

Article IV: Subdivision Design Standards.

Section 16-51. General requirements.

The Planning Commission, in its review of the preliminary plat, will take into consideration the requirements of the community and the best use of the land being subdivided. No preliminary plat will be approved if it does not comply with all of the following Town Ordinance or plans (if then adopted).

- (a) Comprehensive Plan
- (b) Transportation Plan
- (c) Park and Recreation Plans
- (d) Zoning Ordinance/Zoning Map
- (e) Stormwater Management Ordinance
- (f) Individual Septic Treatment System Ordinance
- (g) Right-of-way Ordinance
- (h) Capital Improvement Plan
- (i) Nuisance Ordinance

No preliminary plat will be approved for a subdivision that includes an area of poor facilities that would render inadequate the streets or building site proposed by reason of such plat, unless the subdivider agrees to make improvements which will, in the opinion of the Town Engineer, make such areas completely usable and safe for occupancy and provide for adequate street and lot drainage, sewer systems, and feeder road systems.

The arrangement, character, extent, width and location of all streets shall be considered in relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in appropriate relation to the proposed uses of the land to be served by such streets. Where adjoining unsubdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.

Section 16-52. Streets.

- (a) Widths. Street right-of-way widths shall conform to the following minimum dimensions.

STREET	Right-of-way Minimum	Desirable Width
Major Arterial (State)	150 feet	300 feet
<u>Minor Arterial</u> (County)	66 feet	150 feet

Collector (Township)	66 feet	100 feet
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- (b) Street Intersection. Insofar as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of two streets be less than ninety (90) degrees. Intersections having more than four corners shall be prohibited. Adequate land for future intersections and interchange construction needs shall be dedicated.
- (c) Tangents. A tangent of at least three hundred (300) feet shall be introduced between reverse curves on arterial and collector streets.
- (d) Deflections. When connecting street 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 five hundred (500) feet for arterials, three hundred (300) feet for collectors, and one hundred (100) feet for all other streets.
- (e) Street Jogs. Street jogs with centerline offsets of less than 125 feet shall be avoided for local streets. The minimum angle of such jogs shall be eighty (80) degrees.
- (f) Local Streets. Minor streets shall be laid out so that their use by through traffic is discouraged. Each subdivision shall have a secondary access road that can also function as an emergency escape route.
- (g) Cul-de-sacs. The maximum length of a street terminating in a cul-de-sac shall be six hundred (600) feet measured from the centerline of the street of origin to the end of the right-of-way. A cul-de-sac shall have a minimum diameter of one hundred fifty (150) feet. Cul-de-sacs will only be allowed in cases where proper future interconnectivity of local streets will be provided or where topography or environmental constraints preclude interconnection of local streets.
- (h) Temporary Cul-de-sacs. In those instances where a street is terminated pending future extension in conjunction with future subdivision and there is more than two hundred (200) feet between the dead-end and the nearest intersection, a temporary turn around facility shall be provided at the closed end, in conformance with cul-de-sac requirements. This temporary cul-de-sac must be placed inside a temporary easement if it located outside the street right-of-way and shall be constructed according to the cul-de-sac typical included in the Town Transportation Plan or as approved by the Town Engineer. A financial guarantee will be required for removal or restoration as determined by the Town Board.

- (i) Centerline Gradients. All centerline gradients shall be at least 0.5 percent and shall not exceed the following: arterials and collector streets – five (5) percent; minor streets and marginal access streets – seven (7) percent.
- (j) Access to Arterial Streets. In the case where a proposed plat is adjacent to a controlled access highway (arterial), there shall be no direct vehicular or pedestrian access from individual lots to such highways. As a general requirement, access to arterials shall be at intervals of not less than ¼ mile and through existing and established cross roads where possible.
- (k) Hardship to Owners of Adjoining Property. The street arrangements shall not be such as to cause a hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- (l) Dead End Streets. Dead-end streets, other than cul-de-sacs, shall only be permitted if authorized by the Town Board.
- (m) Sight Distance Triangles. At no street intersection in any district shall an obstruction to vision exceeding two and one-half (2 ½') feet in height above the street grade be placed or permitted to grow on any lot within the triangle formed by the right-of-way lines abutting the intersection and a line connecting points on these street lot lines at a distance of thirty-five feet (35') from the point of intersection of each right-of-way line.
- (n) Provisions for Resubdivision of Large Lots and Parcels. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.
- (o) Street Construction Standards. The street shall be constructed in accordance with the typical sections included in the Town Transportation Plan or as approved by the Town Engineer.
 - (1) Inspections. All subdividers/owners who propose to do construction within a Town right-of-way shall consult with the Town Engineer to determine the inspections required during construction. A site inspection schedule will be determined at the pre-construction conference.
 - (2) Staking. Before any clearing has started on the right-of-way, the centerline of the new road shall be staked and sides staked at one hundred (100) foot intervals. Side stakes shall be set back off the right-of-way at right angles from the center line so as to be out of the construction area and include stationing and distances to the center line. Limits of clearing shall be marked by stakes or flagging. After

clearing and grubbing is done, road construction stakes shall be placed at one hundred (100) foot stations, a minimum of fifteen (15) feet and a maximum of twenty (20) feet off the center line, and grades shall be marked on the tops of the stakes. Cut and fills shall be computed to the finish grade of the roadway and said cuts or fills shall be marked on side stakes.

- (3) Clearing and Grubbing. All trees and brush, stumps, large roots, loam, forest litter, sod, muck, silt or other unacceptable material within the right-of-way or slope lines, whichever is farthest from the centerline of the street, shall be cut, excavated, and removed from the area except that trees that are to remain to secure the intent of these regulations to provide a mature stand of trees for ornamentation and aesthetic design. Under no circumstance shall any wood, brush, or any other unsuitable material be placed under or allowed to remain within the limits of the subgrade area.
- (4) Clean-Up. Before acceptance, a street shall be cleaned up, by whatever means necessary, so that it is left in a neat and presentable condition. Construction related debris of all kinds, both natural and man-made, shall be completely removed from the right-of-way.
- (5) Safety. The Town Board reserves the right to modify proposed street plans for the purpose of enhancing the safety of the traveled way. Potential modifications include, but are not limited to, removing obstructions, adding guard rails where steep slopes exist or are created, and requiring additional warning signs. The Town Engineer may act for the Town Board under this paragraph.
- (6) Traffic Impact Studies. A traffic impact study may be required of any proposed subdivision at the discretion of the Town Board. The Town Board reserves the right to retain the services of an outside agency for the purposes of reviewing any traffic impact analysis submitted. The cost of review of submitted traffic impact studies shall be borne by the subdivider/owner.

Sections 16-54 thru 60. **Reserved.**

Section 16-61. **Subdivision Characteristics.**

(a) Blocks.

1. Length. The length, width and acreage of a block shall be sufficient to provide for convenient access, circulation, control and safety of street design. Blocks may be longer than 1300 feet or shorter than 300 feet only if the Township Planning Commission and the Town Board agree

that exceptions are warranted. Exceptions may be warranted in order to foster design originality provided that such exceptions do not violate sound planning principles.

2. Width. The width of the block shall be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

(b) Lots.

1. Size. The lot dimensions shall be such as to comply with the minimum lot areas specified in Chapter 20.
2. Side Lot Lines. Side lines of lots shall be substantially at right angles to straight street lines or radial or curved street lines.

(c) Drainage. Lots shall be graded so as to provide drainage away from building locations.

(d) Natural Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, historic spots, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development.

(e) Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than be allowed to remain as substandard parcels.

(f) Through Lots. Through lots (lots with frontage on two parallel streets) or lots with reverse frontage shall not be permitted except where lots back on an arterial or collector street. Such lots shall have an additional depth of at least ten (10) feet in order to allow for screen planting along the back lot line.

(g) Sewage Disposal. In areas being platted for rural development, the size and relative location of on-site soil absorption systems shall be governed by the Sewage Disposal Standards under Minnesota Rules, Chapter 7080, as amended. In addition, the following requirement shall apply:

1. On each lot, there shall be an area preserved for the construction of an additional drain field system should the original system fail. The area set aside for a second drain field shall be of a size and so located that a drain field can be constructed that will meet all standards on size and setbacks recommended by the Minnesota Department of Health.

- (h) Tree Removal and Conservation of Vegetation. All subdivisions shall be planned, designed, constructed and maintained so that:
1. Existing healthy trees and native vegetation on the site are preserved to the maximum extent feasible and are protected by adequate means during construction.
 2. Existing native vegetation shall not be disturbed, injured or removed prior to site development, except to the extent necessary for the preparation of a tentative map.
- (i) Erosion and Sediment Control. The following guidelines shall be applied in the subdivision and construction of land areas:
1. The development shall conform to the natural limitations presented by the topography and soil so as to create the least potential for soil erosion.
 2. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
 3. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.
 4. When soil is exposed, the exposure shall be for the shortest reasonable period of time.
 5. Where the topsoil is removed, a sufficient amount shall be set aside for respreading over the developed area. The soil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.
- (j) Drainage. The natural drainage system shall be used as far as if feasible for the storage and flow of runoff. The following requirements shall also apply:
1. Storm water drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of storm water to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for storm water shall provide for natural or artificial water level control.

2. No existing ditch, stream, drain or drainage canal shall be deepened, widened, filled, or rerouted without written permission from the Town Board and other applicable authorities.
 3. Where artificial channels must be constructed to augment the natural drainage systems, such channels, as well as the natural drainage ways, may be planned as part of a recreation trail system. Channels shall be designed to be aesthetically compatible for recreational use.
 4. The drainage system shall be constructed and operational as quickly as possible during construction.
- (k) Easements. All easements shall be dedicated by appropriate language on the plat as required by Chapter 505 of Minnesota Statutes and shall include the following:
1. Easements for Utilities. Easements for utilities at least sixteen (16) feet wide, centered on rear and other lot lines, shall be provided for utilities where necessary. Easements provided shall have continuity of alignment from block to block.
 2. Easements for Drainage. Easements shall be provided along each side of the centerline of any water course or drainage channel, whether or not shown in the comprehensive plan, to a width sufficient to provide proper maintenance and protection and to provide for storm water runoff from a ten year storm of one hour duration. Where necessary, drainage easements corresponding with lot lines shall be provided. Such easements for drainage purposes shall not be less than twenty (20) feet in width.
- (l) Improvements Required. Prior to the approval of a final plat, the subdivider shall have agreed in the manner set forth below to install the following site improvements in conformity with construction plans approved by the Township Engineer, and in conformity with all applicable standards and ordinances:
1. Monuments. Monuments of a permanent character as required by Chapter 505 of Minnesota Statutes shall be placed at each corner or angle on the outside boundary of the subdivision; pipes or steel rods shall be placed at each corner of each lot and at each angle in a lot line or the plat boundary.
 2. Streets. The full width of the right-of-way of each street and alley dedicated in the plat shall be graded. All streets and alleys shall have an adequate sub-base and shall be improved with an all-weather permanent surface in accordance with the design standards specified by the Township. Except in areas where lot widths exceed one

hundred (100) feet or topography or tree cover dictates otherwise, grading shall provide for each installation of sidewalks at some future date.

3. Paving. All streets and alleys shall be improved with a bituminous or concrete surface unless granted a waiver from the Town Board. Streets shall be constructed for nine-ton axle weight capacity and shall be constructed according to the specifications of the Town Engineer. Paving may be waived by the Town Board, in its sole discretion, if it can be demonstrated to the satisfaction of the Town Board that the proposed development will not adversely impact adjoining Athens Township roads. In considering a waiver, the Town Board shall consider such factors as the resulting need for additional Town road maintenance and the proximity to existing residential subdivisions or areas suitable for future residential development.
4. Concrete Curb and Gutter. Concrete curb and gutter may be required for all paved streets.

(m) Water Supply. In all subdivisions, the subdivider shall either:

1. Install a system providing each lot with an adequate supply of potable water or –
2. State on his final plat that purchasers of individual lots will be required to install their own approved wells.

Section 16-62. Park Dedication.

Since the subdivision of land results in additional development in the community and causes additional demand upon the recreational park facilities located therein, it is declared general policy that in all new subdivisions, a percentage of the gross area of all property subdivided shall be dedicated for parks, playgrounds or other public use. Such percentage shall be in addition to the property dedicated for streets, alleys, waterways, pedestrian ways or other public ways. Areas designated for park dedication shall not be located in flood plain, shoreland or other areas unsuitable for park development unless such action is determined to be consistent with approved park plans.

Section 16-63. Residential, Commercial and Industrial Development.

In areas developed for residential, commercial or industrial development, an area of public open space shall be dedicated for public recreation space, not including dedications for street, alleys, easements or other public use. Dedication requirements shall be established from time to time by ordinance of the Town Board.

- (a) Application of Park Dedication Requirements. Park dedication requirements shall apply to all new development, redevelopment, lot combinations/redivisions to facilitate development, lot splits and expansion of residential or commercial, industrial, or business use that is not regulated by this Chapter. Park dedication requirements shall not apply to lot combinations/redivisions that do not increase the number of single family residential lots or dwelling units, conversions of apartments to condominiums, or internal leasehold improvements.
- (b) Approval of Park Dedication Areas. No areas may be dedicated as parks, playgrounds, or public lands until such areas have been approved for the purpose for which they are to be dedicated. Such dedication of land for public use shall be made without restrictions or reservations and shall be transferred to the Town by deed or by plat.

When, in the opinion of the Town Board, the subdivision is too small for practical dedication or no land within the proposed subdivision is suitable, or if no need for land dedication is perceived, the subdivider shall pay a fee as established from time to time by ordinance of the Town Board. Such fees shall be payable to the Town prior to execution of signatures by Township officials on the final plat mylars. Money given to the Town in lieu of land shall be used by the Town for acquiring or developing public parks and playgrounds.

Section 16-64. Street Lighting.

Street lighting of a type approved by the Town Board must be installed at all intersections within the subdivision unless waived by action of the Town Board.

Section 16-65. Sewage Disposal.

As specified in Chapter 20 and this Chapter, individual on-site sewage disposal facilities shall be provided for each lot and so located as to permit easy and the least expensive connection to the sewer should a public sanitary sewer system becomes available. There shall be no overflow outlets from septic tanks or seepage pits allowing effluent to flow to any waterway, drainage way or roadside ditch. The subdivider or owner shall be required to provide appropriate soil borings and percolation tests in order to determine proper sewage system design.

Section 16-66. Drainage.

A system that will adequately take care of the surface water runoff within the subdivision shall be provided. Storm sewers and culverts may be required where necessary in conjunction with the grading of streets. Cross drains may be required to accommodate all natural water flow and shall be of sufficient length to permit full-width roadways and required side slopes. Drainage ditches shall be sodded to prevent erosion.

Section 16-67. Street Signs.

Street signs of standard design approved by the Township shall be installed at each street intersection. The posting of all street signs or markings shall be the responsibility of the subdivider/owner and such signs shall be installed prior to release of the escrow or bank letter of credit.

Section 16-68. **Driveways.**

- (a) A driveway permit must be approved by the Zoning Administrator prior to construction.
- (b) In essence, a driveway cannot interrupt the natural or ditch line flow of drainage water. In some case where shallow ditch lines or natural drainage courses exist, driveways may be swaled at a point beyond the road shoulder to accommodate the flow of storm water. In all other cases, driveways must have sufficiently sized culverts installed and maintained by the homeowner or subdivider. Stabilization of the driveway in-slope must be provided as part of the final grade.
- (c) Final driveway acceptance shall rest with the Zoning Administrator. Any decision of the Zoning Administrator regarding driveway permits may be appealed to the Town Board following transmission of a written notice of appeal, which specifies the subject and grounds therefor. Such notice must be received by the Zoning Administrator within ten (10) days following the issuance of an order, requirement, decision or determination which is the subject of the appeal. The Zoning Administrator will forward the appeal to the Town Board.
- (d) Upon appeal, the Town Board will take action to approve or deny driveway permit appeal requests. The Zoning Administrator shall notify the owner and subdivider in writing of the Town Board's decision.
- (e) In no case shall the culvert pipe under a driveway be less than eighteen inches (18") in diameter, with aprons.
- (f) The cost of culverts shall be borne by the homeowner or subdivider.
- (g) Driveways shall intersect the roadway at a preferred angle of ninety (90) degrees but in no case shall the intersecting angle be less than sixty (60) degrees.
- (h) An all season safe distance of two hundred feet (200') in each direction must be present for a building permit to be issued.
- (i) No driveway shall be constructed within fifty feet (50') of an intersecting street. One hundred feet (100') is preferable.

- (j) The maximum allowable driveway width shall be twenty feet (20'), not counting the flares. The desirable width shall be 12 – 15 feet and the minimum width shall be ten feet (10').

Section 16-69. Landscaping of Right-of-way and Shoulders.

Topsoil shall be distributed to provide at least four (4) inches of cover to all areas disturbed between the right-of-way limits and the shoulders and shall be established by seeding and mulching or planting.

Section 16-70. Utilities.

Prior to any new road construction or subdivision approval, written preliminary approval must be included from all applicable utility services. Any plot plan, subdivision plan or town road construction plans must include underground or aerial service systems. Utility poles should be kept close to the right-of-way and in no case in the ditch line and always well back from the curb.

Section 16-71. Sidewalks, Pedestrian Ways, and Bicycle Paths.

Sidewalks, pedestrian ways, and bicycle paths may be required at the discretion of the Town Board. When required, sidewalks shall be constructed in accordance with the specifications in the Town Transportation Plan or as approved by the Town Engineer. Proposed designs of pedestrian ways and bicycle paths will be subject to the approval of the Town Board. Sidewalks are defined as those walkways adjacent to traveled roadways. Pedestrian ways and bicycle paths may or may not be adjacent to traveled roadways.

Section 16-72. Payment for Installation of Improvements.

The required improvements to be furnished and installed by the subdivider, which are listed and described above, are to be furnished and installed at the sole expense of the subdivider and at no expense to the public; however, in the case of an improvement that would, by general policy of the Town Board, be assessed only in part to the improved property and the remaining cost paid out of general tax levy, the Town Board may, in its sole discretion, make provision for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the Township.

If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the Town Board may, in its sole discretion, make provision for causing a portion of the cost of the improvement representing the benefit of such lands to be assessed against the same; in such case, the subdivider will be required only to pay for such portions of the total cost of said improvements as will represent the benefit to the property within the subdivision.

- (a) Required Agreement providing for Proper Installment of Improvements. Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a written contract with the Town Board

requiring the subdivider to furnish and construct said improvements at his sole cost, unless otherwise agreed to by the Town Board, in accordance with the plans and specifications and usual contract conditions, all approved by the Town Board. The agreement shall include provisions for supervision of details of construction by the Township Zoning Administrator, and shall grant to the Zoning Administrator the authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder with any other work being done or contracted by the Township in the vicinity. The agreement shall require the subdivider to make an escrow deposit or, in lieu thereof, to furnish a bank letter of credit.

The bank letter of credit or cash escrow shall be equal to one hundred twenty-five percent (125%) of the estimated cost of the required improvements.

If the required improvements are not completed within the one-year period, all amounts held under the escrow agreements or the bank letter of credit shall be turned over to the Township and applied to the cost of the improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider.

- (b) Financial Guarantee. The contract shall require the subdivider to make an escrow deposit or, in lieu thereof, furnish the bank letter of credit as follows:
1. Escrow Deposit. An escrow deposit shall be made with the Township, including the cost of inspection by the Township of all improvements to be furnished and installed by the subdivider pursuant to the contract which have not been completed prior to the approval of the final plat; the Township shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the Township for completion of the work in case of default of the subdivider under said contract, and for any damages sustained by the Township on account of any breach thereof. Upon completion of the work and termination of any liabilities to the Township or the subdivider under said contract, the balance remaining of said deposit shall be refunded to the subdivider.
 2. Bank Letter of Credit. In lieu of making an escrow deposit above described, and if the Town Board so agrees, the subdivider may furnish the Township with a bank letter of credit, in a form approved by the Town Board, with corporate surety in a penal sum equal to one hundred twenty-five percent (125%) of the total cost as estimated by the Township Engineer, including the cost of inspection, of all improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to approval of the final plat. The bank letter of credit shall be approved by the Township Attorney and filed with the Township Clerk. The developer (subdivider) shall be responsible for all attorneys' fees, special meeting costs, zoning administration fees,

drafting of documents, inspecting the project and any other fees that the Town may reasonably incur related to the proposed subdivision.

Section 16-73. Construction Plans.

Construction plans for the required improvements, conforming in all respects to the standards of the Township and the applicable ordinances, shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota; said plans shall contain the surveyor's seal. Such plans, together with the quantity of construction items, shall be submitted to the Zoning Administrator for approval and for the Engineer's estimate of total cost of the required improvements. Upon approval, the plans shall become a part of the contract. The tracings of the plans approved by the Township, plus four (4) prints, one of which shall be filed with Isanti County, shall be required.

Section 16-74. Variances.

A plat or subdivision shall not be approved where a variance will subsequently be required in order to use the lots for their intended purpose.

The Town Board, acting as the Board of Adjustment, may grant a variance upon receiving a report from the Zoning Administrator and the Planning Commission in any particular case where the subdivider can show by reason of exceptional topography, or any other physical conditions, that strict compliance with these regulations would cause an unusual hardship on the land, provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of these regulations. The Planning Commission may recommend variations from the requirements of this Chapter in specific cases, which, in its opinion, meet the following criteria:

- (a) The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property.
- (b) The conditions upon which the request for variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- (c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an unusual hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this Chapter is carried out. Unusual hardship includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.
- (d) Procedure.
 1. The property owner applying for a variance shall submit to the Zoning Administrator a completed variance application stating the hardship present and provide all other information required by the Zoning

Administrator. The application shall be completed when the applicant has complied with the following requirements:

- a. Provided a written and/or graphic description of the variance request including an explanation why the variance is required, the hardship involved, why the request is unique to the property, potential impact on development and surrounding property, and show the request complies with the Comprehensive Plan and Chapter 20 (Zoning Regulations).
 - b. Provided supporting information.
 - c. Submitted a fee for the variance request as established by the Town Board.
2. The Zoning Administrator, upon receipt of the application, shall notify the applicant within fifteen (15) town business days if the application is found to be incomplete.
 3. Upon receipt of a complete application, the Zoning Administrator shall prepare a report and refer the application to the Town Planning Commission and the Town Board for consideration.
 4. The Planning Commission shall hold a public hearing on the request. Notice of the public hearing shall be published in the official newspaper designated by the Town Board at least ten (10) days prior to the hearing. Property owners of record within five hundred (500) feet of the subject property shall be notified in writing of the proposed variance. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, providing a bona fide attempt to comply has been made.
 5. The applicant or his representative shall appear before the Planning Commission and Town Board in order to answer questions concerning the proposed application.
 6. The Planning Commission and Town Board shall have the authority to request additional information from the applicant concerning a variance. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.
 7. Any variance or modification granted or denied shall be recorded in the minutes of the Town Board, acting as the Board of Adjustment,

and setting forth the reasons that justified the action. The order issued shall include the legal description of the property involved. The Zoning Administrator shall be responsible for the document recording requirements of this section and shall maintain records of the variance request.

8. In approving variances, the Town Board, acting as the Board of Adjustment, may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this Chapter.
9. All decisions of the Town Board, acting as the Board of Adjustment, in granting variances shall be final, except that any aggrieved person or persons shall have the right to appeal within thirty (30) days, after receipt of notice of the decision, to the District Court of Isanti County on questions of law and fact.
10. A variance shall automatically expire one (1) year from the date of issuance if the variance is not utilized. No application for a variance shall be resubmitted for a period of six (6) months from the date of an order of denial.
11. If necessary, an extension of a variance shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration date of the original variance. The request for an extension shall state facts showing a good faith attempt to utilize the variance in the allowed one (1) year. Upon receipt of a request for variance extension, the Zoning Administrator shall forward the request to the Town Board. The Town Board, acting as the Board of Adjustment, shall act to approve or deny the requested extension. No extension shall be for more than one (1) year, after which if the variance is not utilized, the variance shall automatically expire.

Section 16-75. Modifications and Exceptions.

- (a) State and Special District Consideration. It shall be the responsibility of the town to refer any preliminary plat to appropriate special districts or state agencies affected and involved, if any of the following circumstances exist:
 1. Items of regional or state significance are involved, such as regional parks, state highways, sewer extensions, or similar matters.
 2. Pollution (air, water, ground) may be a factor.

3. Airports, mass transit, schools, major employment centers, or similar considerations are involved.

- (b) Easements. All easements required for public purposes shall be provided at locations approved by the Town Board. Said easements may be for utilities, drainage, floodplain protection, lakeshore access, walking trails, etc. However, all easements other than utility and drainage easements must be transferred and recorded at the office of the County Recorder. No plat shall be approved that is inconsistent with local, county or regional utility plans.

Oversizing of utilities to provide future services for more intense development of the land or to provide future service to other areas may be required.

- (c) Land Division. In any case where the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development does not come within the definition of subdivision as defined by this Chapter, a description of such land division shall be filed with the Township Zoning Administrator.

- (d) Compliance with State Wetland Conservation Act. The subdivider shall provide proof of compliance with the State Wetland Conservation Act.

- (e) Enlargement of pre-existing parcels. The Zoning Administrator may approve a conveyance of a part of a parcel, the owner of an adjacent parcel, where the reduced parcel remains in compliance with the provisions of this Chapter. The conveyance (deed) shall contain the following language:

“This conveyance is made for the purpose of enlarging a pre-existing parcel; the parcel here conveyed shall not be deemed a buildable lot under the Athens Town Zoning Ordinance.” (Chapter 20)

To ensure compliance with this Chapter and Chapter 20, the Zoning Administrator may require that the conveyance of part of a parcel and the adjacent parcel be combined to form one parcel. The combination or consolidation shall be accomplished through the filing of an appropriate deed or contract for deed transferring interest in all of the parcels to be merged. The resulting single parcel shall be consolidated under one (1) tax parcel identification number if permitted by the County.

- (f) Lot Splits.

1. The Zoning Administrator may administratively approve applications for lot splits that do not require variances. An application form, along

with three (3) copies of a site sketch and the appropriate fee, as determined by the Town Board, must be submitted to the Zoning Administrator. In addition, if deemed necessary to determine compliance with Chapter standards, the Zoning Administrator may request a map or sketch, drawn to scale, or a survey, showing:

- a. Name and address, including telephone number, of the legal owner and/or agent of the property.
 - b. All contiguous property and all roads and their legal name.
 - c. Proposed new property lines with the dimensions noted.
 - d. Proposed driveway locations and the location of existing driveways on the same side of the road.
 - e. Location of any existing and proposed legal rights-of-way or public and private easements encumbering the property.
 - f. Proposed legal description of the parcel(s) to be subdivided.
 - g. Location, purpose, and dimensions of all buildings. Location shall note the distance of those buildings closest to property lines from the existing and proposed property lines.
 - h. Location of any existing tile lines, abandoned wells, drainage ways, waterways, watercourses, lakes, wetlands, and the top and toe of any bluffs present. When applicable, the ordinary high water level and the 100-year flood elevations shall be shown.
 - i. Location of a primary and an alternate site for individual sewage treatment systems with a copy of percolations tests and soil borings.
 - j. Location of all existing and proposed public or private easements.
2. The Zoning Administrator may require such revisions as are necessary to meet code requirements.
 3. The Zoning Administrator shall make a decision to approve or disapprove a requested lot split within ten (10) working days of submission of a complete application or may refer the application to the Town Board. The Zoning Administrator shall provide written notice of any such decision to the owner or subdivider.

4. Any decision of the Zoning Administrator, unless appealed, shall be the final decision of the Town.
 5. Any decision of the Zoning Administrator regarding lot splits may be appealed to the Town Board following transmission of a written notice of appeal that specifies the subject and grounds therefore. Such notice must be received by the Zoning Administrator within ten (10) days following the issuance of the order, requirement, decision or determination which is the subject of the appeal. The Zoning Administrator will forward the appeal to the Town Board.
 6. Upon appeal, the Town Board will take action to approve or deny lot split requests. The Zoning Administrator shall notify the owner and subdivider in writing of the Town Board's decision.
- (g) Conveyance to the Public. The subdivision regulations in this Chapter shall not apply to conveyances to the state, the county, or the town made for the purpose of widening, altering, or creating new roads, nor to conveyances of land upon which no buildings will be erected.
- (h) Transfer of Development Rights. Under current regional and County policies, the transfer of development rights is used to promote cluster development. The following standards apply to the transfer of development rights:
1. The property from which the transfer of development rights is taken and the property on which the transfers are used must be owned by the same person(s).
 2. The property from which the transfer of development rights is taken must have buildable sites that would be allowed under the density requirements of Chapter 20. The property from which the transfer is made cannot contain solely non-buildable area or already have the maximum buildable densities.
 3. Up to a maximum of eight (8) buildable parcels may be created within a quarter-quarter section, provided that the land is platted and the plat includes sufficient land from contiguous quarter-quarter sections to meet the overall density requirements. All of the land utilized for the purpose of meeting the density requirement shall be platted as an outlot or outlots and will not be eligible for further subdivision to create additional buildable parcels. This development restriction shall remain in effect until the density provisions of Chapter 20 are amended. Any new density increases shall also consider the transfers that have previously occurred in calculating the remaining allowable buildings.

4. For the purpose of the transfer of development rights, contiguous shall mean either sharing a common boundary, touching at quarter-quarter section corners or lying on opposite sides of a common road right-of-way.
5. When the transfer of development rights is employed, the lots must be created through platting as regulated by this Chapter.

Section 16-76 thru 16-90. **Reserved.**

Section 16-91. **Violations and Penalties.**

Any person who violates any of the provisions of this Chapter shall, upon conviction, be guilty of a misdemeanor. Each day of violation shall constitute a separate offense.

- (a) Injunctive Relief and Penalties. In the event of a violation of this Chapter, the Town may institute appropriate actions or proceedings, including bringing criminal charges, or seeking civil or injunctive relief, to prevent, restrain, correct or abate such violations. The Town in a civil action in any court of competent jurisdiction may recover all costs incurred for corrective action. Any violator of this Chapter shall be responsible for the Township's cost of prosecution, including attorneys' fees.
- (b) Repeal of Conflicting Ordinances. The Athens township Subdivision regulations adopted prior to this Chapter are hereby repealed in their entirety. Furthermore, all other ordinances in conflict with the provisions contained herein are hereby repealed to the extent necessary to give this Chapter full force and effect.