

**STILLWATER TOWNSHIP  
SUBDIVISION ORDINANCE**

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*Commentary/Interpretive  
Purposes only*

**TOWNSHIP OF STILLWATER  
WASHINGTON COUNTY, MINNESOTA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REGULATING  
SUBDIVISIONS WITHIN THE TOWNSHIP**

**THE TOWN BOARD OF STILLWATER TOWNSHIP ORDAINS:**

***SECTION 1. PURPOSE***

- 101.** The process of dividing raw land into home sites, or separate parcels for other uses, is one of the most important factors in the growth of any community. Few activities have a more lasting effect upon its appearance and environment. Once the land has been subdivided into urban lots and the streets, homes, and other structures have been constructed, the basic character of this permanent addition to the community has become firmly established. It is then virtually impossible to alter its basic character without substantial expense. In most subdivisions, roads and streets must be maintained and various public service must be provided. The welfare of the entire community is thereby affected in many important respects. It is, therefore, to the interest of the general public, the developer, and the future owners that subdivisions be conceived, designed, and developed in accordance with sound rules and proper standards.

All subdivisions of land hereafter submitted for approval shall fully comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to:

- (1) Encourage well planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.
- (2) Provide for the health and safety of residents by requiring properly designed streets and adequate sewage and water service.
- (3) Place the cost of improvements against those benefiting from their construction.
- (4) Secure the rights of the public with respect to public lands and waters.
- (5) Set the minimum requirements necessary to protect the public health, safety, comfort, convenience, and general welfare.

**SECTION 2. SCOPE.**

**201.** The rules and regulations governing plays and subdivision of land contained herein shall apply to all land in the Township.

**SECTION 3. WORD USAGE AND DEFINITIONS.**

**301. Usage.**

301.01 For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted, and defined as set forth in this section.

301.02 Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular: the word "herein" means "in this ordinance": "shall" is always mandatory; and "may" is permissive.

301.03 In the event of conflicting provision in the text of this Ordinance or with any other Township ordinance, the more restrictive shall apply.

**302. Definition.**

302.01 For the purpose of this Ordinance, certain terms and words are hereby defined as follows:

1. Alley. Any dedicated public right-of-way providing a secondary means of access to abutting property.
2. Applicant or Developer. The legal or beneficial owner of land proposed to be subdivided, including the holder of an option or contract to purchase. Consent to the proposed subdivision shall be required from the legal owner.
3. Block. An area of land within a subdivision that is entirely bounded by streets, or by streets and the boundary or boundaries of the subdivision, or a combination of the above with a river or lake.
4. Bond. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Township.
5. Boulevard. The portion of the street right-of-way between the-curb line and the property line.
6. Cluster Development. A subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and

wooded areas, and meeting the overall density regulations of this Ordinance and the Zoning Ordinance.

7. Comprehensive Plan. A comprehensive development plan prepared by the Township including a compilation of policy statements, goals, standards and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the Township and includes any unit or part of such plan or parts thereof.
8. Contour Map. A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.
9. County. Washington County, Minnesota.
10. County Board. The Washington County Board of commissioners. '
11. Developer or Applicant. The legal or equitable owner of land proposed to be subdivided, including the holder of an option or contract to purchase. Consent to the proposed subdivision shall be required from the legal owner.
12. Development. The act of building structures and installing site improvements.
13. Drainage Course. A water course or indenture for the drainage of surface water.
14. Easement. A grant by an owner of land for a specific use by persons other than the owner.
15. Engineer. The registered engineer employed by the Township unless otherwise stated.
16. Escrow. A deposit of cash with the Township in lieu of an amount required and still in force on a performance or maintenance bond.
17. Grade. The slope of a road, street, or other public way, specified in percentage (%) terms.
18. Individual Sewage Disposal System. A sewage treatment system or part thereof, serving a dwelling or other establishment, or group thereof, consisting of one or more septic tanks and a soil treatment system.

19. Lot. The smallest unit of a subdivision individually numbered or designated on the plat for purposes of description, recording, conveyance, development and taxation.
20. Lot, Butt. A lot at the end of a block and located between two corner lots.
21. Lot, Corner. A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.
22. Lot, Double Frontage. A lot which has a front line abutting on one street and a back or rear line abutting on another street.
23. Major Subdivision. All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the Township facilities, or the creation of any public improvements. '
24. Metes and Bounds. A method of describing land by measure of length (metes) of the boundary lines (bounds). Most common method is to recite direction and length of each line as one would walk around the perimeter. In general the "metes" and "bounds" can be recited by reference to record, natural or artificial monuments at the corners; and record, natural or cultural boundary lines.
25. Minimum Subdivision Design Standards. The guides, principles and specifications for the preparation of subdivision plans indicating among other things, the minimum and maximum dimensions of the various elements set forth in the plan.
26. Minor Subdivision. Any subdivision containing less than four lots fronting on an existing street, which does not require any new street, the extension of Township facilities or the creation of any public improvements, and does not adversely affect the remainder of the parcel or adjoining property, and is not in conflict with any provisions of the Comprehensive Plan, Official Map, Zoning ordinance, or this ordinance.
27. Natural Water Way. A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.
28. Outlot. A lot remnant or any parcel of land included in a subdivision, which may be used as open space. Such outlot may be a large tract that could be subdivided in the future or may be too small to comply with the minimum size requirements of

zoning and subdivision ordinances or otherwise unsuitable for development and therefore not usable as a building site.

29. Plat: Final. The drawing or map of a subdivision proposed for filing and recording pursuant to M.S. Chapter 505 and containing all elements and requirements set forth in this Ordinance.
30. Plat: Preliminary. The preliminary drawing or drawings, described in this Ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the Plat Commission and Township for approval.
31. Pedestrian Way. A public right-of-way across or within a block, to be used by pedestrians.
32. Person. Any individual, firm, association, syndicate or partnership, corporation, trust, or any other legal entity.
33. Planning Commission. The Township Planning Commission.
34. Plat Commission. Commission appointed by the County Board consisting of the County Planning Coordinator, County Surveyor, County Recorder, County Attorney, County Engineer, and one County Commissioner.
35. Protective Covenants. Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
36. Reserve Strips. A narrow strip of land placed between lot lines and streets to control access.
37. Resubdivision. A change in a map of an approved or recorded plat if such change affects any street layout on such plat or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of this Ordinance.
38. Right-of-way. The land covered by a public road or land dedicated for public use or for certain private use such as land over which a power line passes.
39. Servitude Right-of-Way. An easement for right-of-way purposes.
40. Shoreland District. Land which is designated as subject to shoreland regulation by applicable shoreland ordinance.

41. Sketch Plat. A sketch preparatory to the preparation of the preliminary plat (or subdivision plat in the case of minor subdivisions) to enable the Applicant to save time and expense in reaching general agreement with the Township as to the form of the plat and the objectives of this ordinance.
42. Street. A way for vehicular traffic, whether designated as street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, drive, court, or otherwise designated.
43. Street: Arterial, Minor. A street intended to move through and from adjacent subregions and activity centers within subregions.
44. Street: Collector. A street intended to move traffic from local roads to secondary roads.
45. Street: Cul-De-Sac. A minor street with only one outlet and having a turnaround.
46. Street: Dead-End. A road or a portion of a street with only one (1) vehicular-traffic outlet.
47. Street: Half or Partial. A street with less than a required right-of-way width as prescribed in this ordinance.
48. Street: Local. A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.
49. Street: Marginal Access (Service Road). A minor street parallel to and adjacent to high volume arterial streets and highways, which provide access to abutting properties and protection of through traffic.
50. Street: Private. A street serving as vehicular access to two or more parcels of land which is not dedicated to the public but is owned by one or more private parties.
51. Street: Thoroughfare. A street primarily designated to carry large volumes of traffic and provide for vehicular movement between and among large areas.
52. Street: Urban Design. A street that is blacktopped with curb and gutter.
53. Street Width. The shortest distance between the lines delineating the right-of-way of a street.
54. Subdivision. The separation of an area, parcel, or tract of land under single ownership into two 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 other use or any combination thereof, except those separations:

- a) Where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;
- b) creating cemetery lots;
- c) Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.

55. Survey, Land. The process of determining boundaries and areas of tracts of land. The term cadastral survey is sometimes used to designate a land survey, but in the country its use should be restricted to the surveys of public lands of the United States. Also called property survey; boundary survey.

56. Surveyor. A land surveyor registered under Minnesota State Laws.

57. Vicinity Map. A map drawn to comparatively small scale which definitely shows the area proposed to be platted in relation to known geographical features, i.e., town centers, lakes, roads.

#### ***SECTION 4. PLATTING PROCEDURE.***

##### ***401. Sketch Plan.***

401.01 In order to ensure that all Applicants are informed of the procedural requirements and standards of this ordinance, and the requirements or limitations imposed by other Township ordinances and the Comprehensive Plan, all Applicants shall meet with the Township's consulting planner and prepare a sketch plan prior to preparing a preliminary plat.

The sketch plan shall be drawn to scale and contain as a minimum the following information:

- 1. Tract boundaries and dimensions.
- 2. Significant topographic and physical features.
- 3. Proposed general street and lot layout.
- 4. General location of proposed public and private open space areas.
- 5. General drainage plan.

**402. Preparing and Submitting the Preliminary Plat.**

- 402.01 For actions requesting rezoning, site plan review, platting, planned unit developments, minor subdivision and comprehensive guide plan changes, the official Stillwater Township Checklist application form and submission requirements shall be provided.
- 402.02 Applicant shall furnish the Township clerk with ten (20) copies of the Preliminary Plat and list of property owners within three hundred fifty feet (350') of the subject property verified by an abstract company.
- 402.03 Applicant shall also furnish copies of the preliminary plat to the Township engineers, the appropriate watershed district, county planning coordinator, county plat commission, school board, commissioner of transportation (if the plat abuts trunk highway) and county highway engineer (if plat abuts county or county state aid highway).
- 402.04 If Applicant is not the legal owner, a consent of the legal owner shall be filed along with the Preliminary Plat.
- 402.05 Prior to consideration of the preliminary plat by the Township, Applicant shall pay a fee as established by resolution of the Town Board, together with a cash escrow to reimburse the Township for expenses it incurs in having the plans reviewed by its consulting planner, engineer, attorney or other professional.

**403. Review of the Preliminary Plat.**

- 403.01 Any proposed preliminary plat which includes lands abutting upon any existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the county recorder shall first be presented to the commissioner of transportation for his written comments and recommendations. Where any preliminary plat includes land abutting upon an existing or established county or county state aid highway, it shall first be submitted to the county engineer for his written comments and recommendations. Preliminary plats involving both a trunk highway and a highway under county jurisdiction shall be submitted to the commissioner of transportation and the county highway engineer.

The commissioner of transportation and/or the county highway engineer shall submit the written comments and recommendations to the Township within thirty (30) days after receipt by them of such a plat. Final action on such plat by the Township shall not be taken until after these required comments and recommendations have been received or until the thirty (30) day period has elapsed.

A legible preliminary drawing or print of a proposed preliminary plat shall be acceptable for purposes of review by the commissioner of transportation or the county highway engineer. To such drawing or print there shall be attached a written statement describing: (1) proposed platted area, (2) the land use designation or zoning category of the proposed platted area, (3) the locations of ingress and egress to the proposed platted area, and (4) a preliminary site plan for the proposed platted area.

- 403.02 The Washington County Plat Commission shall review the preliminary plat. The Plat Commission shall within seven (7) days of reviewing the plat send its comments to the Town Board.
- 403.03 The Township engineer, school board, County Planning coordinator, and the district highway engineer, if appropriate, shall within thirty (30) days, submit reports to the Town Board expressing recommendations for approval, disapproval or revisions. If no report is received within thirty (30) days, it will be assumed that there are no comments on the plat.
- 403.04 Within forty-five (45) days after the preliminary plat is filed and application fees are paid, the Planning Commission shall hold a public hearing on the subdivision. Notice of the purpose, time, and place of such public hearing shall be mailed to all property owners within three hundred fifty feet (350') of the subject property and published in the official newspaper at least ten (10) days prior to the day of hearing.
- 403.05 Applicant or his representatives shall appear before the Planning Commission in order to answer questions concerning the plat.
- 403.06 The report of the Planning Commission shall be submitted to the Town Board not later than sixty (60) days after the public hearing on the plat. If the Planning Commission fails to make a report, the Town Board shall proceed without said report. Failure to receive a report from the Planning Commission as herein provided shall not invalidate the proceedings or actions of the Town Board.
- 403.07 The Town Board may hold a public hearing on the plat following notice as provided herein. Approval of the plat shall be by passage upon a simple majority vote of the entire membership of the Town Board.
- 403.08 Approval of the plat is an acceptance of the general layout and the Applicant may proceed toward fulfilling the necessary steps for approval of the final plat in accordance with the terms of approval. Such approval does not constitute final acceptance of the subdivision.

403.09 The Town Board may require modifications, changes and revisions of the preliminary plat, as it deems necessary to protect the health, safety, morals, comfort, convenience and general welfare of the community.

403.10 If the preliminary plat is not approved by the Town Board or Plat Commission, the reasons for such-action shall be recorded in the proceedings and transmitted to the applicant.

403.11 Should the Applicant desire to amend the plat as approved he may submit an amended plat which shall follow the same procedure as a new plat, except for the public hearing and fee unless the amendment is in the opinion of the Town Board of such scope as to constitute a new plat, then it shall be re-filed.

403.12 Any plat proposed in a St. Croix River District must have approval of the Minnesota Department of Natural Resources. If a watershed district exists in the area of the proposed platted property, approval must be obtained from the watershed district.

**404. Preparing and Submitting the Final Plat.**

404.01 After approval of the preliminary plat, the final plat bay be prepared. It shall incorporate all changes, modifications, and revisions required: otherwise, it shall conform to the approved preliminary plat.

404.02 In the case of a subdivision to be developed in stages, Applicant may be permitted to prepare a final plat for only the portion of the approved plat which he proposes to develop at this time, provided such portion conforms with all the requirements of this ordinance. Applicant may be required, as a condition of approval, to submit an estimated time schedule for further staging of the platting and recording.

404.03 All final plats shall comply with the provisions of Minnesota State Statutes, the Standard Procedures for Platting in Washington County and the requirements of this ordinance.

404.04 The Applicant shall submit the final plat to the Township clerk and Washington County Surveyor's office within six (6) months after the date of approval of the preliminary plat or the preliminary plat will be considered void unless an extension has been granted by the Town Board and Washington County Plat Commission.

404.05 Applicant shall submit, with the final plat, an Opinion of Title by the Applicant's attorney or other evidence of title acceptable to the Township.

**405. Review of the Final Plat.**

- 405.01 After attaining approval of the preliminary plat, the Applicant shall submit ten (10) copies of the final plat along with plat checking fee to the County Surveyor for review by the County Surveyor and Plat Commission and ten (10) copies to the Township Clerk.
- 405.02 The Washington County Plat Commission shall review the final plat. Within seven (7) days of reviewing the plat, the Plat Commission will forward comments to the Town Board. The Town Board shall review the final plat in accordance with this ordinance.
- 405.03 Prior to approval of the final plat by the County Plat Commission and Town Board, the Applicant shall enter into a development contract with the Township relating to the installation of any public improvements. Required improvements shall conform to approved engineering standards and be in compliance with this ordinance.
- 405.04 If the final plat is not approved, the reasons for such action shall be recorded in the official proceedings and transmitted to the Applicant.
- 405.05 The final plat must be approved by the County Surveyor in accordance with the standard Procedures for Platting in Washington County.
- 405.06 Upon receiving final plat approval by the Town Board and the County Plat Commission, the Applicant shall record the plat with the County Recorder within one hundred twenty (120) days of approval or the plat approval shall be considered void.
- 405.07 If a preliminary plat is final platted in stages unless otherwise provided in the development contract, all stages must be final platted into lots and blocks, not outlots, within two years after the preliminary plat has been approved by the Town Board or the preliminary plat of all phases not so final platted within the two year period shall be void. The two year period for plats preliminary approval prior to the effective date of this subsection shall commence upon the effective date of this subsection.

***SECTION 5. PRELIMINARY AND FINAL PLAT REQUIREMENTS.***

**501. Data Required For Preliminary Plat.**

501.01 Identification and Description:

1. Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the county.

2. Legal description of property.
3. Name and address of the Applicant record owner, any agent of record owner, land surveyor, engineer and designer of the plan.
4. Graphic scale not less than one (1) inch to one hundred (100) feet.
5. North point and vicinity map of area showing well known geographical points for orientation within a one-half (1/2) mile radius.
6. List of adjoining property owners within three hundred fifty (350) feet of the proposed plat.
7. Date of preparation.

501.02 Existing Conditions:

1. Boundary lines shall be shown clearly and to such a degree of accuracy that conforms to the plat in that no mayor changes are necessary in preparing said plat.
2. Existing zoning classifications for land in any abutting the subdivision.
3. Approximate total acreage.
4. Location, right-of-way width, and names of existing or platted streets or other public ways, parks and other public lands, permanent buildings and structures, easements and sections, corporate and school district lines within the plan and to a distance one hundred (100) feet beyond shall also be indicated.
5. Location and size of existing sewers, water mains, culverts, wells, septic systems, or other underground facilities within the preliminary plat area and to a distance of one hundred (100) feet beyond. Such data as grades, and locations of catch basins, manholes, hydrants, and street pavement width and type, shall also be shown.
6. Boundary lines of adjoining land, within one hundred (100) feet, identified by name and ownership, but including all contiguous land owned or controlled by the Applicant.
7. Topographic data, including contours at vertical intervals of not more than two (2) feet except where the horizontal contour interval is one hundred (100) feet or more, a one (1) foot vertical interval shall be shown. Water courses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown.

National Geodetic Vertical Datum 1929 Adjustment shall be used for all topographic mapping.

8. A copy of all proposed restrictive covenants.
9. Two soil borings shall be completed on each lot with results being submitted to the Washington County Planning Department. If it appears soil may not be suitable on any lot for the installation of an on-site septic system, additional borings and percolation tests may be required.
10. Soil types and location of limits of each soil type as shown in the Soil Survey of Washington County.
11. All slopes in excess of twelve percent (12%) shall be delineated.
12. If severe soil limitations for the intended use are noted in the Soil Handbook on file in the Washington County Planning Department and the Washington County Soil and Water Conservation District office, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be made part of the permit application.
13. On all lakes, ponds, and wetlands, all water surface elevations, natural ordinary high elevation, and present and proposed 100-year flood elevations shall be denoted.

501.03 Subdivision design features:

1. Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street shall conform to the Washington County Uniform Street Naming and Property Numbering System as applicable.
2. Locations and widths of proposed alleys, pedestrian ways and utility easements.
3. Lot and block numbers and preliminary dimensions of lots and blocks and area of each lot.
4. Proposed front, side, and rear building setback lines.
5. Gradients of proposed streets, sewer lines and water mains. Plans and profiles showing locations and typical cross-sections of street pavement including curbs, gutters, sidewalks, drainage easements, servitude right-of-ways, manholes and catch basins.
6. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

7. Grading and drainage plan for entire subdivision. If any fill or excavation is proposed in a wetland or lake, approval must be obtained from the Minnesota Department of Natural Resources, U.S. Army Corp of Engineers or any other agencies with jurisdiction.
8. Erosion and sediment control plan.

501.04 Other information:

1. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; type of business or industry so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.
2. Source of water supply.
3. Provisions for sewage disposal, surface water drainage and flood control.
4. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.
5. Such other information as may be requested by the Township.
6. Where the Applicant owns property adjacent to that which is being proposed for the subdivision, the plat commission may require that the Applicant submit a sketch plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions and land use.

**502. Data Required For Final Plat.**

502.01 The final plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of Minnesota Statutes, this Ordinance and the manual of Standard Procedures for Platting in Washington County.

**SECTION 6. DESIGN STANDARDS.**

**601. Conformity with the Comprehensive Plan.**

601.01 The proposed subdivision shall conform to the Comprehensive Plan, zoning ordinance and policies as adopted by the Township.

**602. Viand Requirements.**

- 602.01 Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for purposes of the kind proposed by reason of potential flooding, topography, or adverse earth or rock formations.
- 602.02 Land subject to hazards to life, health or property shall not be subdivided for residential purposes until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.
- 602.03 Erosion and sedimentation control plans in accordance with the technical standards and specifications of the Soil Conservation Service as provided by the Washington County Soil and Water Conservation District office, are required on slopes with grades of eighteen percent (18%) or steeper.
- 602.04 Proposed subdivisions shall be coordinated with existing adjacent municipalities or neighborhoods so that the community as a whole may develop harmoniously.

**603. Street Plan.**

- 603.01 Proposed streets shall conform to the state road and county highway plans or preliminary plans as have been prepared, adopted and/or filed as prescribed by law.
- 603.02 Streets shall be logically related to the topography so as to produce usable lots and reasonable grades.
- 603.03 Access shall be given to all lots and portions of the tract in the subdivision, and to adjacent unsubdivided parcels unless the topography clearly indicates that such connection is not feasible. Reserved strips and landlocked areas shall not be created.
- 603.04 The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of the existing streets in adjoining areas.
- 603.05 Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. Streets must be rough graded or documented that grading can be accomplished within the right-of-way.
- 603.06 Minor streets shall be laid out to discourage their use by through traffic. Thoroughfares shall be reserved for through traffic by providing marginal access streets, interior streets for serving lots, or other means.

- 603.07 Half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of this ordinance and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
- 603.08 Wherever a tract to be subdivided adjoins an existing half, or partial street, the part of the street within such tract shall be platted.
- 603.09 Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sac streets.
- 603.10 Private streets and reserve strips shall be prohibited and no public improvements shall be approved for any private street. All streets shall be dedicated for public use except in cluster developments or planned unit developments.
- 603.11 Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, a street approximately parallel to and on each side of such thoroughfare and right-of-way may be required for adequate protection of residential properties and separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial and industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- 603.12 The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- 604. Cul-De-Sac Streets.**
- 604.01 Cul-de-sac streets, permanently designed as such, shall not exceed six hundred 60 feet in length, except as variances are permitted. Such a variance -variance may be granted if it can be clearly shown that by reason of unfavorable land form, or the irregular shape of the land from which the subdivision is being made, a normal street pattern cannot be established, or that land would be wasted by not granting such a variance. Lots with frontage at the end of the cul-de-sac shall have a minimum of two hundred (200) feet of road frontage for Zoning Districts A-1 and A-2, and one hundred sixty (160) feet of road frontage for Zoning District R-1. Lots shall also meet the lot width requirement at the building setback line for the zoning district in which the property is located.

604.02 Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to said property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the acreage covered by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turnaround. To assure such streets can be constructed according to this code, the street shall be rough graded or typical sections shall be submitted and approved by the Township engineer.

**605. Street Design.**

605.01 Minimum right-of-way widths and pavement widths (face to face of curb) for each type of public street or road shall be as follows:

<u>Type of Street</u>	<u>Right-of-Way Width</u>	<u>Roadway Width Including Shoulders</u>
Minor Arterial	120 feet minimum	As Determined by Traffic Needs
Collector	80 feet minimum	44 feet
Commercial		
Industrial Street	80 feet minimum	44 feet
Local Street	60 feet minimum	32 feet
Cul-de-sac	60 feet minimum	45 feet
	Turnaround Radius	Turnaround Radius

605.02 Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the above standards.

605.03 Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use.

605.04 Restriction of Access. Access of local streets onto state, county state aid highways, and county highways shall be discouraged at intervals of less than five hundred (500) feet.

605.05 Street Jog. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be allowed.

605.06 Deflection. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a centerline radius of not less than two hundred (200) feet.

605.07 Grades. Centerline gradients shall be at least 0.5 percent and grades shall not exceed 8%. The centerline gradient at intersecting streets shall not exceed a gradient of 3.0%. The 3.0% gradient shall extend a minimum of fifty (50) feet from the street intersection.

- 605.08 Horizontal and Vertical Curves. Horizontal and vertical curves shall be designed in accordance with Minnesota Department of Transportation's Road Design Manual guidelines. The sight distance shall, as a minimum, be designed to comply with the minimum Stopping Sight Distance requirements. The minimum design speed shall be thirty (30) miles per hour.
- 605.09 Angle of Intersection. The angle formed by any intersecting of streets shall not be less than seventy (70) degrees with ninety (90) degree intersections preferred.
- 605.10 Size of Intersection. Intersections of more than four (4) corners shall be prohibited.
- 605.11 Corner Radii. Street intersections shall be rounded by a radius of not less than thirty (30) feet. Alley-street intersections shall be rounded by a radius of not less than six (6) feet. Corners at the entrances of the turnaround portions of the cul-de-sac shall be rounded by a radius of not less than fifteen (15) feet.
- 605.12 Curb and Gutter. Curb and gutter shall be included as part of the required street surface improvement and shall thus be designed for installation along both sides of all roadways for urban design.
- 605.13 Street Surface. All streets shall be surfaced with aggregate base and bituminous surfacing in accordance with Township design requirements.
- 605.14 Sight Distance at Intersections. The sight distance at intersections shall be designed in accordance with the requirements of the Minnesota Department of Transportation's Road Design Manual (Item 5-2.01). The minimum design speed shall be 30 miles per hour.

**606. Alley- Design.**

- 606.01 Except in the case of a planned unit development, either a public or private alley shall be provided in a block where commercially zoned property abuts a major thoroughfare or a major street. Alleys in residential areas other than those zoned for multiple family use shall not be permitted.
- 606.02 All alley rights-of-way and pavement widths shall conform to the following minimum standards:

<u>Classification</u>	<u>Right-Of-Way-Width</u>	<u>Pavement</u>
Industrial or Commercial	24 feet	20 feet
Residential (two-way)	20 feet	20 feet
Residential (one-way)	20 feet	16 feet

- 606.03 Grades. All centerline gradients shall be at least 0.5 percent (0.5%) and shall not exceed eight percent (8%).

**607. Sidewalk Design.**

607.01 Widths. All sidewalk widths shall when installed conform to the following minimum standards:

<u>Classification</u>	<u>Width</u>
Single Family Area	4 feet
Multiple Family Area end Public Building Sites	6 feet
Commercial Areas	10 feet
Industrial Areas	6 feet

607.02 Grades. Sidewalks shall slope 1/4 inch per foot away from the property line and the profile grade shall not exceed eight percent (8%).

**608. Drainage.**

608.01 A complete and adequate drainage system design shall be required for the subdivision and may include a storm sewer system or a system of open ditches, culverts, pipes and catch basins, and ponding areas, or both systems and submitted to the Township engineer for approval.

**609. Easements.**

609.01 Utilities. Easements of at least twenty (20) feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary. Where underground utilities are being installed, a 10' wide front or side yard easement may be required.

609.02 Drainage. Easements shall be provided along each side of the center line of any water course or drainage channel, whether or not shown on the Comprehensive Plan, to a sufficient width to provide proper maintenance and protection and to provide for storm water run-off and installation and maintenance of storm sewers.

609.03 Dedication. Utility and drainage easements shall be dedicated for the required use.

**610. Street Names.**

610.01 Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street. In that event it shall bear the same name of the existing or platted street so in alignment. Street names shall conform to the Washington County Uniform Street Naming and Property Numbering System as applicable.

**611. Block Design.**

- 611.01 Block length and width or acreage within bounding streets shall be such as to accommodate the size of residential lots required in the area by the zoning ordinance and to provide for convenient access, circulation control, and safety of street traffic.
- 611.02 In residential areas, other than water frontage, blocks shall not be less than six hundred (600) feet nor more than eighteen hundred (1,800) feet in length measured along the greatest dimension of the enclosed block area, unless minor variances are necessitated by topography or conformance with an adjoining plat.
- 611.03 In blocks over nine hundred (900) feet long, ten (10) foot wide pedestrian crosswalks may be required through the blocks in locations deemed necessary to public health, convenience and necessity. Suitable paving and fencing shall be provided.
- 611.04 Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of roads, railroad access right-of-way, and utilities shall be provided as necessary.
- 611.05 Blocks shall be wide enough to allow two (2) tiers of lots with a minimum depth as required by zoning ordinance except adjoining a lake, stream, railroad or thoroughfare or where one tier of lots is necessary because of topographic conditions.

**612. Lot Requirements.**

- 612.01 Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines or radial to lake or stream shores unless topographic conditions necessitate a different arrangement.
- 612.02 Each lot shall front upon a public street.
- 612.03 No lot shall have less area or width than is required by zoning regulations applying to the area in which it is located; except as herein provided.
- 612.04 Lots designed for commercial or industrial purposes shall provide adequate off-the-street service, loading and parking facilities.
- 612.05 Corner lots shall be platted at least twenty (20) feet wider than interior lots.

- 612.06 Butt lots in any subdivision are to be discouraged. Where such lots must be used to fit a particular type of design, they shall be platted at least five (5) feet wider than the average width of interior lots in the block.
- 612.07 Through or Double Frontage Lots. Such lots shall not be permitted except where such lots abut a thoroughfare or major highway. Such lots shall have an additional depth of ten (10) feet for screen planting along the lot line abutting the thoroughfare or major highway.
- 612.08 Water Course. Lots abutting upon a water course, drainageway, channel or stream shall have an additional depth or width, as required to assure building sites that are not subject to flooding.
- 612.09 Lots with lakeshore frontage shall be designed so that the lot lines extended shall maintain the closest approximation to riparian right.
- 612.10 Natural Features. Regard shall be shown for all natural features, such as tree growth, water courses, historic spots, or similar conditions which if preserved will add attractiveness and stability to the proposed development.
- 612.11 Lot Remnants. All remnants of lots below minimum size must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- 612.12 Access to major arterials. In the case where a proposed plat is adjacent to a major or minor arterial, there shall be no direct vehicular access from individual lots to such streets and roads. In the platting of small tracts of land fronting on limited access highways or thoroughfares where there is no other alternative, a temporary entrance may be granted: as neighboring land is subdivided and more preferable access arrangements become possible, such temporary access permits shall become void. Driveway access on collector streets must be a minimum of three hundred (300) feet apart and meet appropriate safety standards.
- 612.13 Political Subdivision Lines. No lot shall extend over a political subdivision boundary. No building shall extend over a school district line.
- 612.14 Large Lot Planning. In any area where lots are platted in excess of 24,000 square feet or 160 feet in width at the building setback line, a preliminary resubdivision plan may be required showing a potential and feasible way in which the lot or lots may be resubdivided in future years for more intensive use on the land. The placement of buildings or structures upon such lots shall allow for potential resubdivision.

**613. Minimum Design Standards.**

The design standards set forth in this Ordinance are minimum requirements. The Township may impose additional or more stringent requirements concerning lot size, streets and overall design as appropriate considering the property being subdivided in order to implant the purpose of this Ordinance.

**SECTION 7. ENGINEERING STANDARDS.**

**701. Streets.**

701.01 Street Grading. Streets shall be graded in accordance with a plan approved by the engineer. In the case of an urban street design the grading shall include the entire width of the right-of-way and shall provide a boulevard section, in addition to the minimum pavement width.

701.02 Street Pavement. The design of street pavement for all streets covered by this regulation shall be in accordance with the State of Minnesota Highway Department Road Design Manual No. 5-291 for flexible pavements. The designed thickness of the surfacing elements shall be in accordance with the flexible pavement design standard for road classifications as shown below. However, a minimum of six (6) inches of class 5 and two (2) inches of bituminous is required. More stringent design may be required by the engineer.

<u>Classification</u>	<u>Pavement Design: Axle Load</u>
Arterials, Collector Street	As determined by traffic needs
Local Streets	7 ton minimum

701.03 Soil Tests. To determine subgrade soil classifications, soil samples shall be collected and analyzed by a reputable testing laboratory. Reports of the soil analysis shall be submitted to the engineer with the pavement plans. Soil samples shall be taken along the center line of the proposed road at intervals not exceeding three hundred (300) feet.

701.04 Curb and Gutter. Concrete curb and gutter shall be constructed on both sides of urban designed streets. The construction shall be in accordance with Standard Specification for Highway Construction, M.H.D. Spec. No. 2531 or 2535.

701.05 Boulevards. All boulevards shall have four (4) inches of top soil (black dirt) placed on them and then be seeded or sodded.

701.06 Sidewalks and Pedestrian Ways. All required walks shall be concrete four (4) inches thick placed on a four (4) inch gravel base.

Grades shall be as approved by the engineer. Sidewalks shall be placed in the public right-of-way.

**702. Sanitation--Sewer and Water.**

702.01 Sewage Disposal Systems. Provision must be made for sanitary sewer facilities consisting of individual disposal devices for each lot. This does not mean that the installation of individual disposal devices shall be at the expense of the developer.

Any lot shall be subject to soil and percolation tests to determine whether the lot size proposed will meet minimum standards of health and sanitation due to limitations of soils as shown on existing soils maps. The lot area and topography must be such that it will accommodate an adequate disposal system to serve the residence for the estimated unsewered years, as determined by the Town Board. Such test shall be made at the expense of the developer, and a sketch map shall be submitted to identify the specific locations where tests were made. Two (2) soil borings shall be performed on each proposed lot by a certified soil tester. Additional testing may be required if serious limitations for the installation of an on-site septic system are found.

All sewage disposal systems shall comply with the standards of the Washington County Sanitary Sewer Ordinance, the Minnesota Department of Health, the Minnesota Pollution Control Agency and any other ordinance, statute or regulation.

**703. Water Supply.**

703.01 An individual well shall produce at least ten (10) gallons per minute, have a well casing at least four (4) inches in diameter and be grouted to provide a safe, potable water supply.

**704. Storm Water Drainage.**

704.01 A drainage system design shall be required, and may include a storm sewer system or a system of open ditches, culverts, pipes, catch basins and ponding areas, or both systems. Such facilities and easements shall be installed as will adequately provide for the drainage of surface waters: drainageway easements or land dedication may be required when such easements or land is needed in the public interest for purposes of flood plain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purposes.

**705. Street Signs.**

705.01 All street signs shall be provided and installed by the Township at the expense of the developer.

**706. Utilities Location.**

706.01 When practicable and feasible, all utilities shall be placed underground. All groundwork shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

**707. Inspection.**

707.01 All required improvements shall be inspected by the engineer during construction at the expense of the developer.

***SECTION 8. REQUIRED IMPROVEMENTS AND FINANCIAL ARRANGEMENTS.***

**801. Improvements Required.**

801.01 Prior to the approval of a plat by the Town Board, the developer shall have agreed, in the manner set forth below, to install, in conformity with approved construction plans and in conformity with all applicable standards and ordinances, the following improvements on the site:

1. Survey Monuments. All subdivision boundary corners, block and lots corners, road intersection corners and points of tangency and curvature shall be marked with survey monuments meeting the minimum requirements of state law. All U.S., state, county and other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position unless a relocation is approved by the controlling agency.
2. Grading. The full width of the right-of-way of each street and alley dedicated in the plat shall be graded for an urban design roadway.
3. Pavement. All streets and alleys shall be improved with concrete or bituminous surface except as may be approved by action of the Town Board.
4. Curb and Gutter. Along both sides of an urban designed street curb and gutter shall be installed. Concrete curb and gutter is recommended, however, bituminous curbing would be permitted if approved by the Town Board.
5. Sidewalks. Sidewalks may be required along both sides of all streets in areas where residential density equals or exceeds three (3) dwelling units per net acre of residentially used land or in commercial areas.

6. Trails. Trails may be required along both sides of all streets in areas where residential density equals or exceeds three (3) dwelling units per net acre of residentially used land or in commercial areas.
7. Drainage Facilities. Such facilities shall be installed as will adequately provide for the drainage of surface waters; a storm sewer system may be required. Drainageway easements or land dedication may be required when such easements or land is needed in the public interest for purposes of flood plain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purpose. If there is a watershed district, that board must approve all surface water drainage.
8. Miscellaneous Facilities. Tree planting, street name signs, traffic control signs, oversized utility trunk lines, pedestrian ways, and other improvements may be required.

**802. Payment for Installation of Improvements.**

- 802.01 All required improvements are to be furnished and installed at the sole expense of the developer.

**803. Agreement Providing for the Installation of Improvements.**

- 803.01 Prior to the installation of any required improvements and approval of the plat, the developer shall enter into a written contract with the Township requiring the developer to furnish and construct the improvements at his sole cost and in accordance with plans and specifications and usual contract conditions. This shall include provisions for supervision of details of construction by the engineer and shall grant to the engineer authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the township in the vicinity. The agreement shall require the developer to make an escrow deposit or, in lieu thereof, to furnish an irrevocable letter of credit equal to one hundred twenty-five percent (125) of the engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection. On request of the developer, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat. In such event the amount of the deposit or letter of credit may be reduced in a sum equal to the 'estimated cost of improvements so completed prior to the acceptance of the plat. The time for completion of the work shall be determined by the Town Board upon recommendation of the engineer after consultation with the developer. The timing 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.

803.02 No developer shall be permitted to start work on any other subdivision without special approval of the Town Board if he has previously defaulted on work or commitments.

**804. Construction Plans and Inspection.**

804.01 Construction plans for the required improvements conforming in all respects with the standards and ordinances of the Township shall be prepared at the developer's expense by a professional engineer who is registered in the State of Minnesota, and said plans shall contain his certificate. Such plans together with the quantities of construction items shall be submitted to the engineer for his approval and for his estimate of the total costs of the required improvement. Upon approval, such plans shall become a part of the required contract. The tracing of the plans approved by the engineer plus two (2) prints shall be furnished to the Township to be filed as a public record.

804.02 All required improvements on the site that are to be installed under the provisions of this Ordinance shall be inspected during the course of construction by the Township engineer at the developer's expense, and acceptance by the Township shall be subject to the engineer's certificate of compliance with the contract.

**805. Improvements Completed Prior to Approval of the Plat.**

805.01 Improvements within a subdivision which have been completed prior to application for approval of the plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements only if the engineer shall certify that he is satisfied that the existing improvements conform to applicable standards.

**806. Alternate Installation and Incomplete Improvements.**

806.01 The Town Board may elect to install any or all of the required improvements pursuant to a cash escrow agreement or other financial arrangements with the developer.

806.02 It is the policy of the Township that full and complete utility systems be installed in all needed areas as soon as is practicable and feasible. Accordingly, the Township shall proceed as soon as it is practicable after final approval of a subdivision with installation within the subdivision of such improvements as may be determined to be necessary. In small subdivisions or in subdivisions in which development may proceed slowly, or in other circumstances where the construction of surfaced streets, sidewalks, utility lines, or other improvements is clearly not feasible immediately following the approval of the plat, the Town Board may elect to commence assessment proceedings, utilize funds of a cash escrow agreement, or otherwise move to finance and install improvements when the

subdivision is developed to the point of warranting the improvements. Such improvements are required in order to provide greater assurance of public health, assure reliability of water supply, provide for economy of installation, provide more effective fire fighting through hydrants, and otherwise protect the public health, safety, convenience and general welfare.

***SECTION 9. GENERAL PROVISIONS.***

***901. Protection of Natural Features.***

901.01 The Town Board reserves the right to decline approval of a subdivision if due regard is not shown for the preservation of all natural features such as large trees, water courses, scenic points, historical spots and similar community assets which, if preserved, will add attractiveness and stability to the proposed development of the property.

Any Mandatory Environmental Assessment Worksheet or Impact Statement as required by the Minnesota Environmental Quality Board Regulations shall be submitted as part of the application for preliminary plat approval.

***902. Solar Access Planning.***

All new subdivisions should be designed to accommodate extensive use of passive and active solar energy systems with special attention given to street, lot and building orientation.

***903. Public Sites and Open Spaces.***

903.01 The developer shall consult with the Township's consulting planner at the time the developer's sketch plan is under consideration to secure their recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds, trails or other public property. The plan shall show the location and dimensions of all areas to be dedicated in this manner.

903.02 Public Sites to be Reserved. Where a proposed drainageway, park, playground, school site or other public site, as shown on the Comprehensive Plan is embraced in part or in whole by the boundary of a proposed subdivision and such public sites are not dedicated, such sites shall be reserved and no action taken towards approval of a subdivision for a period not to exceed ninety (90) days to allow the proper governmental agency the opportunity to consider and take actions towards acquisition of such public ground or park by purchase or other methods.

903.03 Open Space/Parkland Dedication.

In all new subdivisions, the Township shall require that land be dedicated to the public or preserved for public use as parks, playgrounds, trails or other open space. Each dedication shall be of suitable size, dimension, topography, and general character, and shall have adequate road access for the particular purposes envisioned by the Town. To provide recreation areas and parkland within the Township, the developer shall dedicate seven percent (7%) of the land or ten percent (10%) of its assessed market value in cash.

**904. Planned Unit Developments.**

904.01 The Town Board may grant a variance from the provisions of these regulations in the case of a planned unit development, as defined in the Zoning ordinance, provided that the Town Board shall find that the proposed development is fully consistent with the purpose and intent of this ordinance. This provision is intended to provide the necessary flexibility for new land planning and land development trends and techniques. Any variance granted under this section of the ordinance must also be approved by the Washington County Board of Adjustment and Appeals.

**905. Minor Subdivisions.**

905.01 In the case of a minor subdivision, the Town Board may exempt the developer from complying with some of the procedural requirements of this Ordinance. In the case of a request to subdivide a lot which is a part of a recorded plat, or where the subdivision is to permit the adding of a parcel of land to an abutting lot or to create not more than three (3) new lots, and the newly created property lines will not cause any resulting lot to be in violation of this ordinance or the Zoning ordinance, the subdivision may be approved by the Town Board, after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision. The newly created lots shall meet all requirements of the Zoning Ordinance. Soil tests for the installation of an on-site septic system shall be submitted for minor subdivision review. Prior to approval of a minor subdivision, the Town Board reserves the right to require the dedication of streets, utility easements, or public park land or cash in lieu of land. A maximum of three (3) lots in a five (5) year period are permitted utilizing the minor subdivision procedure.

Any proposed minor subdivision which includes land abutting upon any existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the County Recorder shall first be presented to the commissioner of transportation for his written comments and recommendations. Where any minor subdivision includes land abutting upon an

existing or established county or county state aid highway, it shall first be submitted to the county engineer for his written comments and recommendations. Minor subdivision involving both a trunk highway and a highway under county jurisdiction shall be submitted to the commissioner of transportation and the county highway engineer.

**906. Registered Land Surveys.**

906.01 All Registered Land Surveys shall be filed subject to the same procedure as required for the filing of a plat for platting purposes. The standards and requirements set forth in this ordinance shall apply to all Registered Land Surveys.

**907. Unapproved Subdivisions.**

907.01 No conveyance of land to which this Ordinance applies shall be filed or recorded, if the land is described in the conveyance by metes and bounds, by reference to an unapproved Registered Land Survey made after April 21, 1961 or by reference to an unapproved plat. The foregoing provision does not apply to a conveyance if the land described:

1. Was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, Chapter 287, whichever is the later, or of the adoption of subdivision regulations pursuant to a home rule charter, or
2. Was the subject of a written agreement to convey entered into prior to such time, or
3. Was a separate parcel not less than two and one-half (2 1/2) acres in area and one hundred fifty (150) feet in width on January 1, 1966, or
4. Was a separate parcel of not less than five (5) acres in area and three hundred (300) feet in width on July 1, 1980, or
5. Is a single parcel of commercial or industrial land of not less than five (5) acres and having a width of not less than three hundred (300) feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five (5) acres in area or three hundred (300) feet in width, or
6. Is a single parcel of residential or agricultural land of not less than twenty (20) acres and having a width of not less than five hundred (500) feet and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than twenty (20) acres in area or five hundred (500) feet in width.

907.02 In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of this Ordinance, the Town Board may waive such compliance.

**908. Variances.**

908.01 The Town Board may grant a variance in any particular case where the developer can show that by reason of the exceptional topography or other physical conditions the strict compliance with this Ordinance could cause an exceptional and undue hardship on the enjoyment of a substantial property right. Such relief may be granted provided there is no detriment to the public welfare and no impairment of intended purpose of this Ordinance.

908.02 Application for any such variance shall be made in writing by the developer at the time when the plat is filed for consideration. Such application shall state fully all facts relied upon by the developer, and shall be supplemented with maps, plans or other additional data which may aid the Town Board and Board of Adjustment and Appeals in the analysis of the proposed project. The plans for such development shall include any covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the proposed plat. Any variance or modifications thus granted shall be recorded and entered in the minutes setting forth the reasons for granting the variance.

***SECTION 10. ENFORCEMENT.***

**1001. Building Permits.**

1001.01 No building permit shall be issued for any construction, enlargement, alteration, demolition or moving of any building or structure on any lot or parcel until all the requirements of this Ordinance have been met.

**1002. Violation and Penalties.**

1002.01 Any person who violates any of the provisions of this Ordinance, or who sells, leases or offers for sale or lease any lot, block or tract of land herewith regulated before all the requirements of this Ordinance have been complied with shall be guilty of a misdemeanor, and upon conviction thereof be subject to fine and/or imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

**1003. Separability.**

1. It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following:
2. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.
3. If any court of competent jurisdiction shall adjudge invalid the application of any provisions of this Ordinance to a particular property, building, or structure, such judgment shall not affect other property, buildings or structures.

**1004. Repeal and Effective Date.**

Stillwater Township Ordinance Nos. 53 and 74 are hereby repealed and revoked, and this Ordinance shall become effective immediately upon its passage and publication.

PASSED AND DULY ADOPTED by the Town Board of Stillwater Township

this \_\_\_\_\_ day of \_\_\_\_\_, 199 \_\_\_\_.

STILLWATER TOWNSHIP

By: \_\_\_\_\_  
Its Chairperson

ATTEST:

\_\_\_\_\_  
Pat Bantli, Clerk