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**CHAPTER 16 SUBDIVISION REGULATIONS<sup>5</sup>****Article I: General Provisions.****Section 16-1. Purpose and Intent.**

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

- (a) Protect and provide for the public health, safety and general welfare of the Town.
- (b) Preserve land in tracts large enough for viable agricultural operations.
- (c) Protect and conserve the value of land throughout the Town, the value of buildings and improvements, and to minimize the conflicts of the uses of land and buildings.
- (d) To promote the development of an economically sound and stable community by preventing the subdivision or development of land that results in scattered or premature subdivision of land as would involve danger of injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services.
- (e) Encourage well-planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.
- (f) Place the cost of improvements against those benefiting from their construction.
- (g) Secure the rights of the public with respect to public lands and waters.
- (h) Prevent the pollution of air, streams, and lakes; to ensure the adequacy of drainage facilities; to protect underground water resources and to encourage the wise use and management of natural resources in order to preserve the integrity, stability and beauty of the Town.
- (i) To preserve the natural beauty and topography of the town and to ensure appropriate development with regard to these natural features.
- (j) To provide for open spaces through the most efficient design and layout of the land while preserving the density of land as established in this Chapter.

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<sup>5</sup> Adopted as Ordinance No. 2003- 01 on January 6, 2003.

- (k) Require new subdivisions to provide financial support for infrastructure improvements that are necessary to support new growth.

It is the intent of this Chapter to regulate the platting of land in Athens Township pursuant to Minn. Stat. Chapters 429, 462 and 471.

Section 16-2. **Jurisdiction.**

The regulations herein governing plats and the subdivision of land shall apply to all the area of Athens Township.

- (a) Application of this Chapter. All subdivisions of land resulting in lots of less than forty (40) acres within the jurisdiction of Athens Township shall be regulated by this Chapter and shall be platted in accordance with the provisions contained herein.
- (b) Compliance. No plat of any subdivision shall be recorded in the Isanti County Recorder's Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Chapter.
- (c) Permits. No permits shall be issued to allow construction of any building, structure, or improvement to the land or to any lot in a subdivision, as defined herein, until all requirements of this Chapter have been complied with.
- (d) Design Standards. All provisions in this Chapter shall be considered minimum requirements. Design features such as lot, block and street layout shall conform to the accepted standards. The Planning Commission and Town Board shall interpret standards of acceptable design.

Section 16-3. **Consistency with Other Controls.**

- (a) Subdivisions must conform to all official controls of Athens Township. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose.
- (b) In the shoreland areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with Township code can be provided for every lot.
- (c) Subdivisions that would create lots that require the use of holding tanks will not be approved.

Section 16-4. **Separability.**

If any part or provision of these regulations or the application of these regulations to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined to the part, provision, or application directly involved, and shall not affect or impair the validity of the remainder of these regulations or their application.

Section 16-5. **Rules and Definitions.**

Rules. The language contained in this Chapter shall be interpreted in accordance with the following rules of construction as applicable:

1. The singular includes the plural and the plural the singular.
2. The present includes the past and future tenses, and the future tenses includes the present tense.
3. The masculine gender includes the feminine and neutral genders.
4. Whenever a word or term defined hereinafter appears in this Chapter, its meaning shall be construed as set forth in such definition.
5. In the event of conflicting provisions, the more restrictive shall apply.
6. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirement for the promotion of health, safety and welfare.
7. The word “shall” is mandatory and not discretionary.

Definitions. For the purpose of this Chapter, certain words and terms shall have the following meanings:

Alley. A public right-of-way that affords a secondary means of access to abutting property and is not intended for general traffic circulation.

Block. A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Build Out Plan (Ghost Plat). A subdivision or resubdivision concept plan illustrating possible future lot layout, street networks, and utility systems for oversized lots, outlots, or undeveloped land within or adjoining a preliminary plat.

Buildable Land. Non-hydric land having a size and configuration capable of supporting principal and accessory buildings, with an approved domestic waste water treatment system and potable water system.

Building. Any structure having a roof that may provide shelter or enclosure of persons, animals, chattel, or property of any kind.

Building Line. A line parallel to the street right-of-way line, and ordinary high water level, if applicable, at its closest point to any story level of a building and representing the minimum distance which all or part of the building is set back from said right-of-way line, or ordinary high water level.

Capital Improvement Plan. An itemized program setting forth the schedule and details of specific contemplated public improvements by fiscal year, together with their estimated cost, the justification for each improvement, the impact that such improvements will have on the current operating expense of the government, and such other information on capital improvements as may be pertinent.

Certificate of Survey. A land survey prepared by a land surveyor registered in the State of Minnesota with a certification that the information on the land survey is accurate.

Cluster Development. A subdivision development planned and constructed so as to group housing units into patterns that make the most efficient use of the natural amenities of the land while providing a unified network of open space and wooded areas, and meeting the overall density regulations of Chapter 20 of this code.

Comprehensive Plan. Town policies, statements, goals and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps that constitute the guide for future development, as adopted by the Town Board, and amended from time to time as the Comprehensive Plan for Athens Township pursuant to Minn. Stat. Chapter 462.

Contiguous. 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.

Contour Map. A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Copy. A print or reproduction made from a tracing.

County. The County of Isanti.

Cul-de-sac. A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Design Standards. A set of guidelines defining the parameters to be followed in site and/or building design and development.

Development. The act of building structures and installing site improvements.

Easement. A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to, electric lines, telephone lines, storm sewer or storm drainage ways, and gas lines. An easement may be for either public or private use.

Escrow. The deposition of funds in an account maintained by the Town specifically for the purpose of ensuring fulfillment of certain obligations pursuant to this Chapter.

Final Plat. A drawing in final form, showing a proposed subdivision containing all information and detail required by state statutes and by this Chapter to be presented to the Town Board for approval, and which, if approved, may be duly filed with the County Recorder.

Financial Guarantee. A financial security consistent with Section 16.72 of this Chapter, posted with the Township with the approval of a final plat, guaranteeing compliance with the approved final plat, construction plans, and conditions of approval set forth by the Town.

Grade, Percentage of. The rise or fall of a street in feet and tenths of a foot for each one hundred (100) feet of horizontal distance measured at the centerline of the street.

Hardship. As used in connection with the granting of variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by official controls and the plight of the landowner is due to circumstances unique to his property, not created by the landowner. Economic considerations alone shall not constitute a hardship if reasonable use of the property exists under the terms of this Chapter.

Highway. Any public road, thoroughfare or vehicular right-of-way with a Federal or State numerical designation; any public thoroughfare or vehicular right-of-way with an Isanti County numerical route designation; any Township road.

Lot Split. The division of one (1) parcel of land into two (2) parcels, both of which meet all applicable Zoning Ordinance standards (Chapter 20 of this Code). Lot splits may be granted administratively pursuant to Section 16.75 of this Chapter. Subdivisions meeting the definition of a lot split need not comply with the procedures and standards of this Chapter, except as those procedures and standards specifically apply by their terms to an administrative lot split.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or

for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Outlot. A parcel of land, other than a lot or block, so designated on a plat or certified survey map, but not presently deemed buildable. An outlot may be conveyed regardless of whether it may be used as a building site but must be replatted according to the standards of this Chapter prior to development.

Owner. An individual, firm, association, syndicate, partnership, limited liability company, corporation, trust, or any other legal entity having a legal or equitable interest in a specific piece or parcel of land.

Parks and Playgrounds. Public lands and open spaces in Athens Township dedicated or reserved for recreation purposes.

Pedestrian Way. A public right-of-way across or within a block intended to be used by pedestrians.

Planning Commission. The Athens Township Planning Commission.

Plat. The drawing or map of a subdivision prepared for filing of record pursuant to Minn. Stat. Chap. 505, as may be amended from time to time.

Preliminary Plat. The preliminary map or drawing indicating the proposed layout of the subdivision or site plan to be submitted to the Planning Commission and Town Board for their consideration.

Preliminary Approval. Official action taken by a municipality on an application to create a subdivision that establishes the rights and obligations set forth in Minn. Stat. § 462.358 and the applicable subdivision regulations contained in this Chapter. In accordance with Minn. Stat. § 462.358, and unless otherwise specified in the applicable subdivision regulations, preliminary approval may be granted only following the review and approval of a preliminary plat or other map or drawing establishing without limitation the number, layout, and location of lots, tracts, blocks, and parcels to be created, location of streets, roads, utilities and facilities, park and drainage facilities, and lands to be dedicated for public use.

Protective (Restrictive) Covenants. Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values. Enforcement of protective covenants shall be by the parties involved, not the Town Board.

Resubdivision. A change in an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved for public use, or

any lot line or if it affects any map, or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-way. (1) A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses; (2) generally, the right of one to pass over the property of another.

Road. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, place or however otherwise designated.

Road, private. A roadway or strip of land reserved for the use of a limited number of persons or purposes, as distinguished from a publicly dedicated road.

Same Ownership. For the purposes of this Chapter as it relates to the subdivision of large tracts, contiguous parcels shall be considered in the same ownership when owned by: (1) the same individual, natural or legal persons or entities, including corporations, LLC's, partnerships or other legal entities; (2) an individual and another in joint tenancy, or as tenants in common, and either of said joint or common tenants owns the other lot in questions individually with another individual, and other lots are owned by one's spouse, parent, grandparents, sister or spouse of the brother or sister of such person; and (3) when any of said lots, tracts, or parcels are owned by an individual and other lots, tracts, or parcels are owned by the corporation in which said individual is an officer or director or controlling stockholder.

Sight Distance Triangle. A triangular-shaped portion of land established at street intersections in which there are restrictions on things erected, placed or planted that would limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sketch Plan. An informal concept map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Street. A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial parkway, throughway road, avenue, lane, place or however otherwise designated.

Street Width. For the purpose of this Chapter, the shortest distance between the lines delineating the right-of-way.

Subdivider. An individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest in land

sought to be subdivided to commence and maintain proceedings to subdivide the same under this Chapter.

Subdivision. The division of a parcel of land after the effective date of this Chapter into two or more parcels. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. If construction or development of a new street, road, or highway is involved, any division of a parcel of land shall be considered a subdivision. If a subdivision meets the definition of a lot split, the parcel may be divided administratively and without Planning Commission or Town Board approval as set forth herein.

Town Board. The Athens Township Board of Supervisors.

Town Engineer. An engineer hired by the Town to review and analyze subdivision, resubdivision and lot split applications for consistency with Town standards and requirements.

Variance. Written approval waiving the minimum dimensional requirements of this Chapter.

Zoning Ordinance. The Town of Athens Zoning Ordinance No. 99-10, as may be amended, and as embodied in Chapter 20 of the Town Code, regulating the use of land within all areas of Athens Township.

Section 16-6 thru 16-10.      **Reserved.**