



SUBDIVISION ORDINANCE

Ordinance No. 430

Adopted November 9, 2010

EMPIRE TOWNSHIP SUBDIVISION ORDINANCE

TABLE OF CONTENTS

SECTION 1.	General Provisions.....	1
1.1	Title.....	1
1.2	Purpose.....	1
SECTION 2.	Subdivision Approval Required.....	1
2.1	Subdivision Approval Required.....	1
2.2	Failure to Comply with Ordinance	1
2.4	Subdivision Certificate.....	1
2.5	Premature Subdivisions	2
2.6	Permits	3
SECTION 3.	Scope and Administration.....	3
3.1	Scope.....	3
3.2	Administration	4
SECTION 4.	Rules and Definitions.....	4
4.1	Rules	4
4.2	Definitions.....	5
SECTION 5.	Platting Procedure.....	10
5.1	Informal Review	10
5.2	Sketch Plan.....	10
5.3	Preliminary Plat Application and Review Procedure	11
5.4	Final Plat Procedure.....	12
SECTION 6.	Data Required For Preliminary and Final Plat.....	13
6.1	Preliminary Plat Information	13
6.2	Final Plat.....	16
SECTION 7.	Subdivision Design Standards	17
7.1	Land and Design Requirements	17
7.2	Blocks	17
7.3	Lots	17
7.4	Roads.....	19
7.5	Easements	22
7.6	Public and Private Utilities	22
7.7	Stormwater Drainage, Erosion and Sedimentation Control.....	23
7.8	Wetlands	23

7.9	Tree Preservation and Landscaping Requirements.....	23
7.10	Shoreland and Floodplain Areas.....	24
7.11	Dedication of Parks, Open Space and Public Space.....	24
SECTION 8. Installation and Maintenance of Improvements.....		25
8.1	General.....	25
8.2	Required Improvements.....	25
8.3	Payment for Installation of Improvements	27
8.4	Development Agreement	27
8.5	Construction Plans and Inspections	29
8.6	Construction of Improvements by Township	29
8.7	Completed Improvements.....	30
SECTION 9. Minor Subdivisions.....		30
9.1	Minor Subdivisions.....	30
9.2	Requirements	31
9.3	Review Procedure.....	32
SECTION 10. Variances.....		33
SECTION 11. Planned Unit Developments (PUD) within the MXR – Mixed Residential Zoning District.....		34
SECTION 12. Violations and Penalties.....		34
12.1	Sale of Lots from Unrecorded Plats.....	34
12.2	Receiving and Recording Unapproved Plats	34
12.3	Misrepresentations Pertaining to Improvements	34
12.4	Violations.....	34
SECTION 13. Repeal, Prior Approvals, and Effective date.....		35
13.1	Repeal	35
13.2	Previous Approvals.....	35
13.3	Effective Date	35

ORDINANCE NO. 430

REGULATIONS GOVERNING THE SUBDIVISION OF THE LAND IN THE TOWNSHIP OF EMPIRE, COUNTY OF DAKOTA, STATE OF MINNESOTA

SECTION 1. GENERAL PROVISIONS

1.1 Title

This Ordinance shall be known as the “Subdivision Ordinance of Empire Township, Ordinance No. 430, and will be referred to hereafter as “this Ordinance.”

1.2 Purpose

The purpose of this Ordinance is to:

- A. Encourage well-planned, efficient, and attractive subdivisions by establishing reasonable design and construction standards;
- B. Provide for the health, safety and welfare of residents by requiring adequate services and improvements, including, but not limited to, access to public roads, properly designed and maintained roads, suitable drainage and sufficient sewer and water service;
- C. Place the costs of services and improvements to benefiting properties;
- D. Allow for the dedication of land for public use in accordance with State law;
- E. Allow land subdivisions in accordance with the Empire Township Comprehensive Plan and Zoning Ordinance; and
- F. Protect and conserve the value of land, buildings and improvements throughout the Township and minimize conflicts among land uses.

SECTION 2. SUBDIVISION APPROVAL REQUIRED

2.1 Subdivision Approval Required

Any person subdividing or desiring to subdivide lands located within the Township shall first submit and obtain the approval of the subdivision according to the requirements of this Ordinance.

2.2 Failure to Comply with Ordinance

Any person subdividing or desiring to subdivide lands who fails to comply with the requirements of this Ordinance is prohibited from selling, assigning, transferring, conveying, or otherwise disposing of such land and any attempted sale, assignment, transfer, conveyance, or other disposition of such lands shall be null and void. No deed or other conveyance shall be accepted for recording by Dakota County until the person complies with the provisions of this Ordinance.

2.4 Subdivision Certificate

No subdivision or plat shall be filed or recorded with Dakota County, or have any validity unless accompanied by a letter or certificate indicating that the subdivision has been approved by the Empire Town Board in accordance with this Ordinance.

2.5 Premature Subdivisions

- A. Town Board Action. The Town Board shall deny any preliminary plat of a proposed subdivision that is premature for development according to the conditions of Section 2.5 as follows.
- B. Conditions Establishing Premature Subdivisions. A subdivision may be deemed premature should any of the conditions exist:
1. Lack of adequate drainage. A condition of inadequate drainage shall exist if:
 - a. Surface or subsurface water retention and runoff is such that it constitutes a hazard on or off the proposed subdivision property resulting in flooding, loss of life, property damages, or other losses.
 - b. The proposed subdivision will cause pollution of water bodies or damage to other natural resources.
 - c. The proposed site grading and development will cause damage from erosion, sedimentation, or slope instability off the subdivision property.
 - d. The proposed subdivision fails to comply with the storm water management requirements of this Ordinance and the Vermillion River Watershed Joint Powers Organization requirements.
 - e. Factors to be considered in making these determinations may include but are not limited to:
 - 1.) average rainfall for the area,
 - 2.) area drainage patterns,
 - 3.) the relationship of the land to floodplains,
 - 4.) the nature of soils and sub-soils and their ability to adequately support surface water runoff and waste disposal systems,
 - 5.) the slope and stability of the land,
 - 6.) the presence of woodlands, wetlands, hydric soils, water bodies, and/or other natural resources, and
 2. Lack of adequate potable water supply. A proposed subdivision shall be deemed to lack an adequate potable water supply if the proposed subdivision, fully developed, does not have adequate sources of water to serve the proposed subdivision without causing an unreasonable depreciation of existing water supplies for surrounding areas.
 3. Lack of adequate roads to serve the subdivision. A proposed subdivision shall be deemed to lack adequate roads to serve the subdivision when:
 - a. County or local roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and paved surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition, and when the roads are inadequate for the intended use.
 - b. The traffic generated by the proposed subdivision would create or contribute to unsafe conditions on the adjacent or nearby roadways due to the inadequate roadway capacity of the adjacent or nearby roadways existing at the time of the application or

- proposed for completion within the next two (2) years.
4. Lack of adequate sewer disposal systems. A proposed subdivision shall be deemed to lack adequate sewer disposal systems if:
 - a. there is inadequate capacity in the present public sewer system to support the subdivision if fully developed, or
 - b. if the subdivision is located outside of the current or future utility service area, conditions exist causing the lots within the subdivision to be unable to meet the requirements of this Ordinance, Dakota County, and the Minnesota Pollution Control Agency.
 5. Inconsistency with the Comprehensive Plan. The proposed subdivision shall be deemed inconsistent when the subdivision does not comply with the Comprehensive Plan.
 6. Public service capacity. The proposed subdivision shall be deemed inconsistent when the County, Township or School District lacks necessary public service capacity, such as recreational facilities, schools, roads, highways, police and fire protection and other public facilities.
 7. Inconsistency with capital improvement policies. A proposed subdivision shall be deemed inconsistent with capital improvement policies when the Township or Dakota County has not programmed improvements and/or services necessary to accommodate the proposed subdivision. This provision may be waived when it can be demonstrated that a revision to capital improvement policies can be accommodated or the subdivider covers all costs and impacts not covered in the capital improvement policies.
- C. Burden of Evidence. The burden shall be upon the subdivider or owner to show evidence that the proposed subdivision is not premature.

2.6 Permits

No Township permits shall be issued for construction or improvement on any land required to be subdivided by this Ordinance until all requirements of this Ordinance and any requirements imposed upon the approval of the subdivision by the Empire Town Board have been complied with, including but not limited to other agency permits, development agreements, receipt of application fees, reimbursement of all out of pocket expenses, and deposit of required surety and insurance.

SECTION 3. SCOPE AND ADMINISTRATION

3.1 Scope.

This Ordinance shall apply to all lands within the Township as permitted by State law.

- A. Exceptions. This Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the Dakota County Office of the Register of Deeds prior to June 1, 1982, except that:
1. This Ordinance shall apply to a re-subdivision of all or part of an existing subdivision that was recorded prior to June 1, 1982.
 2. This Ordinance shall apply to all or part of an existing subdivision recorded prior to June

1, 1982 that remains undeveloped or unsold, or which is conveyed after the effective date of this Ordinance.

- B. Existing Provisions. This Ordinance shall not repeal, annul or in any way impair or interfere with existing provisions of other laws, Ordinances or restrictive covenants running with the land, except those specifically repealed by, or in conflict with this Ordinance.
- C. Precedence. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by any existing provisions of law, ordinance, contract or deed, the provisions of this Ordinance shall control.
- D. Compliance with Comprehensive Plan and Zoning Ordinance. All subdivisions shall comply with the land use designations and policies of the Comprehensive Plan and all standards of the Zoning Ordinance.
- E. Dakota County Contiguous Plat Ordinance. Subdivisions of property abutting County rights-of-way shall not be approved without County certification that the subdivision meets the requirements of the Dakota County Contiguous Plat Ordinance.
- F. State of Minnesota Jurisdiction. Subdivisions of property abutting State rights-of-way shall not be approved without Minnesota Department of Transportation (MnDOT) certification that the subdivision meets the requirements of the State.
- G. Validity. If any section, subdivision or provision of this Ordinance should be declared by the courts to be unconstitutional or invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.

3.2 Administration

This Ordinance shall be administered by the Town Board, by the Planning Commission or by any person(s) designated by the Town Board. The requirements listed in this Ordinance shall be considered minimum requirements and the Town Board shall have the authority to impose additional, reasonable standards to effect the provisions of this Ordinance. This Ordinance may be amended after consideration and recommendation by the Planning Commission and action by the Town Board. Amendments must be published according to law.

SECTION 4. RULES AND DEFINITIONS

4.1 Rules

- A. Word Usage. The language used in the text of this Ordinance is to be interpreted in accordance with the following rules of construction:
 - 1. The singular number includes the plural and the plural the singular.
 - 2. The present tense includes the past and future tenses, and the future the present tense.
 - 3. The word "shall" is mandatory, and the word "may" is permissive.
 - 4. All measured distances expressed in feet shall be to the nearest tenth of a foot.
- B. Conflicts. In case of a conflict between the provisions in the text of this regulation, or between this Ordinance and other Ordinances, the more restrictive shall apply.

4.2 Definitions

Access	A way of approaching or entering a property without trespassing upon another person’s property.
Access, Turnaround	An area within a driveway on a lot that allows a vehicle to turn around to prevent “backing up” on a public road.
Agency	A governmental entity that prescribes laws, rules or requirements.
Alley	A minor public way which is used primarily for secondary vehicular service access to the back or the side of properties abutting on a road.
Best Management Practices (BMPs)	Erosion and sediment control and water quality management practices that controls, prevents and minimizes degradation of surface water as described and utilized by the Minnesota Pollution Control Agency or other governmental agencies.
Block	An area of land within a subdivision that is entirely bounded by right-of-way, boundaries of the subdivision, a public park, river, stream, lake or a combination of the above.
Boulevard	The portion of the road right-of-way between the curb line (edge of pavement or gravel) and the property line.
Build-out plan	A subdivision or re-subdivision sketch plan illustrating possible future lot layout, and road networks for oversized lots, outlots, or undeveloped land within or adjoining a preliminary plat.
Certificate of Survey	A document prepared by a registered engineer or registered land surveyor who precisely describes area, dimensions and locations of a parcel or parcels of land.
Clerk	The Empire Township Clerk or Clerk-Treasurer.
Common Open Space	Any open space including parks, nature areas, playgrounds, trails and recreational buildings and structures owned in common by a group of property owners.
Comprehensive Plan	The plan adopted by the Town Board as the Empire Township <i>Comprehensive Plan</i> , as amended from time to time.
Comprehensive Sewer and Water Plans	The plans and programs for the collection, treatment and disposal of sewage and the pumping, treatment and distribution of water in the Township, that have been adopted by the Town Board, as amended from time to time.
County	Dakota County, Minnesota
County Board	The Dakota County Board of Commissioners
Dakota County <i>Plat Manual</i>	A manual adopted by the County Board, amended from time to time, that establishes the procedures and requirements for the recording of final plats and properties in Dakota County.
Dakota County <i>Transportation Plan</i>	The plan for the roadway system of Dakota County, including the existing and future functional classification system of County and other governmental roadways, adopted by the Dakota County Board, as amended from time to time.

Design Standards	Minimum requirements for preparation and layout of plats and associated required improvements.
Development Agreement	A written agreement between a subdivider and the Township, to be recorded against the property included in an approved subdivision, which outlines the responsibilities and financial requirements of the subdivider in completing public improvements and other requirements included in the subdivision approval.
Easement	A grant by an owner of land or restrictions to other persons or entities for a specific use and/or purpose, such as utilities, roadways, parks, pedestrian trails, individual sewer treatment systems, drainage, driveways or other uses or restrictions.
Escrow	The deposit of funds in an account maintained by the Township specifically for ensuring fulfillment of certain obligations required by this Ordinance.
Financial Surety	A financial guarantee in the form of an escrow deposit of cash; certificate of deposit, time certificate or other approved form; letter of credit or other security posted with the Township with the approval of a final plat or Development Agreement, guaranteeing compliance with the approved final plat, construction plans, and conditions of approval established by the Township.
<i>General Project Manual</i>	A manual adopted by the Town Board, as amended from time to time, which contains specifications and procedures for the installation of public improvements and certain requirements for private improvements.
Grade, Percentage of	The rise or fall of a road in feet and tenths of a foot for each one hundred (100) feet of horizontal distance measured at the centerline of the road.
Growth Management Plan Map	A map that depicts the future land uses and staging of public improvements included in the <i>Comprehensive Plan</i> .
ISTS/SSTS	Individual sewage treatment system or subsurface sewage treatment systems.
Lot	A parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other accepted means, and separated from other parcels by its description; and having a principal frontage along a public road.
Lot Area	The total area within the lot lines of a lot.
Lot Combination	The combining of two separate parcels or lots into one lot thereafter considered to be one parcel or lot for development purposes for application of the Zoning and Subdivision Ordinances.
Lot Combination Agreement	A legal document recorded in the chain of title of a parcel or lot and approved by the Town Board that governs adjoining properties as one parcel or lot.
Lot, Corner	A lot bordered on at least two (2) sides by intersecting roads or a lot at the point of deflection in alignment of a continuous road, the interior

	angle of which does not exceed one hundred thirty-five (135) degrees.
Lot Depth	The mean horizontal distance between the front and rear lot lines of a lot.
Lot, Double Frontage	A lot having frontage on two non-intersecting roads, also known as a “through” lot.
Lot Line	The property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the line of the public right-of-way shall be the lot line for application of this Ordinance.
Lot Line, Front	The boundary of a lot which abuts an existing or dedicated public road, and in the case of a corner lot, it shall be the shortest dimension on a public road. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the Town Board.
Lot Line, Rear	That boundary of a lot that is opposite the front lot line. If the rear line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot parallel to, and at the maximum distance from the front lot line.
Lot Line, Side	Any boundary of a lot that is not a front or rear lot line. The side lot line of a corner lot shall include the lot lines that are generally parallel to and opposite from public street frontage.
Lot of Record	A lot or parcel of land whose legal description was established in the Dakota County property records by plat, subdivision, or as otherwise permitted by law prior to June 1, 1982 and which contains identical lot lines as were present on June 1, 1982.
Lot Width	The maximum horizontal distance between the side lot lines of a lot measured at the minimum required front yard setback line.
Metes and Bounds Description	A description of real property, prepared by a registered land surveyor that starts at a known point and describes the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.
Minor Subdivision	A subdivision of land allowed by metes and bounds description according to the requirements of this Ordinance.
MnDOT	Minnesota Department of Transportation.
MPCA	Minnesota Pollution Control Agency.
Outlot	A parcel of land shown on a plat as an outlot, and designated alphanumerically, (i.e. Outlot A.) and used to designate land that is part of the plat but is to be subdivided into lots and blocks at a later date or land for public or private open space, right-of-way, wetlands utilities or other purposes approved by the Township.
Owner	Any individual, firm, association, partnership, corporation, trust or any other legal entity having proprietary interest in the land.
Parcel	A contiguous tract of land, which may consist of un-platted or platted land owned by a person.

Pedestrian Way	A public or private right-of-way or easement across property, to be used for pedestrian and bicycle traffic, including sidewalks and trails.
Person	Any individual, firm, association, syndicate or partnership, corporation or company, trust, or any other legal entity.
Plat	A drawing or map of a subdivision or re-subdivision intended to be filed with the County for record.
Planning Commission	The Empire Township Planning Commission
Planned Unit Development	A land are planned and developed in a unified manner within the Mixed Residential zoning district.
Plat, Final	The final map or drawing on which the developer's plan or subdivision is presented to the Town Board for approval and which, if approved, will be submitted to the County for filing.
Preliminary Plat	The preliminary map, drawing or chart and accompanying supporting documentation indicating the proposed layout of the subdivision to be submitted to the Planning Commission and affected agencies for review and the Town Board for action.
Protective Covenants	A restriction of the use placed upon the property by a present or former owner and recorded in the County Recorders or the Registrar of Titles Office. The Township is not responsible for the enforcement of private protective covenants.
Public Improvement	Sanitary sewer, public water, stormwater drainage, roadway, park or other public facility that the Township or other governmental entity may ultimately assume maintenance and operation responsibility.
Registered Land Survey (RLS)	A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey number.
Registered Land Surveyor	A land surveyor licensed and registered in the State of Minnesota.
Re-subdivision/Re-plat	A change in a lot line or right-of-way for a subdivision or plat that has been previously approved by the Town Board.
Right-of-Way	Property dedicated for public and/or certain private uses that is used or planned to be used for roadways, sidewalks, railroads, pedestrian/bicycle trails, pond access, utility lines, electrical lines, oil or gas pipelines or other similar uses.
Road	A public way for vehicular and pedestrian traffic, whether designated as a street, highway, parkway, avenue, land, place or however otherwise designated.
Road, Arterial	A roadway with access restrictions designed to carry large volumes of traffic between various areas of the county and region, as may be defined in the Comprehensive Plan. The emphasis is on mobility rather than land access.
Road, Collector	A road that provides connections between local roads, other collectors and minor arterials and as may be defined in the Comprehensive Plan.

Road Cul-de-sac	A minor road with only one outlet and having a turn-around at the end
Road, Frontage/Backage	A road that is adjacent to an arterial roadway designed to provide access to abutting properties.
Road, Functional Classification	The classification of a road according to its' traffic volume, access, speed and distance as defined by the Empire Township <i>Comprehensive Plan</i> and the Dakota County <i>Transportation Plan</i> .
Road Local	A road that provides access to abutting properties and generally connects to other local roads or collector roadways.
Road, Private	A road that provides vehicular access to two (2) or more parcels of land and is not dedicated to or maintained by the public, but is owned and maintained by one or more private parties.
Road Width	The shortest distance between the curbs or edges of a paved road and the edges of a gravel road.
Setback	The minimum horizontal distance between a structure, ISTS, SSTS or other facility, and a lot line, elevation, ordinary high water level, shoreland, road or portion of a road, or right-of-way.
Sketch Plan	A conceptual drawing showing the proposed subdivision of property.
Stormwater Pollution Prevention Plan	A joint storm water, erosion, and sediment control plan, consistent with MPCA requirements, when implemented will decrease soil erosion on a parcel of land and off-site nonpoint pollution.
Subdivide	The creation of a subdivision, lot, parcel or tract of land by dividing a property into two or more parcels, or resulting from a court order, or the adjustment of a lot line by the relocation of a common boundary.
Subdivider	Any owner, agent or person, individual, firm, association, syndicate, co-partnership, corporation, company, trust or other legal entity having sufficient proprietary interest in property to subdivide it according to the requirements of this Ordinance.
Subdivision	The division of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new public road is involved, any division of a parcel of land, except for the division of land for agricultural purposes into parcels greater than twenty (20) acres where no new roads, roads, or other rights-of-way are involved.
Surveyor	The County Surveyor.
SWCD, Dakota County	Dakota County Soil and Water Conservation District.
Utilities	Public or private systems for the distribution or collection of water, sanitary sewer, storm water, gas, electricity including all transformers etc., telephone and cable television service.
Utility Service Area	The areas, existing or planned, where sanitary sewer and/or public water facilities are or will be provided as shown in the Comprehensive Plan.

Variance	A relaxation of the standards of this Ordinance when it can be shown by the subdivider or owner that the relaxation is not in conflict with the Comprehensive Plan, the Zoning Ordinance, or any other Township Ordinance; in the public interest; and due to the configuration of the land or environmental features, that the enforcement of the Ordinance would result in unusual hardship.
Vicinity Map	A map that shows the area proposed to be subdivided and the area surrounding it to a given distance.
VRWJPO	Vermillion River Watershed Joint Powers Organization.
Water Resources Management Ordinance	Ordinance No. 350 as adopted by the Town Board, as amended from time to time.
Water Supply Plan	A plan, adopted by the Town Board, as amended from time to time, that describes and plans for the distribution of the public water supply within the Township.
Wetland Management Ordinance	Ordinance No. 475, as adopted by the Empire Town Board, as amended from time to time.
Zoning Ordinance	The Empire Township Zoning Ordinance, including the official zoning map, as amended from time to time.

SECTION 5. PLATTING PROCEDURE

The procedures of this Section shall be followed for any subdivision resulting in two or more lots or parcels, involving public utilities, or requiring new public streets, except as provided in Section 9 of this Ordinance.

5.1 Informal Review

Prior to the submission of a preliminary plat, it is recommended that the subdivider’s or owners meet with the Empire Township planner and engineer and other appropriate officials to review proposed plans and determine applicability and compatibility with the Comprehensive Plan, applicable ordinances, regulations and plans in the area to be subdivided.

5.2 Sketch Plan

- A. Review by Planning Commission and City Council. The subdivider’s or owners may submit a general sketch plan of the proposed subdivision to the Clerk for informal review with the Planning Commission and Town Board to determine conformity with this Ordinance, the Comprehensive Plan and other Township ordinances.
 - 1. An application (general Subdivision Application) and fee, established by Township Ordinance, shall be paid by the subdivider’s or owners at the time of submittal to the Clerk.
 - 2. The sketch plan shall show the proposed lot layout and size, intended land uses, generalized road layout, natural features and any required zoning changes.
- B. Advisory Comments. All comments made by the Planning Commission and Town Board in the review of the sketch plan shall be advisory in nature and shall not bind the Township to approve an application for a subdivision of the property.

5.3 Preliminary Plat Application and Review Procedure

- A. Application Requirements. The subdivider or owner shall submit the following items to the Clerk:
1. A completed application on a form provided by the Clerk's office.
 2. Twelve (12) copies of a preliminary plat or subdivision and supporting documentation that includes information required in Section 6.1 of this Ordinance, including an 11X17 format and electronic formats compatible with the Township and Dakota County.
 3. A preliminary plat review fee and escrow as established by Township Ordinance.
 4. Copies of the preliminary plat and supporting documentation to the Township planner, engineer and any other Township consultants.
 5. Completed environmental review documents as required by law.
- B. Review. The application shall be considered complete and eligible for review when all application requirements have been submitted as determined by the Clerk or designee. The applicant shall refer copies of the preliminary plat application and supporting documentation to the following entities:
1. Dakota County, if the plat is adjacent to or includes any County roadway, park or facility. In addition, the subdivider shall follow the procedures of subdivision review according to the Dakota County Contiguous Plat Ordinance. The subdivider or owner shall obtain a certificate from the County engineer prior to Town Board review stating that the subdivision complies with County standards relating to road access, driveway access and right-of-way reservation.
 2. MnDOT, if abutting a state or federal highway, or access is requested from a state or federal highway.
 3. Dakota County, if the subdivision is located within any shoreland or floodplain as defined by Minnesota Statutes, Sections 105.485 and 104.02, respectively.
 4. Any other agency, such as the Vermillion River Watershed Joint Powers Organization, Department of Natural Resources, U.S. Army Corps of Engineers, or the affected independent school district, deemed appropriate by the Township.
- C. Public Hearing. Upon receipt of the complete application with supporting documentation, the Clerk shall schedule a public hearing according to law on the preliminary plat before the Planning Commission after notice of the time and place of the hearing has been published in the official newspaper at least ten days before the date of the hearing.
- D. Planning Commission Hearing and Recommendation.
1. Prior to the public hearing, a report prepared by the Town planner and/or engineer, and comments received by other agencies may be submitted to the Planning Commission.
 2. The owner or subdivider shall appear before the Planning Commission to answer questions pertaining to the application and preliminary plat.
 3. The Planning Commission may request the subdivider to submit additional information to properly consider the plat before or after the hearing.

4. The Planning Commission shall determine whether the preliminary plat conforms to the standards established within this Ordinance, the Zoning Ordinance and the Comprehensive Plan.
5. The Planning Commission shall recommend that the Town Board approve, approve with modifications or deny the preliminary plat and include findings for their recommendation. If approval is not recommended to the Town Board, the subdivider shall be notified of the reason for denial.
6. The report from the Town planner and/or engineer and Planning Commission recommendation and findings shall be forwarded to the Town Board for consideration. In the case of disapproval or conditional approval, the reasons for such recommendation shall be stated in the information pertaining to the subdivision submitted to the Town Board.

E. Town Board Consideration and Action.

1. The Town Board shall act on the preliminary plat within one hundred and twenty (120) days of submittal of a complete application, unless a delay is agreed to in writing by the subdivider.
2. The Town Board shall approve, approve with modifications necessary for health, safety and general welfare and convenience of the Township, or deny the preliminary plat, and shall include findings of fact as part of the proceedings of the Town Board. The Town Board's action shall be reported to the subdivider's or owners of the property.
3. The approval of a preliminary plat by the Town Board means acceptance of the general layout and allows the owner or subdivider to proceed toward final plat approval in accordance with the terms of the approval and requirements of this Ordinance.
4. If the Town Board has not approved the Final Plat within one year of preliminary plat approval, the preliminary plat shall be void, unless a request for a time extension is submitted by the subdivider and approved by the Town Board.
5. During the intervening time between approval of the preliminary plat and the signing of the final plat, the subdivider or owner must submit detailed engineering plans meeting the requirements of Section 8.5 of this Ordinance and the Township *General Project Manual* for all required improvements.
6. The Town Board may attach conditions to approval of the preliminary plat to mitigate anticipated adverse impacts associated with the plat, to ensure compliance with the standards of approval, to protect the value of other property, and to achieve the purpose of this Ordinance.

5.4 Final Plat Procedure

- A. Conformance to Preliminary Plat Approval. The final plat shall conform with the preliminary plat and incorporate all conditions, either through performance or agreement, of the preliminary plat as approved by the Town Board.
1. Final Plat Area. The final plat may constitute only that portion of the approved preliminary plat that the subdivider or owner proposes to record and develop, if the portion conforms to all the requirements of this Ordinance. The remainder of the

preliminary plat excluded from the final plat must be submitted as a final plat within one (1) year from the date of the preliminary plat approval or the remainder of the preliminary plat shall become void, unless a request for a time extension is submitted by the subdivider or owner to the Clerk and approved by the Town Board.

- B. Application. Following approval or conditional approval of the preliminary plat, a request for final plat approval shall be submitted to the Clerk that includes the following:
1. A completed application on a form obtained from the Clerk,
 2. A final plat review fee, as established by Township Ordinance.
 3. Twelve (12) copies of the final plat that meets the requirements of Section 6.2 of this Ordinance, including an 11X17 format and electronic formats compatible with the Township and Dakota County.
 4. An up-to-date Abstract of Title or a Certificate of Title and title opinion prepared by the subdivider's or owner's attorney.
- C. Procedure. The review and approval of the final plat shall conform to the following:
1. The Clerk shall refer copies of the final plat application and supporting documentation to the Township attorney, engineer and planner for review. The reports of the Township staff shall be submitted to the Planning Commission.
 2. The Planning Commission shall review the final plat to determine its conformance with the preliminary plat and any conditions for final approval attached to its recommendations to the Town Board.
 3. The report from the Township attorney, engineer and/or planner, and the Planning Commissions review shall be forwarded to the Town Board for consideration.
 4. The Town Board shall approve or disapprove the final plat by resolution, within sixty (60) days of the submission of the completed application and supporting documentation for final plat review and shall notify the subdivider or owner in writing of their action.
 5. Upon approval by the Town Board, the final plat shall be filed with Dakota County within sixty (60) days of approval and in accordance with the requirements of the Dakota County *Plat Manual*.
 6. The subdivider shall furnish the Clerk with three (3) black line prints of a reproducible print of the final plat showing evidence of the recording, within thirty (30) days of recording. No Township permits shall be issued unless the subdivider has furnished evidence that the final plat has been filed with the Dakota County Records Office.
 7. The subdivider shall submit the final plat to the Township in an electronic format prescribed by the Township.

SECTION 6. DATA REQUIRED FOR PRELIMINARY AND FINAL PLAT

6.1 Preliminary Plat Information

The preliminary plat shall contain or have attached the following information:

A. Identification and Description

1. Proposed name of subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat recorded in the County.
2. The outside boundary line and legal description of the property.
3. Names and addresses of the property owners, the subdivider, surveyor, and /or engineer of the plat.
4. A north arrow and graphic scale not less than one (1) inch to one hundred (100) feet.
5. Location of the subdivision by section, township, and range.
6. Date of preliminary plat preparation.
7. Certification by surveyor certifying accuracy of survey.
8. All recorded or known easements of record on the parcel.

B. Existing Features and Conditions

1. Existing zoning classifications and land uses of the property and abutting properties, including floodplain, shoreland, mining, orderly annexation and conservancy overlay districts and the Metropolitan Urban Service Area.
2. The total acreage of the property to be subdivided.
3. Location, right-of-way width, and names of existing or platted roads, or other public rights-of-way and easements, parks, and other public lands, permanent buildings and structures, power transmission poles and lines, underground or overhead utilities, public and private easements or other encumbrances and their purpose; and section and corporate lines within the subdivision and to a distance of one hundred fifty (150) feet beyond the property. All survey data shall be consistent with the American Land Title Association recommendations.
4. Property boundaries of adjoining un-subdivided or subdivided land, within one hundred fifty (150) feet of the property, identified by name and address of owners, including all contiguous land owned or controlled by the subdivider.
5. Topography, at vertical contour intervals of not more than two (2) feet within the property to be subdivided.
6. A tree survey identifying groups of trees as clusters. All trees within or outside clusters that are a minimum of eight (8) inch caliper for deciduous trees and fifteen (15) feet high for coniferous trees.
7. Water courses, drainageways, lakes, wetlands delineated in accordance with the Wetland Conservation Act, the ordinary high water level and 100 year flood elevations.
8. Location, size and capacity of existing and abandoned drainage, stormwater and agricultural tiles, ISTS/SSTS, and wells located on the property to a distance one hundred (100) feet beyond the outside boundary of the property.
9. Location of any known LUST site or other contamination sources which would require a STEP one Environmental review by the proposer.

C. Proposed Features and Conditions

1. Proposed lot and block layout, lot lines and dimensions of lots and boundary lines, area of lots, and lot and block numbers of all new lots.
2. Proposed uses of all lots within the subdivision including areas be dedicated for public use (other than for roads, pedestrian ways and utilities) and/or open space.
3. The minimum setbacks, including any wetland, shoreland and floodplain setbacks, from the exterior lot lines, public right-of-way and ordinary high water levels within the subdivision.
4. Location, right-of-way, center gradients, width and typical cross-sections of all proposed roads within the subdivision.
5. The location and design of alleys, sidewalks, pedestrian and bicycle ways within the subdivision.
6. The location and general design of access (driveways) from lots within the subdivision to public roads.
7. Location, right-of-way and width of road extensions to adjacent properties, as required by the Township or County.
8. Grading, drainage, and storm water pollution control plans with existing and proposed two foot (2') contours showing the final contours of the property, drainage facilities, and erosion control measures during and after development within the subdivision.
9. The location of all proposed private utilities serving the development, including a street lighting plan.
10. Location and design of the public sanitary sewer and water systems within the subdivision, as required.
11. The location, width, and purpose of all easements within the subdivision.
12. Location and provisions for individual water supply and sewage disposal, as required, that meet the requirements of the Zoning Ordinance within the subdivision.
13. A tree preservation and landscape plan that shows trees to be removed, and the types, locations and specifications of new landscaping materials within the subdivision.
14. The location of permanent conservation areas and homeowner association areas.
15. If the entire property will not be developed or there exists any lots that may be further subdivided, a build-out plan showing how the remaining property can be subdivided and access provided in compliance with the provisions of this Ordinance and the Zoning Ordinance.
16. The Township may require the subdivider to submit a sketch plan demonstrating how the proposed subdivision will relate to the layout, land use and access of the existing and potential subdivisions of adjacent properties.
17. Other information as required by the Township.

6.2 Final Plat

- A. Final Plat Preparation. The plat shall be prepared by a registered land surveyor and the form and content of the final plat shall conform to the Dakota County *Plat Manual*, and Chapter 505 of Minnesota State Statutes. The subdivider or owner shall demonstrate that all preliminary plat conditions for final plat approval have been fulfilled.
- B. Final Plat Information. The final plat shall contain the following information:
1. Name of the subdivision
 2. Location by section, township, range and state and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close.
 3. The location and description of monuments shall be shown on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established road lines, including true angles and distances to such reference points or monuments.
 4. Location of lots, roads, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.
 5. Blocks, lots and outlots shall be numbered clearly with block numbers shown clearly in the center of the block.
 6. The exact locations, widths and names of all roads to be dedicated.
 7. Location and width of all easements, public rights-of-way, and public outlots to be dedicated.
 8. Name and registration number of surveyor making the plat.
 9. Scale of plat, with the scale shown graphically on a bar scale along with the date and north arrow.
 10. Easements for installation and maintenance of public utilities, drainage facilities and wetlands.
 11. Easements for trails located outside of public rights of way shall be described in a separate instrument, approved by the Township attorney, for recording with the plat.
- C. Private Governance Documents. A final copy of the private restrictions or covenants, and homeowner association documents for the proposed subdivision.
- D. Additional Final Plat Information. The square footages and dimensions of all lots shall be shown on a separate copy of the final plat and submitted to the Clerk.
- E. Certification of Taxes Paid. The subdivider shall submit certification from the County showing that all taxes and special assessments currently due on the property to be subdivided have been paid.
- F. Certification of Township Requirements Met. The Township shall not sign or release the final plat for recording until all Township fees have been paid, all out of pocket expenses

have been reimbursed, any required development agreement has been signed, and any financial surety has been received.

SECTION 7. SUBDIVISION DESIGN STANDARDS

7.1 Land and Design Requirements

- A. Land Suitability. The Town Board shall not approve a subdivision of property that is unsuitable for the proposed land uses of the plat because of potential flooding, topography, inaccessibility, adverse soil conditions, environmental contamination, rock formations or protected waters or wetlands.
- B. Hazard Elimination. Land that is subject to life, health, or property hazards shall not be subdivided until all hazards have been eliminated or unless adequate safeguards against such hazards are provided in the subdivision plan.
- C. Design. Proposed subdivisions shall be designed to take into account the surrounding properties, natural features, environmental conditions and public access to allow for coordinated, attractive and efficient development within the Township.
- D. Steep Slopes. Subdivisions shall be designed so that no construction or grading will be conducted on slopes steeper than eighteen per cent (18%) in grade.

7.2 Blocks

- A. Arrangement. The length, width and shape of blocks, shall be sufficient to accommodate the size and dimensions of lots as required by the Zoning Ordinance.
- B. Block length: Shall be determined by intersecting roads provided at intervals that adequately serve cross-traffic and meet existing roads. However, block length in residential subdivisions shall not be less than three hundred (300) feet and not exceed one thousand three hundred (1,300) feet except as allowed by the Township Board due to topography or other condition.
- C. Blocks within the MXR – Mixed Residential Zoning District: Shall be of sufficient depth for two tiers of lots except when abutting a water body, railroad, or major collector or arterial roadways, or because of low density or topographic conditions.
- D. Blocks within the CB - Commercial Business Zoning District: Blocks shall be of a width and depth suitable for commercial uses, including adequate space for off-street parking and deliveries.
- E. Provision for Pedestrian/Bicycle Ways: Easements, at least thirty (30) feet wide may be required by the Town Board in blocks greater than nine hundred (900) feet to provide access to schools, parks and other destinations.

7.3 Lots

- A. Lot Area and Density: All lots must have the minimum area and meet the density requirements of the zoning district in which the subdivision is located.
- B. Public Road Frontage: All lots must have the minimum required frontage on a public improved road other than an alley, as required by the Zoning Ordinance. Reserve strips and land-locked areas shall not be created.
- C. Minimum Lot Dimensions: The dimensions of all lots shall comply with the minimum lot

dimensions specified in the Zoning Ordinance.

- D. Side Lot Lines: Side lines of lots shall be substantially at right angles to straight road lines and substantially radial to curved road lines, unless an alternative layout will result in a better road or lot plan as determined by the Town Board.
- E. Setbacks: Sufficient buildable area shall be available on the lot to accommodate the intended use after application of setback or building lines as required by the Empire Township Zoning Ordinance and Water Resources Management Ordinance and Dakota County ordinances regulating shoreland areas, floodplains, and subsurface sewage treatment systems.
- F. Lot Remnants: All remnants of land that are below the minimum lot size or that are unbuildable must be added to adjacent lots and shall not be platted as an unusable outlot or parcel.
- G. Outlots: Outlots may be platted within a subdivision to delineate public facility and access ways, future development phases, future right-of-way, wetlands and associated buffers, and commonly owned open space. No building permits shall be issued for outlots unless approval has been granted by the Town Board.
- H. Double Frontage Lots:
 - 1. Double frontage lots shall not be permitted except where lots back on an arterial or collector road or where environmental or topographic conditions render such subdividing necessary. Double frontage lots shall have at least ten (10) feet of additional depth to allow for screen planting along the back lot line or at least twenty-five (25) feet of additional depth for areas to be bermed.
 - 2. Road access to double frontage lots shall be to the lower functional class roadway, unless the Township engineer determines that topographic or environmental conditions impede access to the lower functional class roadway.
- I. Corner Lots: Corner lots in subdivisions within the MXR – Mixed Residential and CB - Commercial Business zoning districts shall be of sufficient width to meet the required front yard building setbacks from each road as required by the Zoning Ordinance.
- J. Lot Access (Driveways).
 - 1. Every lot or parcel must have access to a publicly improved road except for approved private road access in attached and multiple family housing.
 - 2. All lots within the subdivision shall be provided access from the subdivision roadway unless no road has been designed within the subdivision or the Town Board finds that topography, environmental conditions or existing development prohibits access from the subdivision roadway.
 - 3. Direct access from lots to a principal or minor arterial roadway shall not be permitted and lot access shall be provided from a local roadway or frontage or backage road.
 - 4. No more than one driveway shall be permitted on any urban single family residential lot.
 - 5. No driveway shall be located within a turn lane to a public road or another private driveway.
 - 6. A shared driveway located on the common lot line and/or a cross access easement may be

required for commercial access on lots within the CB - Commercial Business zoning district to serve existing or future adjacent lots and maintain safe spacing between commercial driveways. When required to provide a shared driveway or cross access easement, the subdivider shall record:

- a. an easement to allow cross access to and from the lots served by the shared driveway, and
 - b. a joint maintenance agreement defining the maintenance responsibilities of the property owners.
7. On undivided roads, driveways on opposing sides of the road shall be aligned with one another or separated to the extent practicable as determined by the Township engineer.
 8. Turning movements to and from a driveway may be restricted at the time of construction or at a future date based upon existing or anticipated roadway conditions.
 9. A driveway may be approved as an interim access to be phased out at a future time or condition.
 10. Driveways within the MXR – Mixed Residential and CB - Commercial Business zoning district shall be paved before issuance of a Certificate of Occupancy.

7.4 Roads

A. Road System Design

1. The arrangement, character, extent, width and location of all roads shall conform to the Comprehensive Plan and be considered in their relation to:
 - a. existing and planned roads,
 - b. reasonable circulation of traffic,
 - c. topographic conditions,
 - d. storm water runoff, and
 - e. public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such roads.
2. Road continuity.
 - a. The arrangement of roads in new subdivisions shall provide for the continuation of existing roads from adjoining areas into the new subdivision.
 - b. Subdivision roads shall be designed to allow for the extension of roads into adjoining un-subdivided areas that may be subdivided in the future or developed as park land and such subdivision roads shall extend to the boundaries of the adjoining areas at appropriate locations.

B. Rights of Way

1. Road right-of-way widths on Township, County and State roads shall conform to the functional class roadway standards shown below unless modified by the respective agency:

Roadway Classification	Roadway Jurisdiction	Right-of-Way Width
Principal Arterials	State	150-200'
A - Minor Arterials	State / County	150'
B - Minor Arterials	County	100-150'
Collector Roads	Township	100'
Local Roads	Township	60-66'
Cul-de-sac turnaround	Township	60-66' radius

2. All roadway right-of-way shall be dedicated to the public, except as permitted by D. Private Streets of this Section.
 - a. The Town Board may require dedication of a greater right-of-way width than specified in 1. above to ensure safety and accommodate existing and future traffic and road intersections, bridge overpasses, railway crossings, topography and the like.
 - b. Dedication of substandard width right-of-way may be approved where:
 - 1.) the proposed right-of-way is adjacent to a platted right-of-way and, combined, the rights of way meet the requirements of this Ordinance,
 - 2.) the Town Board finds that such dedication will allow for reasonable access and circulation when the adjoining property is subdivided, or
 - 3.) where it becomes necessary to acquire the remaining portion by condemnation for public purposes.
 - c. In the case of a subdivision by means other than platting, needed public right-of-way shall be donated or obtained by easement or fee title.

C. General Road Requirements

1. Local roads shall be laid out so that their use by through traffic is discouraged.
2. The maximum length of a road terminating in a cul-de-sac shall be seven hundred fifty (750) feet measured from the centerline of the road of origin to the end of the right-of-way, except for temporary cul-de-sacs designed to be extended to serve adjoining property, and other exceptions approved by the Township. All temporary cul-de-sacs must be provided with a temporary turnaround facility and placed within a temporary roadway easement if located outside road right-of-way. Paving of temporary cul-de-sac shall be required and the subdivider shall provide a cash payment to the Township for the eventual removal of the temporary cul-de-sac.
3. Road intersection spacing shall meet the requirements of the roadway authority.
4. Township roadway intersection spacing shall be one-quarter (1/4) mile for local roads, one-quarter (1/4) mile for minor collectors and one-half (1/2) mile for major collector roadways as defined in the *Comprehensive Plan* and the *Dakota County Transportation Plan*.
 - a. All road connections to minor arterial and collector roads shall be located to provide adequate intersection sight distance, as determined by the Township engineer.
 - b. No public road connection shall be located within a turn lane to another public road or a private driveway.

D. Alleys

1. May be provided in the CB - Commercial Business zoning district if off-road parking and loading space is adequate on the property and meets the requirements of this Ordinance and the Zoning Ordinance.
2. Alleys in residential areas shall only be allowed in MXR – Mixed Residential zoning district as approved by the Town Board and maintained privately.
3. Where permitted, alleys shall be at least twenty-four (24) feet wide.
4. Dead-end alleys shall be avoided, unless there is no reasonable alternative as determined by the Town Board.
5. If approved by the Town Board, dead-end alleys shall be provided with adequate turn-around facilities, as determined by the Town engineer.

E. Sidewalks. The Town Board may require that sidewalks be required along one or both sides of roadways in areas planned for residential or commercial land uses.

F. Private Roads

1. Private streets may be permitted in the MXR – Mixed Residential zoning district provided that:
 - a. the location and function of the roadway is in conformance with the Zoning Ordinance and the *Comprehensive Plan*
 - b. the private roadway does not prevent opportunities for reasonable development of surrounding property adjacent to the subdivision
 - c. The private roadway be kept continuously closed to public travel or is posted at all times as a private road.
2. Subdivider's or owners must enter into an agreement with the Township stating that private roads will be constructed and maintained privately in accordance with the approved Planned Unit Development.
3. Notice of the private roadway and that the roadway will not become public shall be recorded in the chain of title of all lots within the subdivision served by the private roadway.

G. Road Intersection Design

1. The following shall be utilized in the design of intersections:
 - a. insofar as practical, roads shall intersect at right angles, however, in no case shall the angle formed by the intersection of two (2) roads be less than eighty (80) degrees.
 - b. Intersections having more than four (4) corners shall be prohibited, except that roundabouts may be approved by the Town Board or roadway authority.
 - c. Adequate land for future intersection and/or interchange construction needs shall be dedicated to the roadway authority, as allowed by law.
 - d. The minimum curb radius at the intersection of two (2) local roads shall be at least twenty (20) feet; and the minimum curb radius at an intersection involving a collector road shall be at least twenty five (25) feet.

2. Wherever practicable, the location of new intersections along one side of an existing road shall coincide with any existing or planned intersections on the opposite side of the road. Road jogs shall have a centerline offset of at least one hundred and twenty five (125) feet for local roads and one hundred and fifty (150) feet for minor arterial and collector roads.

H. Road Alignment

1. Reverse curves (horizontal alignment) - A tangent of at least one hundred (100) feet shall be provided between reverse curves on local roads and at least three hundred (300) feet shall be provided between reverse curves on arterial and collector roads.
2. Deflections
 - a. When connecting road lines deflect from each other at one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than three hundred (300) feet for collectors, one hundred (100) feet for local roads. For minor arterial roadways, the deflections shall meet the requirements of the roadway authority.
 - b. The Town Board may require greater or lesser sight distances at the recommendation of the Town engineer, in consideration of the traffic characteristics on the proposed road.

7.5 Easements

All easements shall be dedicated by appropriate language on the plat as required by state law and the Dakota County *Plat Manual*.

- A. Utilities: Easements at least ten (10) feet wide along the rear and front lot lines and five (5) feet along the side lot lines shall be provided for utilities unless a greater width is required as determined by the Town engineer. Easements shall have continuity of alignment from block to block within a subdivision.
- B. Drainage: Easements shall be provided along each side of the centerline of any water course or drainage channel, and over stormwater retention areas, wetlands and wetland buffer areas. The easement area shall be sufficient to provide proper maintenance and protection, and to provide for sufficient storm water runoff that complies with the requirements of the Zoning Ordinance, the Water Resources Management Ordinance, and the Vermillion River Watershed Joint Powers Organization. Where found necessary by the Township engineer, drainage easements shall be provided along lot lines and shall not be less than ten (10) feet in width. Easements for maintenance vehicle access to ponding or drainage facilities shall be a minimum of thirty (30) feet wide.
- C. Conservation: Easements shall be provided over environmentally significant areas such as wetlands and buffers, shorelands, floodplains, and woodland preservation areas that are designated for conservation as required by the Zoning Ordinance, the Water Resources Management Ordinance, and ordinances adopted by Dakota County in effect in the Township.

7.6 Public and Private Utilities

- A. Utility Service Areas. New subdivisions on properties within the Current and Future Utility Service Areas as designated on the Growth Management map of the *Comprehensive Plan* shall not be permitted unless the subdivision can be developed with public sanitary sewer and

public water. Sewer and water systems shall be provided according to the requirements of the Township, the *Water Supply Plan* and the *General Project Manual*.

- B. Public Utility Systems. A reasonable portion of land necessary to support public utility systems, including but not limited to water wells, water towers, water treatment facilities, booster stations, and lift stations may be required to be dedicated to the public within any subdivision requiring public utilities.
- C. Rural Development. New subdivisions on properties outside the Current and Future Utility Service Areas as designated on the Growth Management map of the *Comprehensive Plan* shall be permitted provided that on-site soil absorption sewer systems and private water systems meet Township, Dakota County, and State requirements. All private wells shall comply with the regulations of Dakota County and Minnesota Department of Health.

7.7 Stormwater Drainage, Erosion and Sedimentation Control

Subdivision drainage and erosion control plans shall be designed for each subdivision to comply with the requirements of the Zoning Ordinance, the Water Resources Management Ordinance, and the Vermillion River Watershed Joint Powers Organization.

7.8 Wetlands

All subdivisions and construction plans shall be designed to be consistent with Section 10 of the Zoning Ordinance, the Water Resources Management Ordinance, and the Wetland Management Ordinance.

7.9 Tree Preservation and Landscaping Requirements

- A. Tree Preservation Required. All subdivisions shall be planned, designed and maintained so that:
 - 1. Existing healthy trees and native vegetation on the site are preserved to the maximum extent feasible and are protected during construction by techniques approved by the Town Board.
 - 2. Existing native vegetation shall not be disturbed, injured, or removed prior to grading and site development.
- B. Tree Preservation and Landscaping Requirements. A tree preservation and landscaping plan superimposed on the grading plan shall be prepared for all subdivisions containing three (3) or more lots.
 - 1. The tree preservation and landscaping plan shall be prepared in compliance with the requirements of Section 8.11 of the Zoning Ordinance.
 - 2. Prior to issuance of a grading permit for the subdivision, the subdivider or owner shall indicate the measures to be utilized for protection of significant trees that may include, but are not limited to:
 - a. Installation of snow fencing or similar device at the drip line.
 - b. The prohibition of fill placed against the trunk, on the root crown, and under the drip line of the tree.
 - c. Installation of erosion control measures.
 - d. Prevention of spillage or leakage of harmful or toxic materials near tree preservation

areas.

- e. Prohibition of pruning of oak trees from April 15 through July 1.
- 3. The tree preservation plan and protection measures shall be followed during all grading activities including subdivision development and home construction.
- 4. The subdivider shall be required to replace the significant trees which were indicated on the tree preservation plan to be saved but were destroyed or damaged with two (2) replacement trees meeting the minimum size of overstory trees established in Section 8.11 of the Zoning Ordinance.
- 5. The subdivider shall provide a financial surety as part of the Development Agreement in addition to that required in Section 8.4 of this Ordinance to guarantee replacement of all significant trees which were to have been saved but were actually destroyed or damaged.
 - a. The financial surety, generally one thousand dollars (\$1,000.00) per lot, will be determined by the Town Board based upon the recommendation of the Planning Commission its review of the number, type and size of trees to be saved.
 - b. The financial surety will be released upon review by the Township that the tree protection measures were installed and that tree replacement has been completed.

7.10 Shoreland and Floodplain Areas.

All land affected by designated Shorelands or Floodplains are subject to the requirements of Dakota County Ordinance No. 50 Shoreland and Floodplain Management.

7.11 Dedication of Parks, Open Space and Public Space

A. Property Dedication.

- 1. The subdivider or owner shall dedicate a reasonable portion of the property to be subdivided to the Township for parks, open space, or public use. The Town Board has determined that a reasonable portion of land for parks, open space or public use to be ten (10) percent of the total property to be subdivided. The Town Board shall have the right to determine the geographic location and configuration of the land to be dedicated within the property to be subdivided. The land area acceptable for dedication shall exclude:
 - a. Bluffs and steep slopes, wetlands, floodplains and shoreland areas;
 - b. stormwater retention ponds; and
 - c. areas that are to be covered by easements for public purposes.
- 2. The location of the area to be dedicated shall be suitable for active or passive park, open space and/or public use, as determined by the Township.

B. Cash Contribution. The Township shall have the option of requiring a cash contribution in lieu of a portion of or all of the land dedication. Determination of the cash contribution shall be based upon the per acre purchase price of the land, if purchased within six months of final plat approval, or an appraised value of the land at the time of final platting, or as may be agreed upon by the subdivider. The monies shall be held in a separate fund and used by the Township for the purpose of public land acquisition or development to be used solely for public parks, recreation, open spaces or other public uses in accordance with Minnesota Statutes 471.191.

- C. Reservation of Sites for Public Purposes. Where a proposed public park, open space, school site, trail, or other public site shown in the *Comprehensive Plan* is located within the proposed subdivision, and the public site(s) is not dedicated to the Township or other governmental agency, the public site shall be shown as reserved land on the preliminary plat to allow the Town Board, County, or other governmental agency the opportunity to acquire the site by purchase or other means prior to approval of the final plat.

SECTION 8. INSTALLATION AND MAINTENANCE OF IMPROVEMENTS

8.1 General

- A. Design of Improvements. All improvements required by this Ordinance shall be designed by the subdivider's registered engineer and approved by the Township engineer and installed at the expense of the subdivider. Additionally, all improvements shall be constructed in accordance with the Township *General Project Manual*.
- B. Monuments. Permanent monuments, as required by Minnesota Statutes 505.02, shall be placed at each corner or angle on the outside boundary of the subdivision; and pipes or steel rods shall be placed at each corner of each lot and each intersection of road centerlines.

8.2 Required Improvements

A. Roadways

1. The full width of the right-of-way of each road and alley dedicated in the plat shall be graded.
2. All roads and alleys shall have a sub-base and shall be improved with concrete or bituminous surface in accordance with the Township *General Project Manual* or as required by the Township.
3. Roadway grading shall provide for the installation of sidewalks and/or trails.
4. The centerline gradients of roads shall be at least one-half (1/2) percent and shall not exceed eight (8) percent.
5. Concrete curb and gutter shall be required for all paved roads.
6. Sidewalks shall be concrete and have a minimum width of five (5) feet and six (6) inches thick and bituminous trails shall have a minimum width of eight (8) feet and three (3) inches thick.
7. Road lighting within the subdivision shall be provided at intersections and the ends of cul-de-sacs and at locations and of a type approved by the Town Board.
8. All plats shall have roads named and lots numbered according to the uniform road naming system as authorized by Dakota County Ordinance No. 51.
9. All road signs shall be installed and paid for by the subdivider in accordance with Township, County and State standards.

B. Sanitary Sewer and Water Supply

1. Sanitary Sewer
 - a. Public sanitary sewer facilities shall be designed and installed according to the

- requirements of the Township.
 - b. Private individual sewage treatment systems shall be provided for lots within subdivisions located outside of the current or future Utility Service Area according to the requirements of the Zoning Ordinance and any other requirements of Dakota County and the Minnesota Pollution Control Agency.
 - c. The abandonment of any existing individual sewage treatment systems shall be done in accordance requirements of Dakota County and the Minnesota Pollution Control Agency.
2. Water Supply
- a. Public water distribution facilities shall be designed and installed according to the requirements of the Township *Water Supply Plan* and the *General Project Manual*.
 - b. Private water supply wells shall be installed within subdivisions located outside of the current or future Utility Service Area according to the requirements of the Minnesota Department of Health and Dakota County.
 - c. The abandonment of any existing water supply wells shall be done in accordance requirements of Dakota County and the Minnesota Department of Health.
3. The Town Board may require over-sizing of utilities to provide future service for more intense development of the land or to provide future service to other areas.
- C. Other Utilities. All utility lines for communication, cable, electrical and other similar services shall be installed underground within easements in subdivisions located in the current or future Utility Service Area as designated within the *Comprehensive Plan*.
- D. Stormwater Drainage, Erosion and Sedimentation Control
- 1. The subdivision drainage system improvements shall be installed as required by the Town Board to adequately provide for the drainage of surface water and the erosion and sedimentation control according to the requirements of the Zoning Ordinance, the Water Resources Management Ordinance, and the Vermillion River Watershed Joint Powers Organization
 - 2. Lots shall be laid out to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the storm drainage pattern for the subdivision. Drainage shall be designed to avoid concentration of storm water drainage from each lot to adjacent lots.
- E. Grading and Lot Preparation
- 1. No certificate of occupancy shall be issued for any building until final grading has been completed for the lot in accordance with the approved final grading plan for the lot and subdivision. The lot shall be covered with top soil with an average depth of at least four (4) inches over the area of the lot:
 - a. not covered by buildings or roads,
 - b. where the grade has not been changed, or
 - c. where natural vegetation seriously damaged.
 - 2. Sodding or seeding of each lot shall be completed as soon as practical after final grading of the lot.

3. No cut or diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials shall be buried in any land, or permanently left on any lot or road. The removal of these materials shall be required prior to issuance of any certificate of occupancy within the subdivision and none of these materials shall be left in any area of the subdivision at the time of expiration of the Development Agreement or dedication of public improvements, whichever occurs first.

8.3 Payment for Installation of Improvements

The required improvements to be furnished and installed by the subdivider or owner are to be completed at the sole expense of the subdivider or owner and at no expense to the Township. If any improvement installed for the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, as determined by the Town Board, the Town Board may make provision for assessing a proportionate share of the cost of the improvement to other benefiting properties and the subdivider will be required to pay a proportionate share of the whole cost of the improvements that benefit the property within the subdivision. Any assessment procedures shall be consistent with Minnesota Statutes.

8.4 Development Agreement

- A. Requirements. Prior to the installation of any required improvements and/or the approval of a final plat, whichever occurs first, the subdivider or owner shall:
 1. Pay all applicable fees, and
 2. Enter into a Development Agreement with the Township which shall be:
 - a. binding on heirs, personal representatives,
 - b. assigns the responsibility for construction of required improvements, and
 - c. specifies the timing, manner of construction and financial guarantees of the improvements, as required, to be constructed in conformity with the plans approved by the Township and with all applicable standards of this Ordinance.
- B. Provisions. The Development Agreement shall include but not be limited to the following:
 1. No building permits will be issued by the Township until all improvements required by this Ordinance have been installed or arranged for in compliance with the construction plans approved by the Township.
 2. A listing of all required improvements to be installed and financed by the subdivider or owner and a time frame for completion, subject to inspection and approval by the Township engineer.
 3. A listing of all conditions imposed upon the subdivision by the Town Board.
 4. The requirements for the preparation of construction plans in accordance with Section 8.5 of this Ordinance.
 5. The registered engineer responsible for the installation of the improvements must certify that upon completion of the public improvements, the improvements have been constructed in accordance with the requirements of this Ordinance.
 6. The subdivider or owner must furnish the Township with reproducible as-built construction drawings and electronic version of all improvements as required by the

Township engineer. The as-built construction drawings shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvements.

7. The subdivider or owner must submit a warranty/maintenance bond in the amount equal to the original cost of the improvements, which shall be in force for two years following the final acceptance of any required improvements by the Township and shall guarantee satisfactory performance of the improvements.
8. The submittal of a financial surety in a manner described in subpart C. of this Section for the total cost of construction and inspection of subdivision improvements.

C. Financial Surety Deposit.

1. Prior to the installation of any required improvements, the subdivider or owner shall deposit a financial surety to the Clerk in the form of a cash escrow, performance bond or letter of credit in an amount equal to one hundred and fifty (150) percent of the cost of the improvements, including any inspections, in a form acceptable to the Township attorney.
2. The subdivider or owner may combine the financial security required by the Water Resources Management Ordinance and to guarantee replacement of all significant trees required by Section 7.9 of this Ordinance.
3. The Town Board shall approve the financial surety, and as portions of the construction of improvements are completed, inspected and accepted by the Township, the Town Board shall reduce the amount of surety.
4. The financial surety shall be conditioned upon:
 - a. The construction and installation of all of the improvements required by the terms, conditions and time period established in the Development Agreement unless the Town Board grants a modification.
 - b. Satisfactory completion of the work and payment therefore, which work was undertaken by the subdivider or owner in accordance with the Development Agreement.
 - c. The payment by the subdivider or owner to the Township of all expenses incurred by the Township for review of the subdivision and associated improvements including but not be limited to, expenses for engineering, planning, fiscal, legal, construction and administration.
5. In instances where a cash escrow is submitted in lieu of a letter of credit or performance bond:
 - a. There shall be an agreement which shall provide that in the event the required improvements are not completed within the approved time period, all amounts held under the cash escrow agreement are automatically turned over to the Township and used for completing the required improvements.
 - b. If the available funds within the cash escrow agreement are insufficient to complete the required improvements, any additional costs incurred by the Township to complete the improvements may be assessed against the subdivision.
 - c. Any balance remaining in the cash escrow fund after the improvements have been made and all expenses have been paid shall be returned to the subdivider or owner.

6. In instances where a letter of credit is used in lieu of a cash escrow or performance bond, the letter of credit shall be in a form satisfactory to the Township attorney and the terms shall substantially comply with the procedure established for a cash escrow fund.
 7. In instances where a performance bond is used in lieu of a cash escrow or letter of credit, the bond shall be in a form acceptable to the Township attorney and shall comply with all requirements of Minnesota Statutes related to surety bonds.
- D. Township Engineer Report. No final plat shall be approved by the Township without first receiving a report from the Township engineer that the improvements described within the Development Agreement and construction documents meet the requirements of the Township.

8.5 Construction Plans and Inspections

- A. Conformance Required. Construction plans for the required improvements shall conform to the standards of this Ordinance, the Water Resources Management Ordinance, the *General Project Manual* and standards for any improvements required by any other governmental agency.
- B. Plan Preparation. Construction plans shall be prepared at the subdivider's or owner's expense by a professional engineer registered in the State of Minnesota; and shall contain the engineer's seal.
- C. Plan Approval. The construction plans, together with the quantity of construction items, shall be submitted to the Township engineer for review, modification if necessary and approval, and for an estimate of the total cost of the required improvements. The construction plans, quantities and estimate of total cost shall become a part of the Development Agreement.
- D. Inspection. All required improvements to be installed under the provisions of the Development Agreement and this Ordinance shall be inspected during the course of construction by the Township engineer at the subdivider's expense; and acceptance shall be subject to the Township engineer's certificate of compliance with the Development Agreement.

8.6 Construction of Improvements by Township

- A. Petition required. The Township does not normally construct public improvements within private developments. The subdivider or owner may petition the Town Board, however, to have the improvements on the subdivided property constructed by the Township. If the Town Board approves the petition, the subdivider or owner shall enter into a Development Agreement with the Town Board that prohibits private construction within the subdivision and any building permit application until the required improvements have been installed or arranged for completion.
- A. Financial Surety. The subdivider or owner shall deposit with the Clerk a cash escrow or letter of credit in an amount equal to one and one-half (1½) times the Township engineer's estimated cost of all construction and financing costs for the improvements including engineering, inspection administration, planning and legal fees and other related expenses prior to the award of contract for construction by the Township.

8.7 Completed Improvements

- A. Acceptance of Improvements and Release of Surety. The financial surety for the public improvements shall not be released until:
 - 1. The subdivider's or owners registered engineer has certified to the Township engineer and has submitted as-built construction drawings, that verify all public improvements:
 - a. comply with the approved construction plans for the subdivision,
 - b. are complete and ready for acceptance by the Town Board, and are free and clear of any and all liens and encumbrances.
 - 2. The Township engineer has certified that all required improvements have been satisfactorily completed.
 - 3. Upon review and recommendation by the Township engineer, the Town Board accepts the improvements for dedication.
 - 4. The financial surety for the construction of improvements and performance required under the Water Resources Management Ordinance shall be released according to the requirements of that ordinance.
- B. Reduction of Financial Surety. The financial surety may be reduced if the public improvement is accepted by the Town Board and by a ratio that the cost of the dedicated public improvement bears to the total cost of public improvements for the plat.
- C. The Surety shall not be reduced below 10% of the original amount until the Township receives the as-built drawings for the improvements
- D. Maintenance of Improvements. The subdivider or owner shall maintain all improvements in the subdivision and on the subdivided lots including snow removal and maintenance of roads, if required, until acceptance of the public improvements by the Town Board.

SECTION 9. MINOR SUBDIVISIONS

9.1 Minor Subdivisions.

The purpose of platting is to establish easily identified and described properties which reduce public administrative burdens and avoid general public confusion in identifying, tracking and monitoring private property. At the discretion of the Town Board, the requirements for platting may be waived and properties may be subdivided by metes and bounds descriptions for limited circumstances:

- A. Lot Reconfigurations. Lot reconfigurations defined as moving a lot line between no more than two (2) existing lots, provided the requirements of subsection E.2 and E.3. below are met.
- B. Road Rights of Way. Creation of State, County or Township road rights-of-way or easements.
- C. Party Walls. A division of a lot along a party wall(s) of a multi-family building provided that the multi-family building must already be built; the lot line(s) must be along an existing, common wall; and verification that the building would meet building code requirements with the new lot line. The subdivider or owner must submit documents to the Township attorney

for review and approval that establish the type of maintenance and responsibility for the building, common sewer and water lines, any common drives, and common access easements for each lot.

- D. Four-Lot Maximum. The creation of no more than four (4) rural lots provided the following conditions are met:
 - 1. No new public road is created or required by the Township or County,
 - 2. All lots have the minimum frontage on a public road as required by the Zoning Ordinance,
 - 3. Driveway access spacing shall be consistent with requirements of the governmental entity with jurisdiction over the road,
 - 4. The lots are served with approved private sewer and water systems,
 - 5. If applicable, cluster development standards and requirements are met.
- E. Lot Division/Combination. Subdivisions creating separate lots or parcels to be combined with adjacent parcels provided that:
 - 1. The newly created lots or parcels, when combined, meet the dimensional and density requirements of the Zoning Ordinance,
 - 2. The subdivider or owner enters into a Lot Combination Agreement with the Township,
 - 3. The Lot Combination Agreement in the chain of title of the lots or parcels that are combined is recorded with Dakota County Recorders Office.

9.2 Requirements

The following shall apply to minor subdivisions:

- A. Density. The subdivision does not result in the creation of lots exceeding the maximum allowable residential density.
- B. Conformance with Ordinances. The resulting lots meet all other applicable Subdivision Ordinance, Zoning Ordinance, and Water Resources Management Ordinance requirements.
- C. Environmental Review. No environmental review is required for the subdivision or the proposed uses within the subdivision.
- D. Design Standards. The subdivision conforms to all the design standards establish in Section 7 of this Ordinance, including the creation and dedication of drainage and utility easements and road easements.
- E. Registered Land Survey. When platting requirements have been waived, metes and bounds descriptions of all existing and proposed parcels may be created by Registered Land Survey. Certificates of Survey are required for all lots created by the subdivision.
- F. Recording. The subdivider or owner provide evidence to the Township that the subdivision documents required to be recorded have been filed with the County Recorder’s Office within one year of the approval of the subdivision by the Town Board or the approval shall become null and void.
- G. Building Permits. No building permits shall be issued in any metes and bounds subdivision

until the requirements of Section 9 are met and a permit has been approved by the Township.

9.3 Review Procedure.

- A. Submission Requirements. The subdivider or owner shall submit the following items to the Clerk:
 - 1. Application. A completed application on a form provided by the Clerk’s office.
 - 2. Twelve (12) copies of the subdivision that includes legal descriptions for the existing and proposed parcels and a Registered Land Survey.
 - 3. Supporting information as required by Section 6 of this Ordinance however, the Township planner and/or engineer may waive the submittal of certain information except the Stormwater Pollution Prevention Plan.
 - 4. A minor subdivision review fee as established by Township Ordinance.
- B. Review. The review procedure of the minor subdivision shall be as follows:
 - 1. Subdivider’s are highly encouraged to appear before the Planning Commission for an informal subdivision review and direction prior to making a formal application for a minor subdivision.
 - 2. Upon acceptance of a completed minor subdivision application, the Clerk shall distribute copies of the application materials for Planning Commission and Town Board review.
 - 3. The subdivider shall be responsible to distribute copies of the application materials to Dakota County, if the subdivision abuts a County highway or is affected by shoreland or floodplain zoning, and shall distribute copies of the application materials to MnDOT, if the subdivision abuts a State highway. The subdivider shall also make a presentation of the proposed subdivision to the Planning Commission.
 - 4. The Township planner and engineer shall prepare a report, as appropriate, for distribution to the Planning Commission and Town Board.
 - 5. The Planning Commission shall make findings and forward its recommendation on the minor subdivision to the Town Board.
 - 6. The Town Board shall review any reports and the recommendation from the Planning Commission and shall either approve or deny the subdivision and may attach any conditions for approval.
 - 7. The Town Board shall act upon the minor subdivision within 60 days of acceptance of the completed application, unless the Township submits a letter to the subdivider within 60 days of acceptance of the completed application, indicating the review can not be completed in 60 days and will be completed within 120 days from the date of acceptance of the completed application.
 - 8. The subdivider provide evidence to the Township that the subdivision documents required to be recorded have been filed with the County Recorder’s Office within one year of the approval of the subdivision by the Town Board or the approval shall become null and void.

SECTION 10. VARIANCES

- A. General. The Planning Commission may recommend and the Town Board may approve a variance from the design standards of this Ordinance where it is found:
1. That an unusual hardship on the land may result from strict compliance with these regulations,
 2. That the variance, if granted, will not cause detriment to the public welfare or other property,
 3. That the variance will not have the effect of nullifying the intent and purpose of this Ordinance, the Zoning Ordinance, or the Comprehensive Plan.
- B. Findings. The Planning Commission shall not recommend and the Town Board shall not approve or disapprove variances unless it makes findings based upon the evidence presented that:
1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.
 2. The conditions upon which the request for variance is based are generally unique to the property for which the variance is requested and are not applicable generally to other property.
 3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an unusual hardship to the subdivider or owner would result, as distinguished from a mere inconvenience, if the strict letter of this Ordinance is carried out.
 4. That the special conditions and circumstances causing unusual hardship do not result from actions of the subdivider or owner.
 5. That unusual hardship includes inadequate direct access to sunlight for solar energy systems.
- C. Conditions.
1. In granting any variance, the Planning Commission may recommend and the Town Board may impose conditions that it finds necessary or desirable to effect the purposes of this Ordinance and to protect the public interest.
 2. If the Town Board grants a variance for the lack of access to a public road for lot(s) within the subdivision, the subdivider or owner shall enter into a Subdivision and Access Easement Agreement or Development Agreement with the Township. The agreement shall include provisions for private access maintenance and shall be recorded against the affected properties with Dakota County Records Office prior to issuance of a building permit on any lot or parcel within the subdivision.
- D. Procedure.
1. Variances shall be requested by the subdivider or owner at the same time of the application for preliminary plat or meets and bounds subdivision approval.
 2. A completed application and fees for a variance from this Ordinance shall be submitted by the subdivider or owner on a form provided by the Clerk at the time the preliminary

plat or metes and bounds subdivision application is submitted for consideration. The application shall be complete when the subdivider or owner has complied with the following requirements:

- a. A written and graphic description of the variance request including an explanation of the reason the variance is required, the unusual hardship involved, why it is unique to this property, potential impact on development and surrounding property and compliance with the *Comprehensive Plan* and the *Zoning Ordinance*.
 - b. A fee established by Ordinance of the Town Board.
 - c. The notice, review and public hearing of the variance request shall follow the same procedures as a preliminary plat found in Section 5.3 of this Ordinance.
 - d. The variance request shall be placed on the same Planning Commission and Town Board agenda, respectively, as the preliminary plat that the variance is associated with.
3. Validity. Any variance shall become null and void at the same time the preliminary or final plat expires or within one year of a metes and bounds subdivision approval that has not been recorded with Dakota County.

SECTION 11. PLANNED UNIT DEVELOPMENTS (PUD) WITHIN THE MXR – MIXED RESIDENTIAL ZONING DISTRICT

The Town Board, following review by the Planning Commission, may allow standards of this Ordinance to be modified for subdivisions to be developed according to the PUD requirements of the Zoning Ordinance. The Township shall review the subdivision of property to be developed according to the PUD process with consideration to creating a more desirable living environment than would be possible.

SECTION 12. VIOLATIONS AND PENALTIES

12.1 Sale of Lots from Unrecorded Plats

It shall be unlawful to sell, trade, or offer to sell, lease, trade, or otherwise convey any lot or parcel of land within any subdivision unless the subdivision has been recorded in the Dakota County Recorder's Office.

12.2 Receiving and Recording Unapproved Plats

It shall be unlawful to receive or record in any public office any subdivision of land unless it has been approved by the Town Board.

12.3 Misrepresentations Pertaining to Improvements

It shall be unlawful for any person owning an addition or subdivision of land within the Township to represent that any improvements within the addition or subdivision have been supervised, inspected, or constructed according to the approved plans when such actions have not occurred.

12.4 Violations

Any person, firm, or corporation who violates any of the provisions of this Ordinance, fails to comply with any of the Ordinance provisions, or makes or submits any false statements in the

required submittals, shall be guilty of a misdemeanor and, upon conviction, be punished by a fine of an amount not to exceed that allowed by law and/or by imprisonment as allowed by law. Each day that a violation continues shall constitute a separate offense.

SECTION 13. REPEAL, PRIOR APPROVALS, AND EFFECTIVE DATE

13.1 Repeal

Ordinance No. 430 - Subdivision Ordinance of Empire Township adopted June 1, 1982, and any subsequent amendments are repealed upon effectuation of this Ordinance and replaced by this Ordinance.

13.2 Previous Approvals

All subdivisions having received preliminary plat approval under prior existing subdivision regulations may continue under the requirements of the former regulations for a maximum of one (1) year after preliminary plat approval or one (1) year after of adoption of this Ordinance, whichever occurs sooner.

13.3 Effective Date

This Ordinance shall take effect and be in full force from and after its passage, approval and publication. Adopted by the Town Board of Empire Township, Dakota County, Minnesota this 9th day of November, 2010.

Terry L. Holmes, Chair

ATTEST:

Kathleen B. Krippner, Clerk-Treasurer

Published in the Farmington Independent on November 18, 2010.