

Avon Township Subdivision Ordinance

ARTICLE 1: GENERAL PROVISIONS

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- 100** **Title.** This Ordinance shall be known, cited and referred to as the "Avon Township Subdivision Ordinance."
- 101** **Statutory Authorization.** This Ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 462, or successor statutes.
- 102** **Adoption of Stearns County Subdivision Ordinance by Reference.** The provisions of the Stearns County Subdivision Ordinance (Ordinance 230) are hereby adopted by reference and made a part of this ordinance to the extent they are not inconsistent with the Avon Township Subdivision Ordinance. In the event of any conflict between the Avon Township Subdivision Ordinance and the Stearns County Subdivision Ordinance, the more restrictive provision shall apply.
- 103** **Statement of Purpose.** The purpose of this Ordinance is to:
- A. Regulate the subdivision of land in Avon Township.
 - B. Protect and provide for the public health, safety and general welfare of Avon Township.
 - C. Promote and provide for the orderly, economic and sound development of all land within Avon Township.
 - D. Establish reasonable design standards and procedures for subdivision and ensure proper legal descriptions and monumenting of subdivided land.

- E. Guide development in order to provide adequate sewer, water, parks and other public services.
- F. Safeguard ground water supplies and prevent pollution in order to preserve the value of land.
- G. Protect the social and economic stability of the Township through orderly development.
- H. Protect the natural beauty and topography of the Township and ensure appropriate development with regard to these natural features.
- I. Encourage the wise use and management of natural resources throughout the Township, including protecting areas of environmental and cultural significance, and preventing erosion and providing for adequate drainage and storm water retention.

104 **Policies.** The following shall be understood for any land being subdivided in Avon Township:

- A. The uncontrolled development and subdivision of property in Avon Township affects the public health, safety and general welfare not only by impairing significant natural resources and contributing to the pollution of ground and surface waters, but also by impairing the local tax base. It is therefore in the best interests of the public health, safety and welfare to provide for the wise subdivision of property in the Township.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to the public health, safety and general welfare. Land shall not be subdivided unless proper provisions have been made for drainage, water, wastewater and other necessary improvements. The harmful effects of erosion and sedimentation shall be minimized through the retention of existing vegetation, minimization of development on steep slopes and the promotion of erosion control measures during all phases of construction.
- C. It is the responsibility of Avon Township to conserve, protect and enhance areas and features of environmental and cultural significance for the present and future health, safety and general welfare of the Township's population. The Township's natural resources and environmentally distinctive features are an important part of the strength and well-being of the community. It is the policy of the Township to maintain these characteristics when creating new residential communities through the subdivision process by directing residential development to those areas of the property more suitable for such

development, while still providing an equitable economic return for the development. These goals shall be accomplished through a review of the important environmental resources identified as part of the subdivision process, and by requiring Open Space Development where appropriate. Approved subdivisions should create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.

- D. Each lot created through the subdivision process shall be suitable in its natural state for the proposed use, with only minimal alteration. Analysis of lot suitability shall consider potential flooding, existence of wetlands, soil and rock formations limiting development, erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near shore aquatic conditions, fish and wildlife habitat, native plant communities and rare species, significant historic sites or any other feature of the natural land whereby an impact thereto is likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the Township.

- 105 Compliance.** The subdivision of all land within Avon Township shall be subject to the provisions of this Ordinance.
- 106 Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in accordance with the underlying policies of the Township and shall not be deemed a limitation or repeal of any other powers granted by State Statute.
- 107 Severability.** If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- 108 Fees.** To defray the administrative costs of processing requests of this Ordinance, a fee not exceeding the administrative costs shall be paid by the applicant. Such fees shall be determined by the Township Board of Supervisors by ordinance.
- 109 Enforcement.** This Ordinance shall be enforced as provided for in the Stearns County Subdivision Ordinance.
- 110 Effective Date.** This Ordinance shall be effective on _____, 2006.

ARTICLE 2: DEFINITIONS

Section 200 Usage

Section 201 Words and Terms Defined

200. Usage. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.

201. Words and Terms Defined. Unless another meaning is provided for in this Section 201 or is otherwise clearly indicated within this Ordinance all words shall have the same definition as Stearns County Ordinance 230 and Stearns County Ordinance 209.

- A. Density Bonus. An allowed increase in residential dwellings dependent upon the type of residential subdivision method utilized.
- B. Open Space Development. A pattern of subdivision that concentrates buildings on one part of the site to allow the remaining land to be devoted to open space as further described in Stearns County Ordinance No. 209.
- C. Resource Assessment Map (RAM). A site inventory depicting all of the special or noteworthy elements of the natural and cultural landscape. Such elements include shore land, wetlands and floodplains, slopes, soils, woodlands, wildlife habitats, farmland, ground water recharge areas, views into and out from the site, historic, archaeological and cultural features.
- D. Resource Impact and Conservation Plan. Categorizes the impacts of the proposed activities, physical alterations and conservation of those resources shown on the RAM. All proposed improvements, including but not necessarily limited to grading, fill, streets, buildings, utilities, and storm water detention facilities as proposed in the sketch plan should be taken into account when preparing the sketch plan.
- E. Through lot. A lot having front and rear yards each abutting on a street.

ARTICLE 3: SUBDIVISION PROCESS AND PROCEDURE

- Section 300 Plat Application Process
- Section 301 Pre-Application Procedure
- Section 302 Resource Assessment Map
- Section 303 Areas of Environmental or Cultural Significance
- Section 304 Site Visit
- Section 305 Open Space Development
- Section 306 Sketch Plan
- Section 307 Township Pre-Application Meeting
- Section 308 Stearns County Pre-Application Meeting
- Section 309 Preliminary Plat Application
- Section 310 Development Plans
- Section 311 Performance and Design Standards
- Section 313 Development Agreement

- 300 Plat Application Process.** The following plat approval process shall be followed for any subdivision that does not meet the standards necessary to qualify as an administrative subdivision as provided in the Stearns County Subdivision Ordinance (Ordinance 230). Applications for administrative subdivisions shall be processed as provided for in Section 4 of the Stearns County Subdivision Ordinance, or its successor ordinance.
- 301 Pre-Application Procedure.** Prior to the preparation of the preliminary plat and the submission of an application, the applicant shall prepare a Resource Assessment Map and Sketch Plan and shall review those documents with the Township Planning Commission and Stearns County as specified in this Article 3.
- 302 Resource Assessment Map (RAM).** The subdivider shall prepare a Resource Assessment Map (RAM) in accordance with this Section 302 prior to submitting an application. The intent of the RAM is to provide the applicant and the Township with a comprehensive analysis of the existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from government agencies and from aerial photographs. The RAM must, at a minimum, include the following information and requirements.
1. The RAM shall be prepared at a scale of 1 inch = 20 feet and include a north directional arrow.
 2. An aerial photograph enlarged to a scale not less than 1 inch = 400 feet, with the site boundaries clearly marked.

3. Topography, contour lines of which shall generally be at ten (10) foot intervals.
4. Vegetation cover conditions on the property according to general cover type, including cultivated land, permanent grassland, meadows, hedgerows, wetlands, hardwood trees with a diameter of 15 inches or greater and the actual canopy line of trees and woodlands.
5. Ridgelines and watershed boundaries shall be identified.
6. Visually significant aspects of the property, including views outward from the potential building sites and views inward from the public.
7. All existing human-made features, including but not limited to streets, driveways, farm roads, timber roads, buildings and foundations, walls, wells, drain fields, dumps, towers, feed lots, gravel pits and utilities.
8. Locations of all historically significant sites and structures on the property, including, but not limited to, stonewalls, earthworks, and gravesites.
9. Locations of trails that have been in public use.
10. Identification of Stearns County Geological Survey support documentation not limited to water tables, soil types and ground water permeability.
11. Identification of Stearns County Biological Survey Overlay.

303 Areas of Environmental or Cultural Significance. When the RAM is completed, the subdivider shall submit six (6) copies of the RAM to the Planning Commission for review and consideration. The Planning Commission shall, at a public hearing, review the RAM for compliance and shall make specific findings as to whether any of the following areas of environmental or cultural significance are present on the property to be subdivided:

1. Surface waters designated by the State of Minnesota as a public water, including rivers, lakes, streams, shorelands or public drainage areas.
2. Floodplains.
3. Stormwater management areas.
4. Wetlands, as defined by the Minnesota Wetland Conservation Act.

5. Rock outcroppings.
6. Steep slopes (those over 20% as measured over a distance of at least 50 feet).
7. Forests and woodlands, including areas of oak savannah, hardwood forest, floodplain forest, aspen woodland, oak woodland, and tamarack swamp.
8. Wildlife or riparian corridors.
9. Habitats for state or federal listed endangered or threatened species.
10. Areas of rare or unique native vegetation, including oak savannahs, prairies and prairie wetlands.

304 **Site Visit.** The Planning Commission may schedule a site visit as part of its review and consideration of the RAM. The purpose of the site visit is to confirm that all features on the property have been identified on the RAM, to familiarize the Planning Commission with the property's existing conditions and special features, to allow the Planning Commission to identify potential site design issues including the general layout, open space, set-aside, potential building sites and street alignments. No official determinations shall be made at the site visit. After the site visit, the subdivider may request that the Planning Commission meet to discuss issues identified so that the subdivider may receive input prior to submission of the preliminary plat application.

305 **Open Space Development.** If the Planning Commission determines that one or more of the areas of environmental or cultural significance listed in Section 303 are present on the property to be subdivided, the subdivider shall be required to develop the property as an Open Space Development, as defined and provided for in the Stearns County Subdivision Ordinance. If an Open Space Development is required under this Ordinance the property may only be developed by using an Open Space Development Method which permanently preserves as much of the culturally and/or environmentally significant resources identified in the RAM as is reasonably possible given the goals and requirements of this Ordinance. The Planning Commission may recommend that the Board of Supervisors waive the requirement for Open Space Development if it makes specific findings that the areas of environmental or cultural significance on the property are so limited, either in terms of size or value, that the areas are not a significant feature on the property, or that traditional development will not interfere with or adversely affect areas of environmental or cultural significance.

The intent of the Township in requiring an Open Space Development is to protect, conserve and enhance culturally or environmentally significant areas and to provide for an opportunity for equitable economic return in consideration for protecting the culturally or environmentally significant areas. Allowing flexibility in design is crucial in both regards and the Township and the subdivider shall work toward creating a subdivision plat that meets the goals of both the Township and the subdivider. In developing and reviewing Open Space Development Plans, the Township shall be guided by the following protections and goals:

1. Maximizing the protection of the function and value of environmentally sensitive/significant areas.
2. Providing an opportunity for an equitable economic return for the proposed development.
3. Maintaining viable wildlife and riparian corridors, rare species and connections between environmentally sensitive areas.
4. Protecting larger environmentally sensitive areas so as to maximize sustainability and minimize fragmentation.
5. Providing adequate buffer areas so as to maintain the health and viability of environmentally sensitive areas and minimizing any impacts of construction.

306 **Sketch Plan.** After the Planning Commission has approved the RAM and has determined whether an Open Space Development shall be required for the property to be subdivided, the subdivider shall prepare a Sketch Plan of the proposed subdivision in accordance with this Section 306 prior to submitting an application and preliminary plat. The intent of the Sketch Plan is to help the subdivider and Township officials develop a better understanding of the property and to help establish an overall design approach that respects the land's special or noteworthy features while providing for the density permitted under the zoning ordinance, and any density bonus allowed as part of an Open Space Development. In developing the Sketch Plan, the subdivider shall consider the information contained in the Resource Assessment Map (RAM) and the environmentally sensitive areas to be preserved.

- A. Sketch Plan requirements.** The Sketch Plan shall include the following information and requirements.
- a. Graphic scale (not greater than 1 inch=20 feet) and the north arrow, for map orientation;

- b. Approximate tract boundaries, sufficient to locate the tract on a map of the Township;
- c. Location map, within Avon Township;
- d. Zoning district;
- e. Streets on and adjacent to the tract (both existing and proposed);
- f. 100 year floodplain limits, and approximate location of wetlands, if any;
- g. Topographic, physical, and cultural features including fields, pastures, meadows, wooded areas, trees with a diameter of 15 inches or more, hedgerows, and other significant vegetation, steep slopes (over 20%), rock outcroppings, soil types, ponds, ditches, dumps, storage tanks, streams within 200 feet of the tract, existing rights-of-way and easements, and cultural features such as all structures, foundations, walls, wells, trails, abandoned roads and Towers;
- h. Schematic layout indicating a general concept for land conservation and development, delineating open spaces;
- i. Proposed general street, lot and building site layout;
- j. In the case of non-residential development plans, proposed location of buildings and major structures, parking areas, and other improvements; and
- k. General description of proposed method of water supply, sewage disposal, and storm-water management.

B. Sketch Plan Layers. All Sketch Plans shall be drafted so as to demonstrate on separate maps, in a layered format, the layout of the proposed greenways, set-asides, home sites, streets and lot lines, as described below. The Sketch Plan shall include four (4) separate maps, depicting each of the following layers:

1. Delineation of Set-Aside. For Cluster Developments the land to be set-aside for future development shall be calculated by the applicant and shown on the Sketch Plan in accordance with the provisions of this Ordinance and the Stearns County Zoning Ordinance (Ordinance 209). The set-aside for Open Space Developments shall be calculated

by the applicant and submitted as part of the Sketch Plan in accordance with the provisions of this Ordinance and the Stearns County Zoning Ordinance (Ordinance 209). The proposed set-aside for Open Space Developments shall be designated using the RAM as a base map and shall attempt to conserve those areas of highest resource significance.

2. Location of Home Sites. Potential home sites shall be tentatively located using the proposed set-aside as a base map as well as other relevant data on the RAM, such as topography and soils. Locations must consider the potential negative impacts of the residential development on sensitive areas identified in the RAM as well as the positive benefits of such locations to provide attractive views and visual settings for the residences. Home sites shall be located in such a manner that the maximum number of trees will be preserved.
3. Alignment of Streets. After locating the home sites, a street plan shall be designed to provide vehicular access to each home site, bearing a logical relationship to the topographical conditions. Impacts of the street plan on the greenways shall be minimized, particularly with respect to crossing environmentally sensitive areas, such as wetlands and traversing slopes exceeding 15%. Street connections shall generally be encouraged to minimize cul-de-sacs to be maintained by the Township and to facilitate access to and from homes in different parts of the tract and adjoining parcels (See Appendix A).
4. Lot Lines. Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of the individual building sites. Clearly the most significant aspect of the process, from the viewpoint of future residents, is how each building site relates to the set-aside, other building sites, and to the street system. In the moderate and concentrated growth area, lots greater than 1 acre should place the dwelling so that if services become available the lots may be further subdivided.

307 Township Pre-Application Meeting. A pre-application meeting with the Planning Commission shall be required for all subdivisions. The intent of the pre-application meeting is to review all applicable laws, rules, ordinances, policies and procedures that are relative to the platting process. The applicant shall submit six (6) copies of the RAM and six (6) copies of the Sketch Plan to the Township no less than ten (10) days before the pre-application meeting. In addition to reviewing the RAM and Sketch Plan, the following items shall be discussed and/or reviewed at the pre-application meeting:

1. Existing property lines and property lines extending 100 feet from the exterior boundaries of the property to be subdivided.
2. Existing public and private roads, widths of the roads and any associated easements.
3. Location and size of any abandoned wells, sewage treatment systems and dumps.
4. Existing buildings and any impervious surface.
5. Determine the type of contour interval needed. A contour map of surrounding properties may be required if deemed necessary.
6. Existing vegetation (list type and percent of coverage, i.e. grassland, plowed field, wooded areas, etc.).
7. The location(s) of any animal feedlot within 850 feet of the plat boundary.
8. Waterways, watercourses, lakes and public water wetlands, including potential development impacts.
9. Review of National Wetland Inventory mapped wetlands.
10. The 100 year floodplain elevation and Regulatory Flood Protection Elevation, if available.
11. The Shoreland District Boundary, if any portion of the plat is in shoreland.
12. The soils in the area to be platted, including highly erodable soils, water table and steep slope information. Areas with soils that may present problems for development shall be outlined. The Stearns County Soil Survey may be used for this information.
13. Parcel number(s).
14. Potential storm water management issues.
15. The Stearns County Biological Survey.
16. The relationship of the proposed plat to existing and/or proposed Town roads and County and State highways.

308 Stearns County Pre-Application Meeting. In accordance with the Stearns County Subdivision Ordinance, a pre-application meeting with Stearns County Environmental Services shall be required for all subdivisions. The Stearns County pre-application meeting shall be scheduled only after the Township pre-application meeting has been held, and shall be attended by the applicant, or the applicant's designated representative, and a representative designated by the Township. The purpose of the Stearns County pre-application meeting is to inform the County of the proposed development and review the applicant's density eligibility and development options.

309 Preliminary Plat Application. After completion of the procedures specified in this Article 3, the owner or subdivider shall file an application for preliminary plat approval in accordance with the approved RAM and Open Space Development determination. The application and preliminary plat shall thereafter be processed as provided for in the Stearns County Subdivision Ordinance (Ordinance 230). The application shall consist of the following documents:

1. A completed application form and documents demonstrating sufficient ownership or control of the property being platted.
2. Six (6) copies of the Preliminary Plat, plus any additional copies deemed necessary by the Township, and one (1) reproducible copy reduced to 11" x 17" or equivalent and acceptable electronic format.
3. Six (6) copies of the RAM.
4. Six (6) copies of the Development Plans, as specified in Section 310.
5. The application shall be accompanied by all fees required by applicable ordinances.

310 Development Plans. Along with the preliminary plat, the Developer must submit to the Township the following plans (collectively referred to as "Development Plans") for review and approval by the Town Board after review and comment by the Planning Commission:

1. Phasing Plan. All phasing of development work should be shown as part of the Development Plans including timing for each phase of work to be completed.
2. Grading, Excavation, and Storm Water Plan. A Grading and Excavation Plan which shows all earth work, grading and excavation work anticipated as part of the development of the property. The plan must include drainage and storm water control plans for the property (including details of holding ponds,

storm sewers (if applicable), and other drainage ways). The plan must include measures that will be taken to preserve and protect adjacent woodlands, native grasses, fields, and other significant vegetation or site features. Measures which may be required by the Township may include, without limitation, temporary fencing to be maintained at all times during construction, erosion control measures, utility trenching standards, requirements that woody vegetation root disturbance is minimized (i.e. requiring that all disturbed roots be cleanly cut and covered as soon as possible).

3. Utilities Plan. A plan showing all utilities (if any) to be installed, including any common septic systems and community water systems.
4. Improvements Plan. The Improvements Plan must show all roadway and other improvements to be completed on the property and must include detail sufficient to demonstrate that the Improvements Plan meets the specifications established by the Township for roadway design.
5. Landscape Plan. The Landscape Plan shall show all landscaping to be completed on the property. The landscape plan shall provide for the addition of trees, shrubs, and groundcovers or grasses that achieve the following objectives:
 - a. Establish naturalized woodland and/or prairie areas in large spaces.
 - b. Establish naturalized areas around storm water ponds.
 - c. Establish naturalized woodland areas at the edges of subdivisions, particularly in areas of land use changes or where the subdivision abuts a major roadway, utility line or railroad.
 - d. Establish rain gardens to facilitate the management of storm water runoff.
6. Vegetation Preservation and Protection Plan. A Vegetation Preservation and Protection Plan must include a survey completed by a qualified person, which identifies existing tree coverage on the property in terms of numbers of trees, type, size, maturity, vigor, density, spacing, weakness, potential for hazard, and disease. The Vegetation Preservation and Protection Plan must show all trees and significant vegetation to be removed and those trees and areas of significant vegetation which will remain on the property. The Vegetation Preservation and Protection Plan should be used in conjunction with the Landscape Plan to ensure preservation where possible as well as the ability to use additional plantings to supplement existing trees and vegetation when necessary.

311 Performance and Design Standards. The Preliminary Plat shall conform in all respects to the standards and requirements set forth in the Stearns County Subdivision Ordinance, including, but not limited to, the plat design standards specified in Section 8 of the Stearns County Subdivision Ordinance. The Preliminary Plat shall also conform to the following performance and design standards, which are in addition to and/or more restrictive than the requirements of the Stearns County Subdivision Ordinance.

1. Views of building sites from external roads and abutting properties and bluff impacts shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping, as shown on the landscaping plan.
2. Unless necessary to provide access to a lot, building sites shall only be accessed from interior streets rather than from roads bordering the property.
3. At least 75 % of the lots shall directly abut or face open areas. Open areas must be internal to the development or containing a development restriction by covenant in favor of the property being developed. Open areas for purposes of this requirement includes property dedicated as park, Open Space (meeting the requirements of the Stearns County Zoning and Subdivision Ordinances), or a conservation area restricted from development by easement or dedication.
4. Building sites with Through Lots shall be landscaped with a buffer (vegetative or otherwise) to help define and screen the neighborhood.
5. Water supply, sewage disposal systems and storm water retention/detention areas shall be designed and landscaped to provide an aesthetic amenity to the neighborhood. Where practical, these features should be located with street frontage for use as an integral part of the greenway.
6. Above ground utility and street right of ways shall not count toward the minimum required set-aside.
7. Greenways may be connected with a trail system within the Township or County.
8. Hard impervious surfaces are to be limited in scale to minimize storm water run.

9. Except in instances where lots are sized to efficiently allow for the installation of future municipal water and/or sewer services, Lot size and building placement should allow for potential sub division of each lot to accommodate and offset future municipal services as they become available.

312 Open Space Protection. Open Space shall be protected, used, owned and maintained as specified in the Stearns County Zoning Ordinance (Ordinance 209). In addition, Open Space shall be protected in a manner which provides permanent protection in a manner acceptable to the Township.

313 Development Agreement. All applicants will be required to execute a development agreement with the Township (the "Development Agreement") which contains conditions applicable to the subdivision, the installation of improvements and other matters as may be required by the Township. The Development Agreement shall include, without limitation, the requirement that applicant provide financial assurance to guaranty the completion of all improvements proposed in the improvement plan and otherwise required by the Township as a condition of their approval of the plat. All costs (including Township consultant and attorney's fees) associated with the review of applicant's proposed subdivision application materials, review of applicant's improvement plans, negotiating and drafting of the Development Agreement, monitoring and inspections of improvements and enforcement of the obligations of applicant with regard to the subdivision and Development Agreement. The financial assurances required by the Township shall be based upon 1.25 times the estimated costs of the improvements required by the Development Agreement. In addition, the Township may require a cash deposit with an application for subdivision to cover consultant costs during the application review and drafting of the Development Agreement.

Passed by the Avon Town Board this _____ day of _____, 2006.

Avon Township Chairperson

ATTEST:

Avon Township Clerk