

FORD TOWNSHIP

ORDINANCE

Chapter 500. Subdivisions (Purpose, Intent & Authority).

500.1 Purpose and Intent. It is the purpose and intent of these Subdivision Regulations to:

- a) Safeguard the best interests of the Town and all of its citizens;
- b) To assist a Subdivider in harmonizing his/her interests with those of the Town;
- c) To promote comprehensive planning of Subdivisions and desirable circulation of traffic;
- d) To correlate Lot and/or Parcel Subdivisions with the Town Comprehensive Plan;
- e) To secure the rights of the public in and to Public Lands and waters;
- f) To improve land records by establishing standards for Lot and/or Parcel Subdivisions, Surveys and Plats; and
- g) To manage Development.

500.2 Authority. Authority to regulate the Subdivision of Lots and/or Parcels within the Town is granted by Minnesota Statutes Chapter 394, as amended from time to time.

[END OF CHAPTER 500]

Chapter 510. Subdivision Types.

510.1 Subdivision Types. This Ordinance allows for the types of subdivisions as defined in this Chapter.

510.2 Exemption Certificates.

- a) Exemption Certificates are administratively approved by the Zoning Administrator without review by the Planning Commission and Town Board. An Exemption Certificate may only be allowed if:
 - 1) a Quarter-Quarter is divided into four or fewer Lots and/or Parcels; and
 - 2) all new Lots and/or Parcels have the minimum Lot Width on an existing public Street;
 - 3) all new Lots and/or Parcels adhere to the Minimum Lot Standard;
 - 4) all new Lots and/or Parcels have access to the Public Road Right-of-Way;
 - 5) all new Lots and/or Parcels to be subdivided will not require the creation of a new Street for purposes of gaining access to the subdivided Lot and/or Parcel or adhering to the Lot Width;
 - 6) no additional Public Roads are constructed; and
 - 7) all Lots and/or Parcels created conform to the requirements of this Ordinance.
- b) In addition to Subdivisions that are allowed pursuant to Section 510.2(a) above, Exemptions Certificates may also be used for the following subdivisions:
 - 1) Boundary Line Adjustments. Procedure for changes in Lot Lines through the attachment of a Lot and/or Parcel to a contiguous Lot and/or Parcel. A Lot Line Adjustment is intended to modify or correct the location of a Lot Line, to remedy adverse topographical features or encroachments of Buildings or Structures. A Lot Line Adjustment may be allowed provided the Lot and/or Parcel or any existing Structure does not become non-compliant with the

provisions of this Ordinance or any such Lot Line Adjustment as provided herein does not result in the creation of a new Lot and/or Parcel.

- 2) Deed Language Corrections. This exemption pertains to procedures to correct Legal Descriptions on deeds that have been previously recorded. This procedure will not result in the creation of new Lots and/or Parcels or any adjusted Lot and/or Parcel and should be used in the correction of title conflicts or similar situations.
- 3) Agricultural or Recreational Subdivisions. Lots and/or Parcels that are sold for Agricultural Uses or Recreational Uses provided that the intended Use of the conveyance is stated as a deed restriction and that the conveyance is not intended as a building site, in accordance with this Ordinance for Minimum Lot Standard.
- 4) Enlargement of Pre-Existing Parcels. The Zoning Administrator may approve a conveyance of a part of a Lot to an Owner of an adjacent Lot, where the reduced Lot remains in compliance with the provisions of this Ordinance. This procedure will not result in the creation of new Lots and/or Parcels. The conveyance (deed) shall contain the following language:

“This conveyance is made for the purpose of enlarging a Pre-existing parcel; the parcel here conveyed shall not be deemed a buildable lot under Ford Town Ordinance.”
- 5) Conveyance to Government Entity. The subdivision regulations herein shall not apply to conveyances to the state, the county or the Town made for the purpose of widening, altering or creating new roads, or to conveyances of land upon which no Building or Structure will be erected.

510.3 Simple Plats. Subdivision by simple plat procedure for processing applications for the division of land is intended to provide an expedited procedure in those limited cases where strict adherence to the standard platting process is not required. The subdivision by simple plat procedure is not intended to be a substitute for the standard platting process set forth in this Ordinance. Subdivision by simple plat procedures may be utilized where the following circumstances exist:

- a) all new Lots and/or Parcels have the minimum Lot Width on an existing public Street;
- b) all new Lots and/or Parcels adhere to the Minimum Lot Standard;
- c) all new Lots and/or Parcels have access to the Public Road Right-of-Way;
- d) all new Lots and/or Parcels created conform to the requirements of this Ordinance;
- e) all new Lots and/or Parcels to be subdivided will not require the creation of a new Street for purposes of gaining access to the subdivided Lot and/or Parcel or adhering to the Lot Width;
- f) all new Lot and/or Parcel no longer qualify for subdivision by an Exemption Certificate; and
- g) no additional Public Roads are constructed.

510.4 Standard Plats. Subdivision by standard plat shall be used for the creation of a new Public Road or subdivision of a previously platted Lot.

[END OF CHAPTER 510]

Chapter 520. Subdivision Procedure (Exemption Certificates).

520.1 Introduction. An Owner and/or Applicant may subdivide a Lot and/or Parcel by Exemption Certificate under the terms and conditions set forth in Chapter 510 of this Ordinance and in accordance with the Exemption Certificate procedure described in this Chapter 520 below. Exemption Certificates shall be administratively approved by the Zoning Administrator in instances where the Exemption Certificate Application meets all the requirements of this Ordinance.

520.2 Applications. An Exemption Certificate Application shall be made to the Zoning Administrator together with all required fees. The following items shall be included with an Exemption Certificate Application:

- a) Street location of the Lot and/or Parcel;
- b) Address of the Lot and/or Parcel;
- c) Name, address, phone number of the Owner and Applicant;
- d) Legal Description of the Lot and/or Parcel;
- e) Existing and proposed easements;
- f) Gross Acreage of the Lot and/or Parcel;
- g) Site plan drawn to a minimum scale of 1" = 100 feet or other scale to be approved by the Zoning Administrator showing the Lot and/or Parcel and Building dimensions, including square footage, with accurate measurements and location of all existing and proposed Buildings and improvements on the Lot and/or Parcel, together with all Setbacks from the Lot Lines and Public Road Right-of-Way;
- h) Driveways, Access Roads, Parking Spaces, Off-Street Parking and Loading Areas;
- i) Unless a Certificate of Survey is required by the Zoning Administrator, the Applicant shall provide a dimensioned map or sketch showing:
 - 1) Existing Legal Description of the Lot and/or Parcel to be subdivided;
 - 2) All contiguous Lots and/or Parcel and all nearby Streets and their proper names;

- 3) Proposed new Lot Lines with dimensions noted;
 - 4) Proposed Driveway location and location of existing Driveways on the same side of the Street as the Lot and/or Parcel to be subdivided;
 - 5) Proposed Legal Description of the Lots and/or Parcels to be created;
 - 6) General location, purpose and dimensions of all existing Buildings, Structures and Fences on the Lot and/or Parcel. Location shall note distance of those Buildings, Structures and Fences closest to Lot Lines from the existing and proposed Lot Lines;
 - 7) General location of any existing tile lines, abandoned wells or drainage ways.
 - 8) Location of existing septic tank(s), drain field(s) and mound systems.
- j) If the Legal Description is to be described by a Metes and Bounds Description, a Certificate of Description of the proposed Lot and/or Parcel is required to be prepared by a Licensed Land Surveyor.
 - k) Legal Descriptions of Street easements to be granted to either the Town or Kanabec County for Streets abutting the Lot and/or Parcel.

520.3 Procedure.

- a) The person applying for an Exemption Certificate shall fill out and submit to the Zoning Administrator an Exemption Certificate Application form and filing fee;
- b) Exemption Certificate Applications shall be executed by the Owner of the affected Lot and/or Parcel and the Applicant;
- c) Upon submission, the Zoning Administrator shall review the Exemption Certificate Application with the Applicant to determine if the Exemption Certificate Application is complete. If said Exemption Certificate Application is not complete, the Zoning Administrator shall, within fifteen (15) business days of the submission of the Exemption Certificate Application, request any and all missing information from the Applicant. For purposes of

this Chapter 520, an Exemption Certificate Application shall be considered complete if:

- 1) said Exemption Certificate Application contains all information as required pursuant to Section 520.2 above; or
- 2) said Exemption Certificate Application contains less than all information as required pursuant to Section 520.2 above, but the Zoning Administrator determines that certain requirements as contained in Section 520.2 are inapplicable and/or unnecessary, and deems the Exemption Certificate Application complete nonetheless; or
- 3) the fifteen (15) day review period as described in Section 520.3(c) above expires without the Zoning Administrator submitting to Applicant a request for additional and/or missing information.

The above notwithstanding, no Exemption Certificate Application shall be deemed complete unless and until the Applicant has provided the Zoning Administrator with three (3) copies of said complete Exemption Certificate Application, inclusive of any and all site plans and any other supporting documentation.

- d) Within sixty (60) days of the submission of a completed Exemption Certificate Application, or within sixty (60) days of resubmission of an Exemption Certificate Application by the Applicant to the Zoning Administrator if further information was requested by the Zoning Administrator as provided in Section 520.3(c), the Zoning Administrator shall determine whether:
 - 1) The proposed Subdivision complies with all of the objectives and provisions of the Comprehensive Plan and Ordinance;
 - 2) The Lot and/or Parcel to be divided will result in four (4) or fewer Lots and/or Parcels per Quarter Quarter;
 - 3) The Lot and/or Parcel to be divided will not require creation of a Public Road for purposes of gaining access to the subdivided Lot and/or Parcel;
 - 4) The Lot and/or Parcel complies with the required Lot Width and Buildable Area requirements and Minimum Lot Standard;

- 5) all new Lots and/or Parcels to be subdivided will not require the creation of a new Public Road for purposes of gaining access to the subdivided Lot and/or Parcel or adhering to the Lot Width;
 - 6) no additional Public Roads are constructed;
 - 7) A Licensed Surveyor's Description or Certificate of Survey is required pursuant to this Ordinance;
 - 8) An inspection of the Lot(s) and/or Parcel(s) is required to ensure compliance with the provisions of this Ordinance; and
 - 9) Additional information is necessary to properly consider the Exemption Certificate Application as may be requested of the Applicant by the Zoning Administrator.
- e) The Zoning Administrator may extend the time limit as provided in 520.3(d) if, before the end of the initial sixty (60) day period, the Zoning Administrator provides Written Notice of the extension to the Applicant stating the reasons for the extension and its anticipated length, which may not exceed an additional sixty (60) days unless approved by the Applicant.

520.4 Zoning Administrator's Decision.

- a) Approval of Exemption Certificate by Zoning Administrator.
 - 1) The Zoning Administrator shall grant an Exemption Certificate if all objectives of this Chapter are met.
 - 2) If the Exemption Certificate Application is granted, the Zoning Administrator shall cause to be prepared a document to be executed by the Owner conveying Street easements to the Town and/or to Kanabec County utilizing the Legal Descriptions provided by the Applicant and approved by the Zoning Administrator. The Owner shall execute said document prior to, and as a condition of, the issuance of the Exemption Certificate. The Town shall record such easements on behalf of the Town or Kanabec County as appropriate.
- b) Denial of Exemption Certificate by Zoning Administrator.

- 1) If the Zoning Administrator denies an Exemption Certificate Application, the Zoning Administrator shall provide Written Notice to the Applicant of the reasons for the denial.
- 2) In the event an Exemption Certificate is denied, no Exemption Certificate Application affecting the same Lot and/or Parcel and proposing a Subdivision of a substantially same or similar nature as that which was initially proposed in the denied Exemption Certificate Application may be resubmitted by any Applicant for a period of six (6) months from the date of said denial by Zoning Administrator, unless:
 - i) said Applicant can demonstrate a clear showing to the Zoning Administrator of new evidence and/or change in circumstances impacting said Exemption Certificate Application; or
 - ii) the Applicant appeals the denial of the Exemption Certificate Application within thirty (30) days of the denial of the same by submission of a Petition for Administrative Appeal to the Board of Adjustment and Appeals in accordance with the procedure set forth in Chapter 740 of this Ordinance herein.

520.5 Recording the Exemption Certificate. Exemption Certificates approved and issued by the Zoning Administrator shall be recorded by the Applicant at the County Recorder's Office within sixty (60) days of issuance thereof. Failure to record an Exemption Certificate within the timeframe provided herein shall render said Exemption Certificate null and void and the Applicant shall be required to reapply and resubmit the required fee before a replacement Exemption Certificate may be issued.

[END OF CHAPTER 520]

Chapter 530. Subdivision Procedure (Simple Plats).

530.1 Simple Plats. Any and all Subdivision by Simple Plat shall be prohibited.

[END OF CHAPTER 530]

Chapter 540. Subdivision Procedure (Standard Plats).

540.1 Introduction. All Subdivisions of any Lots and/or Parcels hereafter submitted for approval to the Town officials shall fully comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to:

- a) Encourage well planned, efficient, and attractive Subdivisions by establishing adequate standards for design and construction.
- b) Provide for the health and safety of the residents of the Town by requiring the necessary services such as properly designed Public Roads and adequate sewage and water service.
- c) Place the cost of improvements against those benefiting from the construction of said improvements.
- d) Secure the rights of the public with respect to public lands and waters.

Before Subdividing any Lot and/or Parcel within the Town, the following procedures shall be followed, except as otherwise provided for herein.

540.2 Sketch Plan. Prior to submitting the Preliminary Standard Plat, the Subdivider shall submit for review by the Zoning Administrator ten (10) copies of the Subdivision Sketch Plan which shall contain the following information:

- a) Boundary lines of the subject Lots and/or Parcels.
- b) Legal Description of the Lots and/or Parcels being Subdivided.
- c) North arrow.
- d) Description of purpose and intended Use of the Lots and/or Parcels to be Subdivided.
- e) Public Roads on and adjacent to the subject Lots and/or Parcels.
- f) Topographical and physical features of the subject Lots and/or Parcels.
- g) Proposed layouts for new Public Roads.

Sketch Plans shall be submitted by the Subdivider to the Zoning Administrator for discussion purposes. Submission of a Subdivision

Sketch Plan shall not constitute a formal filing of a Preliminary Standard Plat Application with the Town.

540.3 Pre-Application Meeting.

- 1) Once a Sketch Plan is submitted, the Zoning Administrator shall schedule a meeting of the Zoning Administrator, Township Engineer and Planning Commission Chair to review the Sketch Plan for consistency with the Town standards for Platting.
- 2) As far as may be practical on the basis of a Sketch Plan, the Zoning Administrator will advise the Subdivider, within thirty (30) working days of receipt of the Sketch Plan, of the extent to which the proposed Subdivision conforms to the design standards of this Ordinance and will discuss any required Sketch Plan modifications as necessary to ensure conformance.

540.4 Preliminary Standard Plat Application. After the pre-application meeting and Sketch Plan review, a Preliminary Standard Plat Application shall be submitted to the Zoning Administrator together with a title commitment prepared within the last thirty (30) days prior to the date of the Preliminary Standard Plat Application naming the Town as an insured and a Preliminary Standard Plat with the following information and required plans:

- a) Proposed name of Subdivision which shall not duplicate or be similar in pronunciation or spelling to the name of any Plat heretofore recorded in the County;
- b) A fully monumented boundary survey prepared by a Licensed Land Surveyor;
- c) Legal Description of subject Lots and/or Parcels;
- d) Existing easements of record per a title commitment prepared within thirty (30) days of the date of the Preliminary Standard Plat Application;
- e) Approximate Lot and/or Parcel dimensions and Acreage for each individual Lot and/or Parcel;
- f) A description of Right-of-Ways, including curve radii and radius and length of cul-de-sacs of all existing and proposed Public Roads;
- g) Graphic scale and North arrow;

- h) Vicinity map drawn to suitable scale showing location of the proposed Subdivision in relation to section lines, adjoining roadways, highways, and recognizable features, in a manner that properly determines the location of the Subdivision;
- i) Date of preparation of the Preliminary Standard Plat;
- j) Road profiles, if required by the Township Engineer, shall be provided on a separate plan;
- k) Topographic data showing contours at a minimum of two-foot intervals with one-hundred-fifty (150) foot overlap onto adjacent Lots and/or Parcels;
- l) Lot and/or Parcel layout, Block and Lot and/or Parcel numbers, and areas set aside for public and community purposes;
- m) Major drainage ways;
- n) Soils map showing soil types, rock outcrops, water courses, marshes and wooded area;
- o) A description of the existing Uses of the Lot and/or Parcel to be Subdivided as well as all existing Uses of adjacent Lots and/or Parcels;
- p) Names and addresses of the Owner of Record and any agent having control of the Lot and/or Parcel, as well as the name and addresses of the Subdivider, surveyor, engineer, and designer of the Standard Plat;
- q) Grading plan and storm water calculations prepared by a licensed civil engineer or Licensed Land Surveyor;
- r) Erosion control plan;
- s) Storm Water Pollution Prevention Plan (SWPPP);
- t) Wetland delineation report for all wetlands on the affected Lot and/or Parcel;
- u) Soil borings on each proposed Lot and/or Parcel to demonstrate that each proposed Lot and/or Parcel meet the Town's Lot and/or Parcel Buildable Area requirement;

- v) Other information as required by the Zoning Administrator, Planning Commission, and/or Town Board; and
- w) A report or certification on each proposed Lot and/or Parcel indicating that the same has been tested by a sanitary certified designer or Licensed Civil Engineer to show the location on the Lot and/or Parcel that a sanitary sewer system may be installed to meet the county requirements.

All required plans as provided above, including the Preliminary Standard Plat, shall be drawn to scale of not less than 1:100, provided the Preliminary Standard Plat does not exceed 24 x 36 inches. Special circumstances of the Preliminary Standard Plat may be best depicted by drawings of 1:200, which may be allowed by the Zoning Administrator's written approval.

540.5 Preliminary Standard Plat Design Standards. The following design standards shall apply to all Preliminary Standard Plats.

- a) Blocks, Lots and/or Parcels. The length, widths, and shapes of Blocks, and Lots and/or Parcels within Blocks, shall be determined with due regard to:
 - 1) Provisions of adequate Building sites suitable to the special needs of the Principal Use and Principal Structure and all required Accessory Uses;
 - 2) Zoning requirements as to Lot and/or Parcel sizes and dimensions, and provisions regulating Off-Street Parking;
 - 3) Needs for convenient road access, circulation, control and safety of traffic; and
 - 4) Limitations and opportunities of topography.

Block lengths shall be determined by traffic circulation and other needs. Blocks intended for Commercial Use shall be of such width as to be considered most suitable for their respective Use, including adequate space for Off-Street Parking and deliveries.

- b) Lots and/or Parcels. In addition to the standards provided above, the following standards shall be applied to all Lots and/or Parcels to be established within a Plat:
 - 1) The minimum Lot Area of a given Lot and/or Parcel as well as Lot Width and Buildable Area shall conform to the

requirements of the Zoning District in which the proposed Subdivision is situated as required by this Ordinance;

- 2) Side Lot Lines shall be as near right angles or radial to curved Public Road lines as possible;
 - 3) Through Lots shall be avoided except where necessary to provide separation of Residential Land Uses from Arterial Public Roads or Collector Public Roads or to overcome specific problems due to orientation of topographic conditions;
 - 4) Flag Lots are prohibited in Standard Plat Subdivisions;
 - 5) Every Lot and/or Parcel shall have the minimum required frontage on a Public Road as required by this Ordinance as well as satisfactory access to existing Public Roads for purposes of fire fighting, utilities and other public and quasi-public services; and
 6. Setbacks shall adhere to the Setback requirements as set forth in this Ordinance.
- c) Public Roads. The following requirements shall apply to all Public Roads as located or dedicated in a Final Standard Plat:
- 1) Except for cul-de-sacs, Public Roads normally shall connect with Public Roads already dedicated in adjoining or adjacent Subdivisions, provide for future connections to adjoining unsubdivided Lots and/or Parcels or shall be a reasonable projection of Public Roads in the nearest Subdivided Lots and/or Parcels. The arrangement of Public Roads shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff storm water, to public convenience and safety, and in their appropriate relation to the proposed Uses of the area to be served;
 - 2) Where the Preliminary Standard Plat to be submitted includes only part of the Lot and/or Parcel owned or intended for Development by the Subdivider, a tentative plan of a proposed future Public Roads and road system for the unsubdivided portion shall be prepared and submitted by the Subdivider as part of the Preliminary Standard Plat;

- 3) When a Lot and/or Parcel is Subdivided into smaller or separate Lots and/or Parcels, such Subdivided Lots and/or Parcels shall be so arranged as to permit the logical location and openings of future Public Roads and appropriate future Subdivision;
- 4) Public Roads shall be designed so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Unless topography or other conditions otherwise require, the minimum angle of intersection of Public Roads shall be eighty (80) degrees. Public Road intersection jogs with an offset of less than one hundred twenty-five (125) feet from centerline to centerline of Public Roads shall be avoided;
- 5) Whenever the proposed Subdivision is adjacent to the Right-of-Way of a state or federal highway, a Public Road may be required as follows:
 - i) A Minor Public Road;
 - ii) A Town Public Road at a distance from the state or federal highway Right-of-Way that allows for the appropriate Use of the Lot(s) and/or Parcel(s) between such Town Public Road and state or federal Right-of-Way. Such distance shall be determined with due consideration for a minimum distance required for connections to future grade separations, or for Lot and/or Parcel depths; and/or
 - iii) A Collector Public Road.
- 6) For all Public Roads hereafter dedicated and accepted, the minimum Right-of-Way widths for such Public Roads shall be:

	Public Road Types	Right-of-Way Width
i)	Collector Public Road	80 feet
ii)	Town Public Road	66 feet
iii)	Minor Public Road	55 feet

- 7) Where existing or anticipated traffic on a Collector Public Road or an Arterial Public Road warrants a greater Right-

of-Way width as determined by the Town Board, said greater width shall be required;

- 8) Town Public Road access to state or county roads shall be approved by the appropriate road authority;
 - 9) The grades in all Public Roads in any Subdivision shall not be less than 0.5% or greater than eight percent (8%) unless said grade is deemed acceptable by the Township Engineer;
 - 10) Public Road alignment: The horizontal and vertical alignment standards on all Public Roads shall be designed as recommended by the Township Engineer; and
 - 11) All Township Public Roads, Minor Public Roads and Collector Public Roads shall be public..
- d) Cul-de-Sacs (Permanent and Temporary). The following standards shall apply to Permanent Cul-de-Sacs and Temporary Cul-de-Sacs located within a Standard Plat:
- 1) Permanent Cul-de-Sacs shall have a Right-of-Way radius of sixty-six (66) feet;
 - 2) Temporary Cul-de-Sac design shall be as follows:
 - i) Temporary Cul-de-Sacs shall have a Right-of-Way radius of sixty-six (66) feet;
 - ii) The turnaround Right of Way of a Temporary Cul-de-Sac shall be placed adjacent to a Lot Line and a Right of Way of the same width as the Public Road and shall be carried to said Lot Line in such a way to permit future extension of the Public Road into adjoining Lots and/or Parcels; and
 - iii) The radial portion of the Temporary Cul-de-Sac shall be granted to the Town as a Public Road easement versus publicly dedicated as required for Public Roads. Temporary drainage and utility easements shall be created in relation to the Temporary Cul-de-Sac perimeter and granted to the Town.
 - 3) All Cul-de-Sacs shall be radial in design. "T" Design Cul-de-Sacs shall not be allowed;

- 4) The surface of all Cul-de-Sacs shall be constructed to a minimum radius of fifty-five (55) feet; and
 - 5) Cul-de-sac lengths shall be as follows:
 - i) Permanent Cul-de-Sacs shall not exceed 1,320 feet in length. Permanent Cul-de-Sac lengths are measured from the centerline intersection of the Public Road at the beginning of the Permanent Cul-de-Sac to the outside Right-of-Way of the Permanent Cul-de-Sac radius.
 - ii) Temporary Cul-de-Sacs shall not exceed 2,640 feet in length and shall not provide access to more than sixteen (16) Lots and/or Parcels. Temporary Cul-de-Sac lengths are measured from the centerline intersection of the Public Road at the beginning of the Temporary Cul-de-Sac to the centerline radius point of the Temporary Cul-de-Sac.
- e) Easements. The following standards shall apply to easements created within a Preliminary Standard Plat:
- 1) An easement for utilities and drainage that is at least ten (10) feet wide shall be provided on the Side Lot Lines and Rear Lot Lines of each Subdivided Lot and/or Parcel to form a continuous easement at least twenty (20) feet wide with adjacent Lots and/or Parcels created within the Subdivision. An easement for utilities and drainage purposes that is at least ten (10) feet wide shall be provided along all Lot Lines of each Subdivided Lot and/or Parcel. If necessary for the extension of storm sewer, utilities or drainage, easements of greater width may be required along Lot Lines or across any Lot and/or Parcel.
 - 2) Utility and drainage easements shall connect with easements established in adjoining Lots and/or Parcels. These easements, when approved, shall not hereafter be changed without the approval of the Town Board.
 - 3) Additional easements for Guy Wires may be required.
 - 4) Drainage and utility easements will be required for all drainage, ponding and wetland areas.

- 5) Conservation easements, buffer strips, and other restricted areas shall be created when necessary to protect wetland edges and shall be administered by the appropriate governmental authority.

540.6 Preliminary Standard Plat Application Procedure.

- a) The Applicant applying for a Preliminary Standard Plat shall complete and submit to the Zoning Administrator a Preliminary Standard Plat Application and filing fee as established by the Town Board, from time to time, and submit copies of the Preliminary Standard Plat to any government agencies as required;
- b) Preliminary Standard Plat Applications shall be executed by the Owner of the affected Lot and/or Parcel and the Applicant;
- c) Upon submission, the Zoning Administrator shall review the Preliminary Standard Plat Application with the Applicant to determine if the Preliminary Standard Plat Application is complete. If said Preliminary Standard Plat Application is not complete, the Zoning Administrator shall, within fifteen (15) business days of the submission of the Preliminary Standard Plat Application, request any and all missing information from the Applicant. For purposes of this Chapter 540, a Preliminary Standard Plat Application shall be considered complete if:
 - 1) said Preliminary Standard Plat Application contains all information as required pursuant to Section 540.4 above; or
 - 2) said Preliminary Standard Plat Application contains less than all information as required pursuant to Section 540.4 above, but the Zoning Administrator determines that certain requirements as contained in Section 540.4 are inapplicable and/or unnecessary, and deems the Preliminary Standard Plat Application complete nonetheless; or
 - 3) the fifteen (15) day review period as described in Section 540.6(c) above expires without the Zoning Administrator submitting to the Applicant a request for additional and/or missing information.

The above notwithstanding, no Preliminary Standard Plat Application shall be deemed complete unless and until the Applicant has provided the Zoning Administrator with fifteen (15) copies of said complete Preliminary Standard Plat Application, inclusive of the Preliminary Standard Plat and any other supporting

documentation such as, but not limited to a grading plan, storm water calculations, road profiles, erosion control plan, boundary survey, soils map and title commitment. The Applicant shall provide any oversized plans to the Zoning Administrator in a folded form and submit fifteen (15) additional copies of any such oversized plans in a size not to exceed 24 x 36". Also three (3) copies of the SWPPP and ten (10) copies of the soil boring reports and/or results demonstrating each Lot and/or Parcel Buildable Area and septic area location shall be submitted with the Preliminary Standard Plat Application.

- d) Any completed Preliminary Standard Plat Application shall be referred to the Planning Commission by the Zoning Administrator for review and a Public Hearing, along with all related information relating thereto, including the Zoning Administrator's Preliminary Standard Plat Report and Recommendation and findings of fact evaluating the Applicant's compliance with Section 540.4 of this Chapter. The Zoning Administrator shall cause the Town Clerk to add the Public Hearing to the Planning Commission's Agenda no later than the date by which said Preliminary Standard Plat Application is submitted to the Planning Commission for review. No Preliminary Standard Plat Application may be acted upon by the Town Board until the Town Board has received the Planning Commission's Report and Recommendation thereon.
- e) Written Notice of a Public Hearing on any complete Preliminary Standard Plat Application shall be sent by the Town Clerk to all members of the Town Board and all members of the Planning Commission not less than ten (10) days prior to the date of the Public Hearing. Such Written Notice shall be accompanied by copies of the completed Preliminary Standard Plat Application.
- f) Written Notice of a Public Hearing shall be provided by the Town Clerk to Owners of Record within one quarter (1/4) mile of the affected Lot and/or Parcel, or to the ten Owners of Lots and/Parcels nearest to the affected Lot and/or Parcel, whichever would provide Written Notice to the greatest number of Owners of Record as well as to the Owner and Applicant of the affected Parcel, not less than ten (10) days nor more than thirty (30) days prior to the date of the Public Hearing. Failure of an Owner of Record to receive Written Notice shall not invalidate such proceedings;
- g) A Public Hearing on a complete Preliminary Standard Plat Application shall be held by the Planning Commission within thirty (30) days after the submission of the complete Preliminary

Standard Plat Application to the Zoning Administrator. Notice of the Public Hearing shall be Published in the Official Newspaper designated by the Town Board at least ten (10) days prior to the Public Hearing;

- h) The Applicant or his representative shall appear at the Public Hearing to present evidence concerning the Preliminary Standard Plat Application;
- i) Following the Public Hearing, the Planning Commission shall submit a Preliminary Standard Plat Report and Recommendation, together with findings of fact, to the Town Board including any additional conditions it considers necessary to protect the public health, safety and welfare. The Town Clerk shall place the Preliminary Standard Plat Report and Recommendation and findings of fact on the Town Board Agenda for the next Regular Meeting of the Town Board following the Public Hearing recommending approval, disapproval, or modified approval of the request as provided in the Preliminary Standard Plat Application.
- j) Within sixty (60) days after the submission of the complete Preliminary Standard Plat Application by the Applicant to the Zoning Administrator, or within sixty (60) days of resubmission of the Preliminary Standard Plat Application by the Applicant to the Zoning Administrator if further information was requested by the Zoning Administrator as provided in Section 540.6(c) the Town Board shall either:
 - 1) Approve or disapprove the request pursuant to the Preliminary Standard Plat Report and Recommendation and findings of fact submitted to it by the Planning Commission; or
 - 2) Approve or disapprove the Preliminary Standard Plat Report and Recommendation and findings of fact of the Planning Commission with modifications, alterations or differing conditions. Such modifications or differing conditions shall be in writing and made part of the Town Board's records; or
 - 3) Refer the Preliminary Standard Plat Report and Recommendation and findings of fact back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action.

- k) The Town Board, Planning Commission or Zoning Administrator may extend the time limit as provided in 540.6(j) if, before the end of the initial sixty (60) day period, the Town Board, Planning Commission or Zoning Administrator provides Written Notice of the extension to the Applicant stating the reasons for the extension and its anticipated length, which may not exceed an additional sixty (60) days unless approved by the Applicant.
- l) Approval of a complete Preliminary Standard Plat Application shall require passage by a 2/3rds vote of the full Town Board. The Town Clerk shall notify the Applicant of the Town Board's action in accordance with the time frame as provided in Section 540.6 herein.
- m) If the Town Board grants the Preliminary Standard Plat, it may impose conditions it considers necessary to protect the public health, safety and welfare of the Town.
- n) In the event a Preliminary Standard Plat Application is denied, no Preliminary Standard Plat Application affecting the same Parcel and proposing a Preliminary Standard Plat of a substantially same or similar nature as that which was initially proposed in the denied Preliminary Standard Plat Application may be resubmitted by any Applicant for a period of six (6) months from the date of said order of denial, unless said Applicant can demonstrate a clear showing to the Zoning Administrator of new evidence and/or change in circumstances impacting said Preliminary Standard Plat Application.

540.7 Final Standard Plat Application.

- a) Based on approval of the Preliminary Standard Plat, the Subdivider shall within one year after such approval, submit a full or partial Final Standard Plat of the approved Preliminary Standard Plat to the Township Zoning Administrator for review by the Town Board as provided in Section 540.8 or request a one (1) year extension with a maximum of two (2) one year extensions to the Township Zoning Administrator. The Township Zoning Administrator shall be responsible for the approval or denial of any and all extension requests pursuant to this section.
- b) Subject to Section 540.7(a) above, any or all of the remainder of the Preliminary Plat must be submitted to the Township Zoning Administrator as a Final Standard Plat within three (3) years after approval of the Preliminary Standard Plat. If said Final Standard Plat or the extension for the Preliminary Standard Plat is not

submitted within the requisite period of time, the Subdivider must re-submit said Preliminary Standard Plat for re-approval as provided for in Sections 540.1 through 540.6 above.

c) The Final Standard Plat Application shall be made to the Zoning Administrator. The following items shall be included with a Final Standard Plat Application:

- 1) A copy of the approved Preliminary Standard Plat Application;
- 2) An updated title commitment shall be submitted to the Township dated within thirty (30) days of the Final Standard Plat Application. The title commitment shall name the Town as an insured;
- 3) A detailed engineer's estimate for the total cost of improvements;
- 4) A fee as established by Town of Ford, payable to the Town, shall accompany the Final Standard Plat Application to help defray the expenses of the Town in connection with the review of said Final Standard Plat Application;
- 5) All Public Land Survey corner locations needed to Subdivide the section and determine the boundaries of the Lot and/or Parcel to be Subdivided (not previously recorded) shall be monumented, and certificates of government corner locations and a written report shall be submitted to and approved by the County Surveyor in sufficient time to allow recording of said certificates prior to Final Standard Plat approval. The survey information and Subdivision information necessary to determine the boundaries of the proposed Standard Plat shall be filed with the County Surveyor;

The Final Standard Plat document shall comply with the standards set forth in Minnesota Platting Regulations, MS Chapter 505; and/or

- 6) Other information as required by the Zoning Administrator, Planning Commission and/or Town Board.

540.8 Final Standard Plat Procedure.

- a) The Applicant applying for a Final Standard Plat shall complete and submit to the Zoning Administrator a Final Standard Plat Application and filing fee, as determined by the Town Board from time to time, pursuant to Section 540.7 above;
- b) Final Standard Plat Applications shall be executed by the Owner(s) of the affected Parcel and the Applicant;
- c) Upon submission, the Zoning Administrator shall review the Final Standard Plat Application with the Applicant to determine if the Final Standard Plat Application is complete. If said Final Standard Plat Application is not complete, the Zoning Administrator shall, within fifteen (15) business days of the submission of the Final Standard Plat Application, request any and all missing information from the Applicant. For purposes of this Chapter 540, a Final Standard Plat Application shall be considered complete if:
 - 1) said Final Standard Plat Application contains all information as required pursuant to Section 540.7 above; or
 - 2) said Final Standard Plat Application contains less than all information as required pursuant to Section 540.7 above, but the Zoning Administrator determines that certain requirements as contained in Section 540.7 are inapplicable and/or unnecessary, and deems the Final Standard Plat Application complete nonetheless; or
 - 3) the fifteen (15) day review period as described in Section 540.8 above expires without the Zoning Administrator submitting to Applicant a request for additional and/or missing information.

The above notwithstanding, no Final Standard Plat Application shall be deemed complete unless and until the Applicant has provided the Zoning Administrator with fifteen (15) copies of said complete Final Standard Plat Application, inclusive of any and all Final Standard Plat, title commitment naming the Town as an insured and any other supporting documentation. The Applicant shall provide any oversized plans to the Zoning Administrator in a folded form and submit fifteen (15) additional copies of any such oversized plans in a size not to exceed 24 x 36”;

- d) The Zoning Administrator shall have a final Developers Agreement drafted for review by the Planning Commission. The Developers Agreement shall outline the conditions of approval of the Final Standard Plat, to include but not be limited to the Town’s

development and construction inspection standards and the amount of financial surety to ensure that the improvements are completed as approved and also a deadline for completing all required and approved improvements as well as any requirements established in the Preliminary Standard Plat application process;

- e) Any completed Final Plat Standard Application and Developers Agreement shall be referred to the Planning Commission by the Zoning Administrator for review and a Public Hearing, along with all related information relating thereto, including the Zoning Administrator's Final Standard Plat Report and Recommendation and findings of fact evaluating the Applicant's compliance with Section 540.7 of this Chapter. The Zoning Administrator shall cause the Town Clerk to add the Public Hearing to the Planning Commission's Agenda no later than the date by which said Final Standard Plat Application is submitted to the Planning Commission for review. No Final Standard Plat Application may be acted upon by the Town Board until the Town Board has received the Planning Commission's recommendations thereon;
- g) The Applicant or his representative shall appear at the Planning Commission meeting to present evidence concerning the Final Standard Plat Application;
- h) The Planning Commission shall submit a Final Plat Report and Recommendation, together with findings of fact and the Developers Agreement, to the Town Board including any additional conditions it considers necessary to protect the public health, safety and welfare. The Town Clerk shall place the Final Standard Plat Report and Recommendation and findings of fact and the Developers Agreement on the Town Board Agenda for the next Regular Meeting of the Town Board following the Planning Commission meeting recommending approval, disapproval, or modified approval of the request as provided in the Final Standard Plat Application;
- i) Within sixty (60) days after the submission of the complete Final Standard Plat Application by the Applicant to the Zoning Administrator, or within sixty (60) days of resubmission of the Final Standard Plat Application by the Applicant to the Zoning Administrator if further information was requested by the Zoning Administrator as provided in Section 540.8(c) the Town Board shall either:

- 1) Approve or disapprove the request pursuant to the Final Standard Plat Report and Recommendation and findings of fact submitted to it by the Planning Commission; or
 - 2) Approve or disapprove the Final Standard Plat Report and Recommendation and findings of fact of the Planning Commission with modifications, alterations or differing conditions. Such modifications or differing conditions shall be in writing and made part of the Town Board's records; or
 - 3) Refer the Final Standard Plat Report and Recommendation and findings of fact back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action.
- j) The Town Board, Planning Commission or Zoning Administrator may extend the time limit as provided in 540.8(i) if, before the end of the initial sixty (60) day period, the Town Board, Planning Commission or Zoning Administrator provides Written Notice of the extension to the Applicant stating the reasons for the extension and its anticipated length, which may not exceed an additional sixty (60) days unless approved by the Applicant;
- k) If all the requirements provided by the Town Board as they pertain to the Preliminary Plat have been met, including, but not limited to the following the Town Board shall approve the Final Standard Plat:
- i. Verification by the County Surveyor that the Final Standard Plat has been prepared by a Minnesota Licensed Land Surveyor, that the section corner certificates have been recorded and that the Final Standard Plat complies with the provisions of Minnesota Statutes Chapter 505; and
 - ii. A report by the Township Engineer stating that the proposed Subdivision and Final Standard Plat Application meets the requirements for all applicable Ordinances. The Township Engineer shall also review and approve the submitted applicant engineer's estimate; and
- l) Within one (1) year of the Town Board's approval of the Final Standard Plat Application, the Subdivider shall submit for signing by the Town Board Chair the Developers Agreement signed by the Applicant and Subdivider with an irrevocable letter of credit in favor of the Town in the amount of one hundred percent (100%) of

the cost of improvements contemplated in the approved Final Standard Plat together with the proposed Final Subdivision Construction Plans. Also the Subdivider shall submit for signing by the Town Board Chair and any county representatives, required by county ordinance, a hard shell and transparent, photographically produced reproducible copies of the Final Standard Plat per Minnesota Statutes Chapter 505. Once the county officials have signed the Final Standard Plat, the Subdivider shall file the copies with the County Recorder. The Final Standard Plat that is to be recorded in the County Recorder's office shall have one copy marked "Official Standard Plat" and the other copies marked "Copy". A recording fee, as determined by the County Recorder, shall be submitted to the County Recorder's office by the Subdivider.

- m) After a Final Standard Plat is approved, the Final Subdivision Construction Plans shall be subject to the review and approval of the Township Engineer;

540.9 Post-Approval Subdivision and Improvement Requirements.

a) General.

- 1) Prior to commencement of construction, the Applicant/Subdivider shall submit to the Zoning Administrator all approved permits as may be required by other government agencies. After approval of the Final Subdivision Construction Plans and other permits as provided herein, the Township Engineer shall hold a pre-construction meeting with the Applicant/Subdivider;
- 2) The Subdivider shall construct all improvements within the approved Final Standard Plat to meet the Final Subdivision Construction Plans, Developer's Agreement and Township standards and specifications; and
- 3) All of the required improvements to be installed under the provisions of this Ordinance shall be designed by a licensed civil engineer and/or a Licensed Land Surveyor. The Township Engineer or designated individual during the course of the construction shall periodically inspect the construction process to ensure that that all Ordinance requirements are adhered to, as well as to ensure that the construction complies with the actual approved Final Standard Plat. All of the inspection costs pursuant thereto

shall be paid by the Subdivider according to the Developers Agreement.

- b) Road and Highway Improvements.
 - 1) Erosion control as is required pursuant to the Final Subdivision Construction Plans, Developer's Agreement and Township standards and specifications shall be inspected by the Township Engineer or his/her representative.
 - 2) Within each Subdivision, all Public Roads shall be constructed in accordance with standards and specifications for road construction as approved by the Township Engineer.
 - 3) Storm sewers, Culverts, storm water inlets, and other drainage facilities shall be constructed in accordance with the Final Subdivision Construction Plans, Developer's Agreement and Township standards and specifications and approved by the Township Engineer.
 - 4) Road signs of the standard design approved by the Township Engineer or county engineer shall be installed at each street or road intersection.
- c) Sanitary Sewer Improvements. Sanitary sewers, both public and private, when required as part of the Standard Plat development, shall be designed by a certified designer or licensed civil engineer, and installed as required by standards and specifications as approved by the county.
- d) Public Utilities. All utilities shall be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such a manner as not to conflict with other underground utility installations
- e) Other Improvements.
 - 1) All boundary corners, witness corners, Lot and Block corners, angle points and points of tangency and curvature indicated on the Standard Plat shall be marked and identified with a durable iron or steel survey monument as required by MS Chapter 505.

- 2) At all section, quarter section, meander or witness corners on the perimeter of the Standard Plat or necessary to survey the boundary of the Standard Plat, a durable iron monument as required by the county shall be set and a certificate of location of a government corner filed in accordance with Minnesota Statutes Chapter 381.12.

[END OF CHAPTER 540]