. The subdivider or a representative shall appear before the Planning Commission in order to answer questions concerning the preliminary plat.
- E. In considering the preliminary plat, the Planning Commission shall consider the following factors:
1. Consistency with the design standards and other requirements of this Ordinance;
 2. Consistency with the Town's Growth Management System;
 3. Consistency with other Town ordinances, including, but not limited to, the Zoning Ordinance;
 4. The physical characteristics of the site, including, but not limited to, topography, erosion, and flooding potential, and soil limitations, and suitability for the type of development or use contemplated;
 5. Any negative fiscal or environmental impact the proposed subdivision may have upon the Town;
 6. The need for dedication of land for public use within the subdivision; and
 7. The need for an environmental review pursuant to Minnesota Statutes, Chapter 116D.
- F. The Planning Commission and Town staff shall have the authority to request additional information from the subdivider concerning the preliminary plat application or to retain expert testimony with the consent and at the expense of the subdivider concerning said information to be declared necessary to establish compliance with all pertinent sections of this Ordinance.
- G. Within 60 days from the date of the public hearing, the Planning Commission shall make findings of fact and recommend such actions or conditions relating to the preliminary plat to the Town Board. In the case that additional information is requested from the applicant, the 60 day period will begin upon receipt of such information by the Town.
- H. Upon receiving the report and recommendation of the Planning Commission, or 60 days after the public hearing at which the preliminary plat was considered by the Planning Commission, whichever occurs first, the Town Board shall place the

preliminary plat application on its agenda for the next regular meeting. The reports and recommendation of the Planning Commission shall be entered in and made a part of the permanent written record.

- I. Upon receiving the report and recommendation of the Planning Commission and reviewing the preliminary plat application, the Town Board shall:
 1. Approve or deny the application as recommended by the Planning Commission; or
 2. Modify the recommendation of the Planning Commission with alterations, differing conditions or findings. Such alterations, differing conditions or findings shall be in writing and made a part of the record; or
 3. Refer the application back to the Planning Commission for additional consideration. The Town Board may only refer the application back to the Planning Commission once.
- J. In all cases, the preliminary plat application must be approved or denied by the Town Board within 120 days of the date of the application, unless an extension of the review period has been agreed to by the subdivider. If the application is denied, the reasons for denial must be stated on the record by the Town Board and must be provided to the subdivider in writing.
- K. The Zoning Administrator shall notify the subdivider of the Town Board's action and if the application is denied, provide the subdivider with a written copy of the reasons for denial. The decision of the Town Board regarding the preliminary plat application is final subject to judicial review. If a preliminary plat application is denied by the Town Board, the subdivider must wait at least six months from the date of denial to submit a preliminary plat application for that particular property.

Subd. 4. Final Plat.

- A. If the Town Board approves the preliminary plat application, the subdivider shall submit a final plat application to the Zoning Administrator within one year of approval, or approval of the preliminary plat application shall be considered to be void. The Town Board may extend its approval of the preliminary plat for an additional year, if a request is submitted by the subdivider to the Zoning Administrator prior to expiration date of the preliminary plat approval. The extension request shall be in writing and shall state the expiration date. The extension request shall not be subject to an additional fee. Only one extension may be granted per preliminary plat application.
- B. The subdivider shall engage a registered land surveyor to prepare a final plat that must meet all of the requirements of Minnesota Statutes, Chapter 505. The final

plat shall have incorporated all changes required by the Town, County and state, but in all other respects, it shall conform to the preliminary plat as approved by the Town Board.

- C. The subdivider must file the final plat application with the Zoning Administrator. The final plat application must include two mylar or linen reproducible tracings of the final plat and six copies. Such application shall be accompanied by a non-refundable fee in an amount set forth in the Town Fee Schedule.
- D. The final plat application shall be transmitted by the Zoning Administrator to the Planning Commission, Town staff and other appropriate Town officials for review.
- E. Town staff shall review the final plat application and shall transmit reports of their recommendations to the Planning Commission prior to the meeting at which such plat is to be considered.
- F. The Planning Commission shall review the final plat.
- G. The final plat, together with the recommendations of the Planning Commission shall be submitted to the Town Board at its next regularly scheduled meeting. If approved, the final plat shall be approved by resolution, including acceptance of all agreements for basic improvements, public dedication and other requirements as required by the Town Board. If the application is denied, the reasons for denial must be stated on the record and be provided to the subdivider in writing.
- H. It shall be the responsibility of the subdivider to file the plat with the appropriate county offices after final approval pursuant to this Subdivision Ordinance and state law. Failure to do so within two years of final approval shall result in requiring a new preliminary plat application. A new preliminary plat application will be processed and reviewed in accordance with the procedures set forth in this Ordinance in order to ensure compliance with any new requirements.
- I. A copy of a final plat located in total or in part within a Shoreland District shall be submitted to the Commissioner of the Minnesota Department of Natural Resources within 10 days of final plat approval.
- J. No changes, erasures, modifications or revisions shall be made to any final plat after approval has been given by the Town Board, unless said plat is first resubmitted to the Town Board and the modifications are approved. In the event that any final plat is recorded in violation of this paragraph, the plat shall be considered null and void.

SECTION 5

PRELIMINARY AND FINAL PLAT DATA REQUIREMENTS

Subd. 1. Preliminary Plat Application. An application for a preliminary plat shall contain the following documents and information:

- A. The preliminary plat document which must include the following information:
 - 1. The proposed name of subdivision and street names, which must not duplicate or be similar in pronunciation or spelling to the name of any plat recorded in Kanabec County or street in the Town;
 - 2. The date of preparation;
 - 3. A North point;
 - 4. The scale of the plat, which shall be not less than one inch to 200 feet;
 - 5. The legal description of the property;
 - 6. The layout, numbers, dimensions and acreage of proposed lots and blocks. In subdivisions where public water and sewer services are not presently available, the Town Board may require the developer to submit a preliminary re-subdivision plan showing a potential and feasible way in which the lot or lots may be re-subdivided in future years when public facilities may be provided. The undeveloped lots may be conveyed to other persons or entities and building development may be permitted at the setbacks described in the district in which it is located;
 - 7. The name, location and width of existing and/or proposed streets, highways, alleys, sidewalks, trails and pedestrian ways;
 - 8. Existing and proposed drainage and utility easements;
 - 9. The location, dimensions, and size of areas, other than streets, alleys, pedestrian ways, and utility easements, proposed to be dedicated or reserved for public uses;
- B. A draft of all proposed restrictive covenants, if they are to be used;
- C. A statement of adequacy or inadequacy of existing or proposed utilities to accommodate or serve the proposed subdivision;
- D. A statement of the proposed use including type and number of structures and units, any proposed zoning changes and the relationship of the proposed subdivision with existing or potential adjacent subdivisions;

- E. An estimate of costs for the proposed required improvements;
- F. A location map indicating the location of proposed subdivision in the Town;
- G. The name, address and phone number of the subdivider and surveyor;
- H. The names and addresses of all property owners and properties of record located within one half mile of the proposed subdivision;
- I. A current Abstract of Title or a Registered Property Certificate along with any unrecorded documents and an Opinion of Title by the subdivider's attorney;
- J. A document showing the existing conditions and proposed design features of the property that includes the following information:
 - 1. Boundary lines of the proposed subdivision, clearly indicated and to a close degree of accuracy;
 - 2. Existing zoning classifications for land within and abutting the subdivision including shoreland districts, if applicable;
 - 3. High water marks of all lakes, rivers, streams and wetlands on or abutting the subdivision;
 - 4. The location and dimensions of existing and proposed individual sewage treatment systems and private wells, if applicable;
 - 5. The location and dimensions of existing and proposed municipal sanitary sewer and water systems, if applicable;
 - 6. Boundary lines of adjoining unsubdivided or subdivided land identified by name and ownership, including all contiguous land owned or controlled by the subdivider; and
 - 7. Minimum front, side and rear yard setbacks as required by the Zoning Ordinance.
- K. Plans for water and sanitary sewer service and drainage which shall include the location and size of existing sewers, water mains, culverts, or other underground facilities within the subdivision. Such data such as existing grades, invert elevations, and the location of catch basins, manholes, hydrants and street pavement width and type shall also be shown; and
- L. Supplementary Information. The following information may be required if it is deemed necessary and appropriate by the Zoning Administrator:

1. Topographic data, including contour lines at vertical intervals of two feet. Water courses, wetlands, rock outcrops, power transmission poles and lines, and other significant features shall also be indicated;
2. Wetland data, consisting of a wetland delineation report which identifies all wetlands, ponds, lakes, waterways, floodplains and shorelines;
3. A description of the soils by representatives of the County Soil and Water Conservation District. The Town may require an analysis of soil borings if deemed necessary by the Town Board. Any subdivision or lot not provided with off-site sewer facilities shall be subject to soil and percolation tests. Such tests shall be made at the expense of the subdivider, and a sketch map shall be submitted to identify the specific locations where tests were made; and
4. Other information deemed necessary by the Zoning Administrator, Planning Commission, Town Board or subdivider.

Subd. 2. Final Plat Application. The final plat shall contain the following information:

- A. The plat shall be prepared by a land surveyor who is registered in the State of Minnesota and must comply with Minnesota Statutes, Chapter 505 and these regulations;
- B. Data as required by the Town Engineer, i.e., accurate angular and linear dimensions for all lines, angles and curvatures used to describe boundaries, streets, easements and other important features;
- C. Identification and description data as required by this Ordinance for the preliminary plat;
- D. Boundaries of the property;
- E. Lines of all proposed streets and alleys and other areas intended to be dedicated for public use;
- F. All lot lines and easements to be dedicated, with figures showing their dimensions;
- G. An identification system for all lots and blocks;
- H. All rivers, streams, creeks, lakes, ponds, swamps and wetlands shall be correctly located and identified. In any instance where a river, stream, creek, lake, or pond constitutes a boundary line within or of the plat, a survey line shall be shown with bearings or angles and distances between all angle points and their relationship to

a water line, and all distances measured on the survey line between lot lines shall be shown. The survey line shall be shown as a dashed line;

- I. The names and boundary lines of any adjoining platted properties;
- J. All final plats shall be one of two standard sizes, either measuring 20 inches by 30 inches or 30 inches by 40 inches from outer edge to outer edge. A border line shall be placed one-half inch inside the outer edges of the plat on the top, bottom, and right hand side of the plat, and two inches inside the outer edge of the left hand side of the plat;
- K. Durable iron monuments shall be set at an angle and curve points on the outside boundary lines of the plat, at all block corners, and at all intermediate points on the block lines indicating changes of direction on the lines. The outside boundary lines of the plat shall be correctly designated showing bearings on all straight lines, angles at all angle points, and central angles and radii and length for all curves. All distances shall be shown between monuments as measured to the nearest hundredth of a foot. If a curved line constitutes the line of more than one lot in any block, the central angle for that part of each lot on the curved line shall be shown. The outside boundary lines shall close by latitude and departure with an error not to exceed one foot in 7,500 feet;
- F. Notarized certification by the owner and by any mortgage holder of record of adoption of the plat and the dedication of streets, easements and other public areas;
- G. Certification by a registered land surveyor to the effect that the plat is a correct representation of the survey, that all distances are correctly shown on the plat, that all monuments have been correctly placed in the ground as shown, and that all outside boundary lines are correctly designated on the plat;
- H. Certification showing that all taxes and special assessments currently due have been paid;
- I. Certification of Town approval as follows:

Approved by the Town of Arthur, Minnesota this ____ day of _____, 20____.

Signed: _____
Chair

Attested: _____
Town Clerk

SECTION 6

MAJOR SUBDIVISION DESIGN STANDARDS

Subd. 1. Conformance with the Comprehensive Plan. The proposed subdivision shall conform to the Comprehensive Plan adopted by the Town.

Subd. 2. Streets and Alleys.

- A. New public roads will not be accepted by the Town for maintenance in the rural residential and shoreland zoning districts until such subdivision is at least 15 percent developed.
- B. All streets shall be open to the public. Private streets and reserve strips are prohibited and no public improvements shall be approved for any private street or reserve strip.
- C. The arrangement of streets in a new subdivision shall either provide for the continuation of existing streets in surrounding areas, or conform to a plan for the neighborhood approved or adopted by the Town Board to meet a particular situation where topographical or other conditions make continuance of existing streets impractical.
- D. Residential streets and minor streets should be so arranged as to discourage their use by through traffic.
- E. Where a residential subdivision abuts on or contains an existing or proposed arterial street or a marginal access street, reverse frontage with screen plantings, non-access reservations along arterial property lines abutting the arterial streets, deep lots, or such other treatment as may be necessary for protection of residential properties should be encouraged. Direct frontage or access to arterial streets should be avoided.
- F. Street traffic must flow toward arterial and collector streets.
- G. Streets should be designed to fit the contours of the land. Street grades, where feasible shall not be greater than eight percent and not less than 0.36 percent.
- H. The names of new streets shall not duplicate existing or platted street names in the Town unless a new street is a continuation of or in alignment with the existing or platted street. In that event, it shall bear the same name of the existing or platted street so in alignment.
- I. Dedication to the Town of half streets shall be prohibited, except where essential to reasonable development of future subdivisions.

- J. Dead end streets, with the exception of cul-de-sacs are prohibited. Cul-de-sacs must not be longer than 600 feet, including a required turn-around at the closed end. The turn-around shall have a minimum outside curb radius of at least 60 feet and a right-of-way radius of not less than 50 feet; except for T-shaped turnarounds if approved by the Town Board.
- K. Streets should intersect at right angles, or as close as possible, except under unusual topographic conditions. The minimum permitted angle of street intersection shall be 80 degrees. Street intersections shall not be offset less than 150 feet as measured from the center lines.
- L. Alleys shall not be less than 30 feet wide in commercial areas and 20 feet wide in residential areas. Dead end alleys should be avoided, but if unavoidable, adequate turn-around areas shall be provided at the closed end.
- M. Minimum right-of-way widths and pavement widths (face to face of curb) for each type of public street or road shall be as follows:

| <u>Type of Street</u> | <u>Roadway</u> | | |
|------------------------|---------------------|--------------|---------------|
| | <u>Right-of-Way</u> | <u>Paved</u> | <u>Gravel</u> |
| Arterial Street | 100 | 48 | 48 |
| Collector Street | 100 | 44 | 32 |
| Minor or Local Street | 66 | 24 | 24 |
| Marginal Access Street | 66 | 24 | 24 |
| Cul-de-sac* | 60 radius | 50 | 50 radius** |
| Pedestrian Way | 10 | N/A | N/A |

* Cul-de-sacs, permanently designed as such, shall not exceed 600 feet in length. Unless a future expansion is clearly impractical or undesirable, the turnaround right-of-way of the same width as the street shall be carried to said property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the acreage covered by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turnaround.

** The Town Board may vary this requirement to accommodate snow removal and drainage easements.

Three foot shoulders are required with a 7 ton engineered road to Kanabec County specifications.

- N. The minimum horizontal and vertical alignment requirements shall be as follows (in feet):

| <u>Street</u> | <u>Horizontal*</u> | <u>Vertical**</u> |
|---------------|--------------------|-------------------|
| Arterial | 150 | 500 |
| Collector | 50 | 300 |
| Minor | 50 | 200 |
| Cul-de-sacs | 50 | 100 |
| Intersections | 15*** | 300 |

* Radii of centerline.

** Minimum sight distance as measured at four feet above ground level along the centerline. For intersections as measured 15 feet from the edge of the roadway.

*** Curb-line radius.

Subd. 3. Easements.

- A. Easements having a minimum width of 10 feet shall be provided along the side, front or rear lot lines and as required for utilities. The Town Board may require air rights and easements of greater width for the extension of main storm and sanitary sewers, other utilities and drainage channels where it is deemed necessary.
- B. Utility easements shall connect with easements established in adjoining properties. All utility easements should be reviewed by the Town and appropriate utility company or corporation. Where feasible, all utilities shall be placed underground.
- C. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided an easement over the water course.
- D. Crosswalk or pedestrian walkway easements with right-of-way of not less than 10 feet in width shall be required where deemed essential to provide circulations, or access to schools, playgrounds, shopping centers, transportation and other community facilities as determined by the Planning Commission and the Town Board.

Subd. 4. Blocks.

- A. Blocks shall not be greater than 1,800 feet in length, except if necessary due to unusual topographic or other conditions. In residential zoning districts, blocks longer than 800 feet shall be designed with pedestrian ways or easements near the center of the block.
- B. Blocks must be wide enough to accommodate two tiers of lots with minimum depth. Blocks must be of a size to allow sufficient area for adequate off-street

parking.

Subd. 5. Lots.

- A. The lot size, width, shape, and orientation shall be appropriate for the proposed type of development and meet the minimum requirements of the Zoning Ordinance in effect upon approval of the final plat.
- B. Corner lots for residential purposes shall have extra width to allow appropriate building setback from both streets, as required by the Zoning Ordinance in effect upon approval of the final plat.

Subd. 6. Drainage.

- A. Plans for surface water runoff and drainage shall be reviewed by the Planning Commission and Town 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.

Subd. 7. Yard, Area and Building Regulations. The yard, area, and building requirements shall comply with the provisions set forth in the Zoning Ordinance and all other applicable ordinances.

SECTION 7

REQUIRED IMPROVEMENTS

Subd. 1. Improvements. All improvements identified below and as included within the subdivision agreement shall be installed at the expense of the subdivider according to standards and specifications approved by the Town Board.

- A. Streets shall be graded to the full width of the roadway in accordance with the street grades submitted to and approved by the Town Engineer. All street grading and gravel base construction shall be in accordance with specifications on file in the Town Engineer's office. Grading shall be complete prior to installation of applicable underground utilities, either private or public in nature. Gravel base construction shall be undertaken after completion of the underground facilities.
- B. Curb, gutter and sidewalk as required shall be constructed in accordance with the plans approved by the Town Engineer.

- C. All streets installed must be paved unless otherwise approved by the Town Board. When the new street meets a paved street it should be paved. If the new street meets a graveled street it may be graveled.
- D. Storm sewer and other surface drainage facilities must be installed as determined to be necessary by the Town Engineer for the proper drainage of surface waters.
- E. Street lighting of a type approved by the Town may be required at all intersections within the subdivision.
- F. All utility lines for telephone and electrical service shall be placed in easements along the rear lot lines when carried on overhead poles.
- G. Extension of water and sanitary sewer services shall be required at the discretion of the Town Board and in accordance with policies of the City of Mora.
- H. Where water and sanitary sewer facilities are not available for extension into the subdivision, the Town Board may permit the use of individual sewage treatment systems and wells in accordance with appropriate State and Town laws, ordinances and regulations.
- I. In subdivisions where public water and sewer services are not presently available, the Town Board may require the subdivider to submit a preliminary re-subdivision plan showing a potential and feasible way in which the lot or lots may be re-subdivided in future years when public facilities may be provided. The undeveloped lots may be conveyed to other persons or entities and building development may be permitted on the previously undeveloped lots at the setbacks described in the zoning district in which it is located.
- J. Steel monuments shall be placed within six inches of final elevation at all lot corners, block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat. Such installation shall be the responsibility of the subdivider. All U.S., State, County or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.

Subd. 2. Subdivision Agreement. Prior to the approval of the final plat by the Town Board, the owner or subdivider of the land covered by the said plat shall execute and submit to the Town Board a subdivision agreement, binding on his or her heirs, personal representatives successors and assigns. The final subdivision agreement shall be reviewed by the Town Attorney and shall include, at a minimum, the following provisions:

- A. A provision that no private construction shall be made on said property and no building permit shall be approved until all improvements required under this Ordinance have been completed in a manner approved by the Town Board.

- B. A listing or schedule of when and what improvements shall be required as recommended by the Planning Commission and approved by the Town Board.
- C. A certification by the Town Clerk or the Town Engineer that the improvements, agreements, and documents meet the minimum requirements of all applicable ordinances.
- D. A provision containing all conditions, if any, imposed by the Town Board upon its approval of the final plat.

SECTION 8

PAYMENT FOR INSTALLATION OF IMPROVEMENTS

Subd. 1. General. The required improvements as listed in this Ordinance are to be furnished and installed at the sole expense of the subdivider. This shall include all costs and expenses incurred by the Town regardless of whether or not final approval of the proposed subdivision is granted. However, if the cost of an improvement would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for the payment of a portion of the cost by the Town. Further, if any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same. In such a situation, the subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.

Subd. 2. Agreement Providing for the Installation of Improvements.

- A. Prior to the installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract in writing with the Town requiring the subdivider to furnish and construct said improvements at his or her sole cost and in accordance with plans and specifications and usual contract conditions. This shall include provision for supervision of details of construction by the Town Engineer and shall grant to the Town Engineer authority to corordinate the work to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the community in the vicinity.
- B. The agreement shall require the subdivider make an escrow deposit or, in lieu thereof, to submit a letter of credit of other financial guaranty approved by the Town Attorney, the amount of the deposit letter of credit or financial guarantee to be equal to 125 percent of the Town Engineer's estimate of the total cost of the improvements to be furnished under the contract, or such lesser amount as the Town Board has authorized, including the cost of inspection.
- C. On request of the subdivider, the contract may provide for completion of part or

all of the improvements covered thereby prior to acceptance of the plat. In such event, the amount of the letter of credit or financial guarantee may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat. The time for completion of the work and the several parts thereof shall be determined by the governing body upon recommendation of the Town Engineer after consultation with the subdivider. It shall be reasonable with relation to the work to be done, the seasons of the year, and proper correlation with construction activities in the plat and subdivision.

- D. No subdivider shall be permitted to start work on any other subdivision without special approval of the Town Board if he or she has previously defaulted on work or commitments relating to a subdivision.

Subd. 3. Financial Guarantee.

- A. General. The contract provided for in this Section shall require the subdivider to make an escrow deposit or, in lieu thereof, submit a letter of credit or other financial guarantee approved by the Town Attorney. The letter of credit or financial guarantee shall conform to the requirements of this Section.
 - 1. An escrow deposit shall be made with the Town in a sum equal to 125 percent of the total cost as estimated by the Town Engineer of all the improvements to be furnished and installed by the subdivider pursuant to the contract, which have not been completed prior to approval of the plat. The total costs shall include costs of inspection by the Town. The Town shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the Town for completion of the work in case of default by the subdivision under said contract, and for any damages sustained on account of any breach thereof. Upon completion of the work and termination of any liability, the balance remaining in said deposit shall be refunded to the subdivider.
 - 2. In lieu of making an escrow deposit, the subdivider may furnish a bank letter of credit with corporate surety in a penal sum equal to 125 percent of the total cost as estimated by the Town Engineer of all the improvements to be furnished and installed by the subdivider pursuant to the contract, and which have not been completed prior to the approval of the plat. The letter of credit shall be approved as to form by the Town Attorney and filed with the Town Clerk.
- B. Default. In the event the subdivider defaults in the terms or conditions of the contract with the Town for such improvements, the Town may complete the project referred to in the contract. In addition to collection against the escrow or letter of credit, the Town may assess all costs of the completion incurred by the Town against the real property being subdivided as a special assessment.

- C. Town Cost Reimbursement. The subdivider shall reimburse the Town for all engineering, planning and legal consulting fees and costs, together with inspection fees and other costs reasonably incurred by the Town in processing the subdivision application and overseeing compliance with the agreements entered into related to the subdivision. The Town shall deduct its actual costs from the cash deposit, which the Town shall hold separately from the escrow deposit for the improvements. The subdivider shall deposit additional funds with the Town as may be needed to fully reimburse the Town its costs. The Town may deduct funds from the escrow deposit or the letter of credit provided for the improvements if the subdivider fails to fully reimburse the Town for its costs.

Subd. 4. Construction Plans and Inspection.

- A. Construction plans for the required improvements conforming in all respects with the standards and ordinances of the Town shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota, and said plans shall contain his or her certificate. Such plans together with the quantities of construction items shall be submitted to the Town Engineer for his or her approval and for his or her estimate of the total costs of the required improvements. Upon approval, such plans shall become a part of the required contract. The tracings of the plans approved by the Town Engineer plus two prints shall be furnished to the Town to be filed as a public record.
- B. All required improvements on the site that are to be installed under the provisions of this Ordinance shall be inspected during the course of construction by the Town Engineer at the subdivider's expense, and acceptance by the Town shall be subject to the Town Engineer's certificate of compliance with the contract.

Subd. 5. Improvements Completed Prior to the Approval of the Plat. Improvements within a subdivision which have been completed prior to application for approval of the preliminary plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements only if the Town Engineer is able to certify that he or she is satisfied that the existing improvements conform to applicable standards.

SECTION 9

VARIANCES

Subd. 1. Request and Procedure. Any requests for a variance related to a subdivision shall be submitted and processed in accordance with the procedures established in the Zoning Ordinance.

SECTION 10

FEES

Subd. 1. Fees Payable. Fees shall be payable at the time the application is filed with the Zoning Administrator. Fees are not refundable unless the application is withdrawn prior to review by Town staff in preparation for the Planning Commission meeting. A cash deposit to cover the Town's staff, consultant, and other costs to process the application shall be deposited with the Town Clerk at the time the application is made.

SECTION 11

ENFORCEMENT, PENALTY, NOTIFICATION AND DISCLOSURE

Subd. 1. Enforcement. Unless approved as a final plat as provided herein, no subdivision shall be entitled to record in the County Recorder's Office or have validity; and the Building Official shall not issue building permits for any structure on a lot in any proposed subdivision. The Town shall not permit any public improvements to be installed unless the final plat is approved and recorded.

Subd. 2. Penalty. Any person who violates any of the provisions of this Ordinance, or who sells, leases or offers for sale or lease any lot, block or tract of land herewith regulated before all the requirements of this Ordinance have been complied with shall be guilty of a misdemeanor and upon conviction thereof be subject to a fine or imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

Subd. 3. Notification. A certified copy of every ordinance, resolution, amendment or regulation adopted under this Ordinance shall be filed with the Kanabec County Recorder's office. Copies of resolutions governing subdivision plats within the Township, but contiguous to another city or township shall be filed with the governing body of the contiguous city or township.

Subd. 4. Disclosure by Seller. A person conveying a new parcel of land which, or the plat for which, has not previously been filed or recorded and which is part of or would constitute a subdivision to which this Ordinance would apply, shall attach to the instrument of conveyance either: (a) recordable certification by the Town Clerk that the subdivision regulations do not apply, or that the subdivision has been approved by the Town Board; and (b) a statement which names and identifies the locations of the appropriate Town offices and advises the grantee that

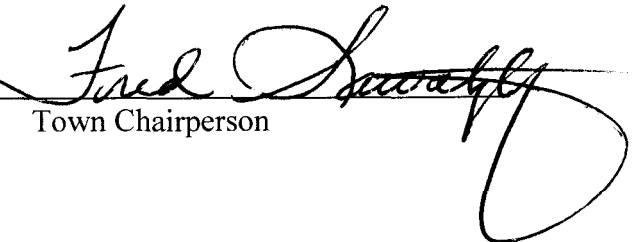
Town subdivision and zoning regulations may restrict the use or restrict or prohibit the development of the parcel, or construction on it, and that the division of taxes and the filing or recording of the conveyance may be prohibited without prior recordable certification of approval, non-applicability, or waiver from the Town.

SECTION 12

DATE OF EFFECT

This Ordinance shall become effective upon its adoption and the first day of publication.

ADOPTED BY THE TOWN BOARD OF ARTHUR, MINNESOTA, THIS 13 DAY OF October, 2010.

BY: 
Town Chairperson

ATTEST:

By: 
Town Clerk