

Town of Dovre
Subdivision Ordinance

**TOWN OF DOVRE
ORDINANCE NO. 2018-1
SUBDIVISION ORDINANCE**

The Town Board of the Town of Dovre hereby ordains as follows:

CHAPTER ONE
GENERAL PROVISIONS

Section A. Title.

This Ordinance shall be known and may be cited as the “Subdivision Ordinance for the Town of Dovre, Kandiyohi County, Minnesota” and its provisions shall apply to all lands to be subdivided within the Township limits as they exist on the date the Town adopts this Ordinance, or within the limits as they may be extended in the future. Hereafter, this Ordinance shall be referred to as the “Subdivision Ordinance”.

Section B. Purpose.

Any person platting, replatting or dividing property for purposes of transfer of title or separate description shall do so under the provisions of this Ordinance. The Subdivision Ordinance sets forth the minimum requirements deemed necessary to insure and protect the health, safety and welfare of the public. More specifically, the provisions of this Ordinance are designed to:

1. Assure that to the maximum extent possible, all lands will be developed for the best possible use with adequate protection against deterioration and obsolescence.
2. Assure that effective protection is given to the natural resources of the community, especially ground water and surface waters
3. Encourage well-planned subdivisions through the establishment of adequate design and road design standards.
4. Discourage inferior developments that might adversely affect the local tax base
5. Create neighborhoods which will be of lasting credit to the community.
6. Facilitate adequate provisions for roads, road connectivity, transportation and other public facilities.
7. Secure the rights of the public with respect to public lands and waters.
8. Improve land records by the establishment of standards for surveys and plats.
9. Safeguard the interests of the public, the homeowner, the subdivider and units of local government.

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10. Provide a common ground for understanding between developers and local units of government.
11. Assure the availability of utilities adjacent to planned development.
12. Prevent, where possible, excessive governmental and maintenance costs.

Section C. Legal Authority.

This ordinance is enacted pursuant to Minnesota Statute 462.358.

Section D. Administration.

The Subdivision Ordinance shall be administered by the Town Board in cooperation with the Planning Commission.

Section E. Decisions.

All actions of the Town Board and Planning Commission pertaining to this Ordinance shall require the vote of a majority of the members of the entire Board or Commission.

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CHAPTER TWO
DEFINITIONS

Alley

A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant

The owner of land proposed to be subdivided or its representative who shall have express written authority to act on behalf of the owner and has executed an application form and professional fee responsibility agreement with the Town. Consent shall be required from all legal owners of the premises.

Block

Any combination of land ownership bounded by streets, roads or highways or a combination thereof or by a combination of streets, roads or highways and public parks, cemeteries, railroad rights-of-way, stream, lakes or similar manmade or natural physical barriers.

Bond

Any form of a surety bond, in an amount and form satisfactory to the Governing Body. All bonds shall be approved by the Governing Body whenever a bond is required by these regulations.

Buildable Area

That part of the lot not included within the open areas required by the Zoning Ordinance or other official controls and which complies with all applicable setback requirements of the Zoning Ordinance.

Zoning Administrator

The person designated by the Town of Dovre and who is hereby established as the Administrative Officer of this ordinance.

Covenants

Protective or restrictive covenants are contracts made between private parties and constitute an agreement between these parties as to the manner in which land may be used, with a view to protecting and reserving the physical, social and economic integrity of any given area.

Cross Walkway

A right-of-way or easement dedicated to public use, ten (10) feet or more in width, which cuts across or into a block to facilitate pedestrian access to adjacent streets and properties.

Cul-De-Sac (Court)

A street with a single means of ingress and egress and having a turnaround. Design of turnaround may vary. Cul-de-sacs shall be classified and designed according to anticipated daily traffic levels.

Developer

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The owner of land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/or approval under these regulations.

Development Agreement

Agreement between the Town Board and developer through which the Town Board may agree to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation, in exchange for agreement to construct any and all improvements to existing Town standards, or a higher standard in some cases, abide by all conditions of the Town Board, perform all required tasks within the established time frame, warranty all improvements, and provide security in an amount acceptable to the Town to ensure performance of the Agreement and all warranties. Said agreement shall be recorded immediately after the recording of the final plat.

Easement

A grant by the property owner of the use of a designated portion of land by the public, individuals, groups or corporations for specific purposes.

Escrow

A deposit of cash with the local government or escrow agent to secure the promise to perform some act.

Final Plat

All required maps, information and documents as set forth in the subdivision regulations and as required by the Town Board.

Governing Body

The Dovre Town Board.

Letter of Credit

A letter issued by a bank on behalf of the Developer for the benefit of Dovre Township to serve as a guarantee for payments and/or for improvements specified in a Development Agreement.

Lot

A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.

Lot Line Adjustment

The relocation of a common ownership boundary between two or more lots on a plat as per Minnesota Statutes, Chapter 505.

Lot of Record

Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the office of the County Recorder for Kandiyohi County, Minnesota prior to the effective date of this ordinance.

Metes and Bounds Description

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A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.

Monument

Concrete and /or metal markers utilized to establish survey points and lot boundaries.

Open Space

An area of land preserved from building development and reserved for the use of general public or a homeowner's association for the purpose of active and passive recreation and certain necessary community facilities.

Outlot

A lot remnant or parcel of land left over after platting, which is intended as open space or other future use, for which no building permit may be issued.

Owner

An individual, association, syndicate, partnership, corporation, trust or any other legal entity holding an equitable, or legal ownership interest in the land sought to be subdivided.

Parks

Area of public land developed and maintained primarily as pleasurable landscaped areas providing for both active and passive recreational pursuits, including tot lots, playgrounds, neighborhood parks, play fields and special purpose areas.

Person

Except when otherwise indicated by the context, the word person shall include the plural, or a company, firm, corporation or partnership.

Planning Commission.

The Planning Commission shall be the Planning Commission of the Town, appointed by the Town Board and established under Section 462.354, Subdivision 1.

Preliminary Plat

All required maps, information and documents as set forth in the Subdivision Regulations and as required by the Town Board.

Registered Land Surveyor

A land surveyor properly licensed and registered in the State.

Resubdivision

Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

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Reviewing Agencies

Reviewing agencies may include, but are not limited to, the Town engineer, the Town Planner, the Town Attorney, school board, utility companies, park board, county surveyor, and Minnesota Department of Natural Resources.

Sketch Plan

A map showing property boundaries with a proposed street layout and desirable lot layouts and any other information required in this ordinance

Streets and Alleys

1. Right-of-way (ROW): The entire area lying between the boundaries establishing the dedicated width.
2. Roadway: That portion of a street or alley surfaced for vehicular travel
3. Highways: Routes carrying large volumes of relatively fast moving traffic and are designated as either county, county state aid, federal or state highways
4. Major Streets: Arterials carrying large volumes of local traffic between widely separated areas of the community.
5. Collector Streets: Streets, which carry traffic from minor streets to major streets and highways, including the principal entrance streets of a residential subdivision and streets used for circulation within such developments.
6. Local Streets: Streets, which are used principally for access to abutting properties, especially residential properties.
7. Service Access Streets: Traffic ways which are adjacent and parallel to highways or major streets and provide access to abutting properties
8. Alleys: Minor traffic ways not intended for general traffic circulation, affording a secondary means of access to abutting properties.

Subdivide

The act or process of creating a subdivision.

Subdivider

Any person who (1) having an interest in land causes it directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision

The separation of an area, parcel, or tract of land under single ownership into two (2) or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or the use of any combination thereof, except the following separations:

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1. where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and at least 500 feet in width for residential and agricultural zoned properties or five acres or larger in size and at least 300 feet in width for commercial and industrial zoned properties;
2. creating cemetery lots; or
3. resulting from court orders, of the adjustment of a lot line by the relocation of a common boundary.

Subdivision, Major

All subdivisions not classified as minor subdivisions.

Subdivision, Minor

Any subdivision containing not more than two (2) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of Zoning Ordinance or the regulations contained in this ordinance. In addition, neither of the parcels shall have been a part of a minor subdivision within the preceding five (5) years.

Surveyor

A land surveyor registered under Minnesota State laws.

Town

The Town of Dovre.

Variance

Any departure from the requirements of these regulations that is granted by the appropriate governmental agency.

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CHAPTER THREE
SUBDIVISION APPLICATION:
PROCEDURE AND APPROVAL PROCESS

Section A. Purpose

The purpose of this article is to establish the procedure for Planning Commission and Town Board review and take action on applications for subdivisions. The procedure is intended to provide orderly and expeditious processing of such applications.

Section B. Classification of Subdivision

Before any land is subdivided the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, based upon whether the proposal is classified a minor subdivision or a major subdivision:

1. Lot Line Adjustment (see subdivision E below):
 - a. sketch plan
 - b. certificate of survey
2. Minor Subdivision (see subdivision F, #1 below):
 - a. sketch plan
 - b. certificate of survey
3. Major Subdivision (all subdivision proposals not classified as minor subdivisions):
 - a. sketch plan
 - b. preliminary plat
 - c. final plat

Section C. Official Submission Date

For the purpose of meeting the statutory timelines, the date on which the applicant has submitted a complete application containing all information requirements of this ordinance, has properly executed all required application forms and a fee responsibility agreement, and any additional requests of the Zoning Administrator, in addition to all appropriate fees having been paid, shall constitute the official submission date of the plat on which the statutory period required for formal approval, conditional approval, or disapproval shall commence to run.

Section D. Sketch Plan

1. In order to insure that all applicants are informed of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other Town code provisions or plans, and prior to the submission of a plat, all applicants shall submit a sketch plan to the Zoning Administrator for review.
2. Applicants seeking review of a sketch plan shall submit the items stipulated in Chapter 7, subdivision B of this ordinance. This submission requirement is needed for the developer, Zoning Administrator, and other participants, as needed, to review and discuss the development proposal in its formative stages. The Zoning Administrator shall determine

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whether the development proposal is a major or minor subdivision and shall provide the developer with a list of submission requirements for the appropriate development type as well as the expected process flow and timetable.

3. The applicant shall not be bound by any sketch plan for which review is requested, nor shall any representatives of the Town be bound by any such review.

Section E. Lot Line Adjustment

1. Lot Line Adjustment defined:

- a. A lot line adjustment provides for the alteration of property lines, where no additional lots for development are created and agreement exists among the parties involved.
- b. A lot line adjustment can be used to correct survey or description problems on existing properties.
- c. A lot line adjustment can be used to meet lot size, setback, or other state or town land use requirements.
- d. A lot line adjustment can be used to lessen or eliminate a nonconformity.
- e. Lot Line adjustments shall be submitted to the Zoning Administrator for review and approval.
- f. Lot line adjustments shall only be allowed when accompanied by an executed conveyance among the parties involved.
- g. The proposed adjustment shall not create any new nonconformity, nor shall it increase an existing nonconformity.
- h. Lot of record status shall not be affected by adding additional property to a lot that does not meet the current dimensional standards.
- i. Adequate land for treatment and disposal of sewage, when it exists, shall not be diminished by the adjustment.
- j. The result is not contrary to a decision of the Planning Commission or the Town Board.

2. Content and Data Requirements for Lot Line Adjustments:

- a. The requested lot line adjustment shall be prepared by a registered land surveyor in the form of a Certificate of Survey.
- b. The data and supportive information detailing the proposed adjustment is specified in Chapter 7, subdivision B. Exceptions, stipulated in writing, may be granted by the Zoning Administrator.
- c. Design Standards. The lot line adjustment shall conform to all design standards as stipulated in this ordinance. Any proposed deviation from said standards requires the processing of a variance request.

3. Processing:

- a. The Zoning Administrator shall have the authority to approve the lot line adjustment, provided that it complies with applicable provisions of this chapter.

Section F. Minor Subdivisions: Application

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1. Minor Subdivision defined:
 - a. In the case of a request to divide a portion of a lot where the division is to permit the adding of a parcel of land to an abutting lot so that no additional lots are created and both new lots conform to zoning ordinance lot size standards;
 - b. In the case of a request to combine two existing platted lots;
 - c. In the case of a request to divide no more than one (1) lot from a larger tract of land thereby creating no more than two (2) lots. To qualify, the parcel of land should not have been a part of a minor subdivision within the last five (5) years;
 - d. In the case of a request to divide a base lot, which is a part of a recorded plat upon which has been constructed a two family dwelling, townhouse, or quadraminium, where the division is to permit individual private ownership of a single dwelling unit within such a structure and the newly created property lines will not cause any of the unit lots or structure to be in violation of this chapter, the zoning ordinance, or the state building code; and
 - e. Any other subdivisions that meet the definition contained under “subdivision, minor” in Chapter 2.

2. Content and Data Requirements for Minor Subdivisions:
 - a. The requested minor subdivision shall be prepared by a registered land surveyor in the form of a Certificate of Survey.
 - b. The data and supportive information detailing the proposed subdivision is specified in Chapter 7, subdivision B. Exceptions, stipulated in writing, may be granted by the Zoning Administrator.
 - c. Design Standards. The minor subdivision shall conform to all design standards as stipulated in this ordinance. Any proposed deviation from said standards requires the processing of a variance request.

3. Processing:
 - a. If the subdivision application involves property, which meets the definition specified in Subdivision F, #1("a" or "b" above), the Zoning Administrator shall have the authority to approve the subdivision, provided that it complies with applicable provisions of this chapter.
 - b. In the case of applications involving the division of property described in Subdivision F, #1 (c, d, or e above), the applicant shall provide a sketch plan of the proposed development and review same with the Planning Commission. The Planning Commission shall provide a recommendation for the proposed development to be reviewed by the Town Board and shall be taken into consideration by the Town Board at the time it reviews and renders a decision on the final plat.

Section G. Preliminary Plat (Major Subdivision)

1. The application shall:

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- a. be filed with the Zoning Administrator at least four (4) weeks prior to the next regularly scheduled meeting of the Planning Commission;
 - b. be made on forms available at the Town offices, submission of an executed fee responsibility form, and accompanied by a fee, as established by the Town Board. The Town Treasurer shall deposit any money received as fees hereunder to the credit of the general fund of the Town of Dovre. No money shall be refunded to the applicant. The fee is not intended to cover specialized engineering, legal, planning, or site analysis reviews. Fees for additional technical services such as these will become the responsibility of the subdivider;
 - c. an up-to-date certified abstract of title or registered property report showing title in the applicants name, or an option to buy said property by said applicant as shown on the Preliminary Plat;
 - d. the application shall include the items specified in Chapter 7, subdivision B of this ordinance which constitutes a checklist of items to be submitted for subdivision review; and
 - e. be accompanied by a minimum of ten (10) copies of the preliminary plat and one (1) reduced copy of the plat no larger than 11" x 17".
2. The Zoning Administrator shall submit five (5) copies of the Preliminary Plat to the Planning Commission, and may, at his or her discretion, submit one (1) copy to the Town Engineer, one (1) copy to the Town Planner, and one (1) copy to the Town Attorney. The remaining copies shall be placed in the Town's files.
 3. The Zoning Administrator may instruct the appropriate staff to prepare technical reports and provide general assistance in preparing a recommendation on the action to the Town Board. This may include the Town Planner, the Town Engineer, Town Building Official, or the Town Attorney, or others as deemed needed.
 4. Upon receipt of the completed application as outlined above, the Planning Commission shall set a public hearing for public review of the Preliminary Plat. The hearing shall be held within forty-five (45) days of the Official Submission Date of the application. The applicant and/or his representative shall appear at the public hearing before the Planning Commission in order to answer questions concerning the proposal.

Notice of the public hearing may consist of a legal property description, shall contain a description of the request, and shall be advertised in the official newspaper at least ten (10) days before the day of the hearing. Property owners within three hundred fifty (350') feet of the proposed subdivision shall also be notified through the mail of the hearing. Failure of any property owner to receive said notice shall not invalidate the public hearing.

5. Following the public hearing, the Planning Commission shall submit to the Town Board the Plat with its own recommendations, including any conditions it recommends be placed upon the Plat prior to approval. The Town Board may approve, approve with conditions, or disapprove said Plat by a majority vote of its members regardless of the recommendations made by the Planning Commission.

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If the Planning Commission has not acted upon the Preliminary Plat within thirty (30) days following the close of the public hearing on such and in compliance with this chapter, the Town Board may act on the Preliminary Plat without the Planning Commission's recommendation, and may approve, approve with conditions, or disapprove said Plat by a majority vote of its members after the required public hearing.

6. The Town Board shall take final action within one hundred twenty (120) days of the application's Official Submission Date. The subdivision application shall be preliminarily approved or denied by the Town Board. If the Town Board fails to approve or disapprove the Preliminary Plat in this review period, the application shall be deemed preliminarily approved, provided it meets the requirements of this ordinance.
7. At any time during this process, either the applicant or the Town may request an extension of the imposed time limits. Both the applicant and the Town must agree to the time extension and must execute a time extension form that will become a part of the subdivision file.
8. If the Town Board requires changes to the Preliminary Plat, and if such changes are determined to be minor changes in the opinion of the Town Board, then such changes may be noted on the Plat and approved as such.
9. If the changes to be made are major changes in the opinion of the Town Board, then a new Preliminary Plat must be prepared and resubmitted, along with the payment of new fees, based upon the procedures and timelines established in this section.
10. Standards for Approval of Preliminary Plats: No preliminary plats shall be approved unless the applicant proves by clear and convincing evidence that:
 - a. the application for a preliminary plat is not premature;
 - b. the uses in the subdivision will be connected to and served by public utilities for the provision of water supply and sewage collection and treatment facilities where such facilities are or can reasonably be made available;
 - c. the subdivider has the financial ability to complete the proposed subdivision in accordance with all applicable laws and regulations;
 - d. the proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels;
 - e. the subdivider has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.
11. Requirements Governing Approval of Preliminary Plats:
 - a. The Planning Commission may recommend and the Town Board may require such changes or revisions as deemed necessary for the health, safety, general welfare, and convenience of the Town.
 - b. The Town Board may condition its approval of the preliminary plat on the Applicant complying with all reasonable conditions imposed on the preliminary plat by the Town Board.

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12. If the Preliminary Plat is approved, such approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this chapter to be indicated on the Final Plat. The Town Board may impose such conditions and restrictions as it deems appropriate or require such revisions or modifications in the Preliminary Plat or Final Plat as it deems necessary to protect the health, safety, comfort, general welfare, and convenience of the Town.
13. If the Preliminary Plat is not approved by the Town Board the reasons for such action shall be recorded in the proceedings of the Town Board and shall be transmitted to the applicant.
14. Any resubmission of a plat application, which has been denied by the Town Board, shall be prohibited for one (1) year following denial unless the Town Board votes to allow the resubmission unanimously or by a super majority.

Section H. Final Plat (Major Subdivision)

1. After approval of the Preliminary Plat, the applicant shall prepare and submit a Final Plat to the Town for study and recommendation. This Plat must be submitted within one (1) year from approval of the Preliminary Plat, or as specified in an approved development contract. If the Final Plat is not submitted within this time period and the applicant has not requested and received from the Town an extension of time to file the final plat, the approved Preliminary Plat shall become null and void within one (1) year of its approval date.
2. In some development proposals the Town may agree to review the Preliminary and Final Plats simultaneously.
3. The procedure for filing the Final Plat is that which is established for submission of the Preliminary Plat under this section, except as specified below. Ten (10) copies of the Final Plat shall be provided to the Town by the applicant, and one (1) reduced copy no larger than 11" x 17".

All Final Plats shall comply with the provisions of Minnesota Statutes and the requirements of this chapter. An applicant shall submit with the Final Plat a current abstract of title or a registered property certificate, along with any unrecorded documents and an opinion of title.

4. Review of a Final Plat:
 - a. Upon receipt of a Final Plat, the Zoning Administrator shall refer one (1) copy each to the Town Board, appropriate Town staff, the County Surveyor, and to all applicable utility companies, and one (1) copy with Abstract of Title or Registered Property Certificates and Opinion Title to the Town Attorney.
 - b. The Town Board may refer the Final Plat to the Planning Commission for recommendation if they feel the proposed Final Plat is substantially different from the approved Preliminary Plat. The Planning Commission shall submit a report thereon to the Town Board within 30 days.
 - c. The Town Staff receiving a copy of the Final Plat may submit reports through the Zoning Administrator to the Town Board expressing their recommendation on the Final Plat.

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- d. The County Surveyor shall review the Final Plat and notify the subdivider's surveyor or Final Plat preparer of corrections that are to be made to the Final Plat.
 - e. Prior to approval of a Final Plat, the applicant shall have executed an agreement with the Town controlling the installation of all required improvements at the Applicant's expense ("Developer's Agreement"). Said agreement will require all improvements to comply with approved engineering standards and applicable regulations, and shall set forth the amount and form of security required by the Town to insure proper installation and warranty of all improvements. Financial guarantees shall be one of the forms referred to in chapter five, section D, #4.
5. The Town Board, after receiving the Final Plat and any recommendations from the Planning Commission, shall either approve, approve with attached conditions, or disapprove the Final Plat within sixty (60) days of its Official Submission Date. This action taken by the Town Board is dependent upon the Final Plat's conformance with the Preliminary Plat, as approved by the Town Board.

If the Final Plat is not approved, the reasons for such action shall be recorded in the official proceedings of the Town and shall be transmitted to the applicant.

6. At any time during this process, either the applicant or the Town may request an extension of the imposed time limits. Both the applicant and the Town must agree to the time extension and must execute a time extension form that will become a part of the subdivision file.
7. The Final Plat, when approved, shall be submitted by the applicant to the Kandiyohi County Recorder for recording. A developer's agreement must be recorded simultaneously with the plat or immediately after the recording of the final plat. The Final Plat must be recorded within one hundred eighty (180) days from the date of approval or it will become null and void. If recording is not accomplished according to these procedures, the Town may require another review of the proposed subdivision according to these regulations and State law. Prior to recording, the Final Plat must be signed by representatives of the Town and the applicant must post all required security in a Town-approved manner. If a Final Plat is submitted for a portion of the area encompassed in the Preliminary Plat and it is recorded within one hundred eighty (180) days from the date of approval, the remaining portion of the preliminary plat will remain valid for two (2) years from the date of approval of preliminary plat. That portion of a preliminary plat for which a final plat is not submitted and recorded or for which a time extension form has not been executed between the applicant and the Town within this two year period, shall become null and void.
8. Fees for final recording by the County shall be paid by the applicant. The applicant immediately upon recording shall furnish the Town Clerk with a reproducible copy of the recorded plat, either chronoflex or its equivalent and two (2) prints and an electronic version of the Plat in a format the Town requests. Failure to furnish such copies shall be grounds for a refusal to issue building permits for the lots within a plat.

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9. Any resubmission of a plat application which has been denied by the Town Board shall be prohibited for one (1) year following denial unless the Town Board votes to allow the resubmission unanimously or by a super majority.

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CHAPTER FOUR
SUBDIVISION DESIGN STANDARDS

Section A. General.

The subdivision design standards contained in this ordinance are to assure that the style, character and form of new developments will conform to minimum requirements promoting the health, safety and general welfare of the public. To insure future developments consistent with the growth objectives and goals of the community, subdivisions shall conform to the Zoning Ordinance and other applicable ordinances of the Town.

Section B. Street Design.

1. The street system of a proposed subdivision shall be designed to facilitate adequate traffic circulation within the subdivision and from the subdivision to adjacent areas. Street connectivity, arrangement, character, width, grade, location, sight distance and surface material shall be related to existing or planned streets, topography, convenience and safety, and their intended ultimate function.
2. The applicant must meet all road and drainage requirements and standards adopted by the Township, whether such adoption be by ordinance, resolution or motion.
3. The arrangement of major streets in a subdivision shall provide for the connectivity, continuation or projection of existing streets in adjacent areas; or conform to a plan approved by the Town Board where topographic or other conditions make connectivity, continuance or conformance to existing streets impracticable.
4. The Town may require the applicant to extend the Town's road network to the edges of the applicant's property so as to provide road connections to neighboring properties.
5. Collector streets shall be properly related to major streets and designed to supplement the major street system, but not to serve in lieu thereof.
6. Local streets shall be designed to benefit from the topography, to discourage through traffic and to provide the minimum amount of streets necessary for safe access to adjacent properties. The reasonable and intelligent use of curvilinear and cul-de-sac streets is allowed.
7. Where a subdivision abuts upon, or contains an existing or proposed highway, major thoroughfare or railroad right-of-way, the Town Board may require reverse frontage lots with appropriate screen plats on the non-access lot boundaries. Also, it may require the provision of suitable access roads parallel to and on either side of said highway, major thoroughfare or railroad right-of-way providing access to adjacent properties and affording separation of through and local traffic.

Section C. Intersections.

All streets shall intersect at right angles or as close thereto as possible. No street shall intersect another at an angle of less than seventy (70) degrees. More than two (2) streets intersecting at the

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same location shall be prohibited. Intersections with centerline offsets of less than two hundred feet shall be prohibited.

Section D. Easements and Dedications.

1. Easements for public utilities shall be provided along the rear and side lot lines and shall be ten (10) feet in width with five (5) feet of the easement on each adjacent property being subdivided. At the rear of isolated lots, the easement shall be fifteen (15) feet. Where an underground storm sewer, sanitary sewer or water main is to be placed between two lots, the easement area shall be twenty (20) feet in width, with ten (10) feet of easement on each adjacent property being subdivided.
2. Where a water course, drainage way channel or stream traverses a subdivision, there shall be provided a storm water easement for drainage right-of-way conforming substantially with the lines of such water course, plus an additional 10 feet on each side of the water course for maintenance purposes. If it is deemed advisable by the Town Board, such water course or drainage way may be reestablished to conform with the proposed street pattern, in which case suitable storm drainage facilities shall be installed as directed by the Town Engineer. A permit from the Department of Natural Resources is required when working in the beds of public waters – both basins and water courses.
3. Upon consideration of the particular type of development proposed in the subdivision, and especially in large scale neighborhood unit developments, the Town Board may require the dedication or reservation of areas or sites suitable to the needs created by such development for schools, parks, and other neighborhood purposes.

Section E. Blocks

1. The length, width and shape of blocks shall be determined with due regard to the following:
 - a. The provision of adequate building sites suitable to the particular needs of the type of use contemplated.
 - b. Zoning requirements as to lot size and dimensions.
 - c. Needs for convenient access, circulation, control and safety of traffic.
 - d. Limitations and opportunities afforded by topography and other natural features.
2. Block lengths shall not exceed eight hundred feet (twelve hundred feet where walkways are provided) except where required or desirable due to natural features.

Section F. Walkways

Pedestrian walkways shall be required where deemed essential to provide circulation or access to schools, playgrounds, business areas, transportation and other community facilities.

Section G. Lots

1. The size, width, shape and orientation of lots and the building setback line shall be appropriate for the type of development and use contemplated and should relate to natural features.
2. Reserve strips controlling access to interior or adjacent property shall not be allowed by private ownership.

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3. Parcel remnants smaller in area than allowed by zoning are not allowed and must be made part of another lot.
4. Lot dimensions shall conform to the Zoning Ordinance.
5. Side lot lines shall be as near to right angles or radial to street lines as possible without sacrificing desirable natural features.
6. Every lot shall front on a public street to provide access for fire protection, utilities and other necessary services.
7. Lots shall not be so excessive in depth that they block desirable access to adjacent property. The Town Board may require dedication of land for future streets in excessively deep lots.

Section H. Conservation

Efforts shall be made to conserve natural resources and advantageously utilize all natural features and vegetation on the property to minimize soil erosion. Consideration shall be given to eliminate any form of underground or surface water pollution.

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CHAPTER FIVE
BASIC IMPROVEMENTS REQUIRED

Section A. Subdivider's Responsibility

The subdivider is responsible for the cost and installation of the following improvements in the subdivision:

1. Sanitary sewer mains and service, sufficient to serve all lots in the subdivision, stubbed to the property line, where such public sanitary sewer mains are reasonably available to the property and are required by the Town Board.
2. Streets graded and paved in accordance with specification provided by the Town Engineer unless the Town Board permits a gravel surface, in which case the road shall be constructed in accordance with specifications provided by the Town Engineer.
3. Curb & gutter if specified by the Town Engineer.
4. Ponding and storm sewers to provide a system of drainage and treatment pursuant to generally accepted NURP standards and Minnesota Pollution Control Agency standards that will adequately remove water run-off within the subdivision.
5. Water mains and service connections, sufficient to serve all lots in the subdivision, stubbed to the property lines, where such public water mains are reasonably available to the property and are required by the Town Board.
6. Fire Hydrants, where water mains are reasonably available to the property and are required by the Town Board:
 - a. In residential subdivisions, 1 hydrant every 400 feet
 - b. In commercial subdivisions, 1 hydrant every 300 feet
7. Sidewalks or trails at locations designated by the Town Board.
8. Street signs and poles in accordance with Town specifications.
9. Street lighting with underground wiring in accordance with Town specifications if so required by the Town Board.
10. Plans for final grading and plants of appropriate ground cover on vacant lots may be required of the subdivider.

Section B. Monuments

The Town Board shall approve no final plat unless the owner or subdivider shall have placed or installed survey monuments of a permanent character at all points as shown on the final plat as required by the Town Engineer and the County Surveyor. All United States, State, County or other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position. If permitted by the County Surveyor, the subdivider may delay placement of permanent monuments until after final grading is complete. If the County Surveyor approves the subdivider's request for such delay, the subdivider shall place temporary metal monuments at all required points prior to final plat approval by the Town. Permanent monuments shall be placed in all lot corners and shall be ½ inch diameter, 15 inches in length and set in accordance with accepted survey practice.

Section C. Participation of the Town

The Town may elect to install any, all, or none of the required improvements pursuant to a cash escrow agreement or other financial arrangement with the subdivider. The terms of these arrangements shall be specified in the subdivision contract.

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Section D. Development Agreement

In order to effectuate the provisions of this Chapter and before the final plat is signed by the Town, the owner and subdivider shall enter into a Development Agreement with the Town providing for the installation of the required improvements, providing for all other requirements of the Subdivision and Zoning ordinances, and shall pay all applicable fees and any required cash payment.

1. Subdivider's Expense: The Agreement shall require the subdivider to furnish and construct such improvements at the subdivider's sole cost and in accordance with plans and specifications prepared at the subdivider's expense by a professional engineer who is registered in the State and who shall certify the plans. Such plans and a listing of the quantities of construction items shall be submitted to the Town Engineer for approval and for estimate of the total cost of the required improvements. Upon approval, such plans shall become a part of the required contract. The tracing of the plans approved by the Town Engineer (or such other form as approved by the Town Engineer), plus two prints, shall be furnished to the Town.
2. Inspection. All required improvements shall be inspected by the Town Engineer during construction at the expense of the subdivider. The Agreement shall contain a provision for supervision of details of construction by the Town Engineer and shall grant to the Engineer the authority to correlate the work to be done under such contract by any subcontractor authorized to proceed hereunder with any other work being done or contracted by the Town in the vicinity.
3. Schedule. The Agreement shall include the time schedule for completion of work. The schedule shall be reasonable with relation to the work to be done, the seasons of the year, and proper correlation with construction activities in the subdivision.
4. Financial Guarantees. The Agreement shall require the subdivider to provide a financial guarantee to assure installation of all required improvements. On request of the subdivider, the contract may provide for completion of part or all of the improvements prior to acceptance of the plat. In such event the amount of the guarantee may be reduced by a sum equal to the estimated cost of the improvements that have been completed and accepted by the Town. The financial guarantee required as part of the contract shall be one of the following:
 - a. Escrow Deposit. A cash escrow deposit may be made with the Town Treasurer in a sum equal to 125 percent of the total cost, as estimated by the Engineer, of all the improvements, including but not limited to roads, to be furnished and installed by the subdivider pursuant to the contract. The total cost shall include costs of inspection by the Town Engineer. The Town shall be entitled to reimburse itself out of such deposit for any cost or expense incurred by the Town for completion of the work in case of default of the subdivider under such contract and for any damages sustained on account of any breach thereof.
 - b. Letter of Credit. The subdivider shall deposit with the Town, from an FDIC member bank and subject to the approval of the Town, an irrevocable letter of credit which shall certify:

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- i. That the creditor does guarantee funds in an amount equal to 125 percent of the total cost, as estimated by the Town Engineer, of completing all required improvements.
- ii. That the creditor, in case of failure on the part of the subdivider to complete the specified improvements within the required time period or the failure to comply with the Development Agreement, shall upon written notification by the Town, immediately and without further action pay to the Town such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter, plus all legal costs incurred by the Town related to Developer's failure to complete the improvements or comply with the Development Agreement.
- iii. That this letter of credit shall not be withdrawn, reduced in amount, revised or amended in its terms until approved by the Town Board.

All such letter of credit shall be in a form acceptable to the Town Board and shall be issued by an FDIC member bank located in the State of Minnesota, but not more than 200 miles from the Dovre Town Hall.

5. Payment of Town Expenses. The contract shall require the subdivider to pay all reasonable engineering, planning and attorneys' fees and expenses incurred by the Town in the review and processing of subdivider's application, the drafting and enforcement of the Development Agreement, and the installation and inspection of the subdivision improvements. The subdivider shall also be required to defend, indemnify and hold the Town harmless against all claims made by the subdivider and third parties for damages sustained or costs incurred resulting from the approval or the development of the plat, including the Township's attorneys' fees incurred in defending against any such claim.

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CHAPTER SIX
OFF-TRACT IMPROVEMENTS

Section A. Purpose

This section is intended to ensure a pro rata share allocation of the costs for off-tract improvements necessitated by new development

Section B. Definition and Principles

As a condition of final subdivision approval, the Town Board may require an applicant to pay a pro rata share of the cost of providing reasonable and necessary circulation improvements and water, sewerage, drainage facilities and other improvements, including land and easements, located off-tract of the property limits of the subdivision or development but necessitated or required by the development. "Necessary" improvements are those clearly and substantially related to the development in question. The Town Board shall provide in its resolution of approval the basis of the required improvements. The proportionate or pro rata amount of the cost of such facilities within a related or common area shall be based on the following criteria.

Section C Cost Allocation

1. Full Allocation: In cases where off-tract improvements are necessitated by the proposed development, and where no other property owner(s) receive(s) a special benefit thereby, the applicant may be required at his sole expense and as a condition of approval, to provide and install such improvements.
2. Proportionate Allocation: Where it is determined that properties outside the development will also be benefited by the off-tract improvement, the Town may declare the proposed subdivision premature unless the Applicant provides the off-tract improvements necessary to service the proposed subdivision. Where the applicant provides such necessary improvements, the Town may, but shall not be required to, enter into an agreement with the Applicant under which the Town reimburses the Applicant for the cost of such improvements attributable to other benefiting properties, provided the Town is able to recover such costs via a proper and legal cost recovery mechanism such as a drainage district, sewer district or water district.

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CHAPTER SEVEN
DOCUMENTATION REQUIREMENTS

Section A. Purpose

The documents to be submitted are intended to provide the Town with sufficient information and data to assure compliance with all municipal codes and specifications and ensure that the proposed development meets the design and improvement standards contained in this ordinance. The specification of documents to be submitted is based on the type of development and particular stage of development application.

Section B. Requirements

The documents and information to be submitted are shown below. In specific cases and for documented reasons, the Town may waive the submission of a particular document. The reasons for waiver shall be indicated in the minutes of the approving authority.

REQUIRED SUBMISSION DOCUMENTS

Item No.	INFORMATION DESCRIPTION	Sketch Plan	Preliminary Plat	Final Plat
I. PLAT INFORMATION				
1.	Name, address of owner and/or applicant	X	X	X
2.	Name, signature, license number, seal and address of land surveyor, engineer, architect, or other person who is involved in preparing the plat.	X	X	X
3.	Name of subdivision - which shall not duplicate the name of any plat previously recorded in Kandiyohi County	X	X	X
4.	Title block, denoting type of application, county name, and name of Town.	X	X	X
5.	A key map at specified scale showing location of tract with reference to surrounding properties, streets, municipal boundaries, school district boundaries, or other key geographic references within 500 feet of the development property and the date of the survey.	X	X	
6.	Location of boundary lines in relation to a known section, quarter section, or quarter-quarter section lines comprising a legal description of the property.	X	X	X
7.	North arrow and scale (not more than 100' per inch)	X	X	X
8.	Proof of Property Title	X	X	
9.	Title Opinion and Abstract			X
10.	Proof that taxes are current		X	X
11.	Signature blocks for Town Board Chair, Town Clerk, Town Attorney and Town Engineer			X
12.	Certification Blocks: a. for registered land surveyor indicating that all the monuments shown on the plat actually exist, and their location, size, and material are correctly shown.			X

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b. notarized certification by owner, and by any mortgage holder by record, of the adoption of the plat and the dedication of streets, easements, other rights-of-way, and any lands for public use.			X
c. for the Kandiyohi County Treasurer indicating that all taxes and special assessments against the property have been paid in full prior to recording of the plat.			X
d. approval and review blocks to be signed by the Planning Commission Chairperson, the Town Board Chair, and the Town Clerk.			X
e. a statement certifying the environmental condition of the site, including the presence of any hazardous substances defined in Minnesota Statutes 115.02, subd. 8, or as amended. Such statement may be required to be based upon an environmental assessment of the site by a qualified environmental engineering firm, acceptable to the Town.			X
f. space for a certificate of review and approval to be signed by the Planning Commission, such as: "This plat of _____ was approved and accepted by the Planning Commission of Dovre Township at a meeting held this ____ day of _____, 20 ____."			X
g. space for a certificate or review and approval to be signed by the Town Board, such as: "This plat of _____ was approved and accepted by the Town Board of the Town of Dovre at a regular meeting held this ____ day of _____, 20 ____."			X
13. Boundary lines of adjoining unsubdivided or subdivided land within 100' feet, identified by name and ownership, including all contiguous land owned or controlled by subdivider.	X	X	
14. Boundary line survey, including measured distance and angles, which shall close by latitude and departure with an error of closure not exceeding one (1') foot in 5,000 feet.		X	X
15. Acreage of tract to the nearest tenth of an acre.		X	X
16. Existing zoning classification for land in and abutting the subdivision and a schedule of zoning district requirements including lot area, width, depth, yard setbacks, lot coverage regulations, open space and parking requirements, other information as needed.	X	X	
17. Monumentation			X
18. Plat shall be on 22" x 34" sheets or larger.		X	X
19. Date of original and all revisions		X	
20. Location & dimensions of existing or proposed streets.	X (general)	X	X
21. Dimensions, bearings, curve data, length of tangents, radii, arcs, and central angles for all centerlines and rights-of-way, and centerline curves on streets.			X
22. Existing rail lines and/or rail rights-of-way.	X	X	X
23. Existing electric power lines and street lights.	X	X	
24. Existing gas and oil pipelines.	X	X	
25. Existing parks, public lands, and land to be set aside for public use.	X (general)	X	

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26. Existing buildings and structures, size, location, and setbacks.	X (general)	X	
27. Easements, existing and proposed.	X (general)	X	X
28. All proposed lot lines and area of lots (sq. ft.)		X	X
29. Proposed restrictive covenants if they are to be used for preliminary plat. Restrictive covenants, if any, of all adjoining subdivisions.	X (existing)	X	X
30. Development stages or staging plans.		X	
31. List of required regulatory approvals or permits.			X
32. List of variances required or requested.		X	
33. Payment of application fees.	X	X	X

II. ENVIRONMENTAL INFORMATION

34. All existing wetlands or other environmentally sensitive areas on and within 100' feet of the site.	X (general)	X	X
35. Two copies of a complete topographic map with contour intervals not greater than two (2') feet, superimposed on at least one print of the preliminary plat that extends at least 100' feet beyond the subject property. United States Geologic Survey datum shall be used for all topographic mapping.		X	
36. Boundary, limits, nature and extent of wooded areas, specimen trees, and other significant physical features.	X (general)	X	X
37. Complete drainage concept including proposed grading and drainage of site and SWPPP, if required by state or local law.		X	X

III. IMPROVEMENTS AND CONSTRUCTION INFORMATION

38. Proposed utility infrastructure plans, including sanitary sewers, water supply, storm water management, fire hydrants, telephone, electric, and cable TV.		X	X
39. Soil erosion and sediment control plan.		X	X
40. Proposed street names.		X	X
41. Road and paving cross sections and profiles.		X	X
42. New block and lot numbers.	X		X
43. Lighting plan and details.		X	X
44. Landscape plan and details.		X	X
45. Site identification signs, traffic control signs, and directional signs.		X	X
46. Sight triangles.		X	X
47. Vehicular and pedestrian circulation patterns.	X (general)	X	X
48. Parking plan showing spaces, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.		X	

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CHAPTER EIGHT
FEES, CHARGES AND EXPENSES

Section A. Establishment of Fees

Fees and charges, as well as expenses incurred by the Town for engineering, planning, attorney, and other services related to the processing of the subdivision application, shall be as set out below and shall be collected by the Zoning Administrator for deposit in the Town's accounts. The Town Board may also establish charges for public hearings, special meetings, or other such Town Board or Planning Commission actions as are necessary to process application.

<u>Request</u>	<u>Fee</u>	<u>Escrow</u>
Preliminary Plat	\$ <u>450.00</u> , plus \$ <u>10</u> per lot.	\$ <u>550.00</u>
Final Plat	\$ <u>1200.00</u>	\$ <u>1350.00</u>
Minor Subdivision	\$ <u>600.00</u>	\$ <u>675.00</u>
Variance	\$ <u>600.00</u>	\$ <u>675.00</u>

Section B. Collection of Fees

Such fees, charges, and estimated expenses, as well as an escrow deposit if so required by the Zoning Administrator, shall be collected prior to Town action on any application. All such applications must be accompanied by a written agreement between the Town and the applicant/land owner (when the land owner and applicant are not the same person or entity, both the land owner and applicant must sign the agreement) whereby the applicant/land owner agrees to pay all applicable fees, charges, and expenses as set forth by Town Board resolution, and which allows the Town to assess that the above fees, charges, and expenses against the land owner if such monies are not paid within 30 days after a bill is sent to the applicant/land owner.

The fees referred to above are only an estimate of the expense the Town may incur. The applicant is responsible for any and all fees incurred by the Town that result from his/her request. All charges are due and payable upon billing by the Town. If the escrow is exhausted, the applicant shall replenish it back to its original amount within 10 days of request by the Town. All monies left over in the escrow after completion of processing of the application shall be returned to the party who deposited the escrow, provided all applicable Town expenses and fees have been fully paid. The Town may refuse to issue a plat if billings for fees and expenses remain unpaid.

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CHAPTER NINE
VARIANCES

Section A. Variances

Where the Town Board finds that extraordinary hardship may result from strict compliance with the provisions of this ordinance, it may vary the regulations to the extent that substantial justice may be done and the public interest secured, provided that such variation may be granted without detriment to the public interest and will not have the effect of nullifying the intent and purpose of this ordinance. (Variances cannot be granted which relate to other ordinances.) In instances where two adjacent property owners desire to change platted lot dimensions, with good cause shown, the Town Board may allow a change in lot description without requiring surveying or recording of a re-plat.

Section B. Conditions

In the granting of variances, the Town Board shall weigh the benefits or hardships against the general standards and objectives of this ordinance, and may require such conditions that will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

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CHAPTER TEN
ENFORCEMENT

Violation of the provisions of this ordinance or deliberate failure to comply with any of its requirements shall constitute a misdemeanor. Each day shall be considered a separate offense.

The owner of the development and any developer, architect, engineer, surveyor, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate misdemeanor.

Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violations.

CHAPTER ELEVEN
AMENDMENTS

The Planning Commission may, of its own motion or upon petition, cause to be prepared amendments supplementing or changing the regulations herein established. All proposed amendments, together with the recommendation of the Planning Commission, shall be submitted to the Town Board for adoption in accordance with established procedures.

CHAPTER TWELVE
VALIDITY AND SEPARABILITY

Whenever any provision of this ordinance is more restrictive than provisions of existing laws or ordinances, the provision of this ordinance shall govern.

Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, except that part so declared to be invalid.

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CHAPTER THIRTEEN
EFFECTIVE DATE

The subdivision ordinance text contained herein shall be in full force and effect from and after its passage and publication as provided by law.

Passed and approved the 2nd day of October, 2018 by the Dovre Town Board.

Town Board Chair, Town of
Dovre

Attest: _____

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APPENDIX A
MINIMUM STREET DESIGN STANDARDS

	Arterial	Collector Street	Local Street	Service Access Street		Industrial Parks	Commercial Development
Rights-of-Way	80'	66'	66'	66'		80'	66'
Surface Width	As specified by Town Engineer	40'	36'	24'		40'	40'
Base Specifications	----- As Specified By Town Engineer -----						
Minimum Horizontal Curve Radii	----- As Specified By Town Engineer -----						
Minimum Tangent Between Curves	----- As Specified By Town Engineer -----						
Minimum Crown Grade	.2%	.2%	.2%	.2%		.2%	.2%
Maximum Grade	5.0%	7.0%	10.0%	10.0%		5.0%	5.0%
Pavement Specifications	----- As Specified By Town Engineer -----						