

ORDINANCE NO. 2011 - 2

**SUBDIVISION ORDINANCE OF HAVEN TOWNSHIP
FOR THE AREA DEFINED IN THE OCTOBER 18, 2010
ORDERLY ANNEXATION AGREEMENT BETWEEN
HAVEN TOWNSHIP AND THE CITY OF
ST. CLOUD**

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN THE ORDERLY ANNEXATION AGREEMENT OF HAVEN TOWNSHIP AS DEFINED BY THE OCTOBER 18, 2010 ORDERLY ANNEXATION AGREEMENT BETWEEN HAVEN TOWNSHIP AND THE CITY OF ST. CLOUD, DEFINING CERTAIN TERMS USED HEREIN, PROVIDING FOR THE PREPARATION OF PLATS; PROVIDING FOR THE INSTALLATION OF STREETS, ROADS AND OTHER IMPROVEMENTS; ESTABLISHING PROCEDURES FOR THE APPROVAL AND THE RECORDING OF PLATS; AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

SECTION 1 - PURPOSE AND INTENT

This Ordinance is enacted for the following purposes: to promote the health, safety, morals and general welfare within the area of Haven Township defined in the October 18, 2010 Orderly Annexation Agreement between Haven Township and the City of St. Cloud by lessening congestion in the public rights-of-way, securing safety from fire, panic and other dangers; facilitating the adequate provision of water, sewerage and other public requirements; conserving the value of properties and encouraging the most appropriate use of land; and, pursuant to "an act authorizing county planning and zoning activities, establishing a Board of Adjustment and authorizing the enactment of official controls" passed by the Legislature of the State of Minnesota.

SECTION 2 - TITLE

This Ordinance shall be known and may be cited and referred to as the “Haven Township Subdivision Ordinance for the Orderly Annexation Agreement area defined by the October 18, 2010 Orderly Annexation Agreement between Haven Township and the City of St. Cloud” when referred to herein, it shall be known as “this Ordinance”.

FINAL

SECTION 3 - VALIDITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

FINAL

SECTION 4 - JURISDICTION, SCOPE, AND INTERPRETATION

Subdivision 1: Jurisdiction

The jurisdiction of this Ordinance shall apply to the area of Haven Township defined in the October 18, 2010 Orderly Annexation Agreement between Haven Township and the City of St. Cloud.

Subdivision 2: Scope

From and after the effective date of this Ordinance, any plat or Subdivision of land within the jurisdiction of this Ordinance shall be prepared, presented for approval, and recorded as prescribed herein. The regulations contained in this Ordinance shall apply to the subdivision of a lot, tract, or parcel of land into two or more lots. Division of land into tracts larger than the minimum unplatted lot size required by the Haven Township Zoning Ordinance shall be exempt from the requirements of this Ordinance.

Subdivision 3: Compliance

Before any plat shall be recorded or be of any validity, it shall be approved in the manner prescribed by this Ordinance. All plats, and all other required submissions, shall be submitted to the Town Zoning Administrator for final review within one year of the date the plat received final approval from the Haven Township Board. All prerequisites to Town Zoning Administrator review shall have been completed prior to submission to the Town Zoning Administrator. The Town Zoning Administrator may not sign a plat that has first been submitted for final review after the one-year date. Once the plat has been signed by the Town Zoning Administrator, the applicant shall file it with the County Recorder within fifteen (15) days. If the plat has not been submitted to the Town Zoning Administrator for final review within the required one year period, the Town Zoning Administrator may refuse to sign the plat, shall advise the applicant in writing of the same, and the plat approval shall be void. If the Town Zoning Administrator refuses to sign the plat, the applicant may submit a new application for the proposed subdivision platting. Incomplete applications shall be considered denied six (6) months from the date of the application if the proposal has not obtained the required approvals. The Zoning Administrator

may grant one 6-month extension if the Zoning Administrator determines that continuous progress has been made to keep the application moving toward approval.

Subdivision 4: Building Permits

No building permits shall be issued by Sherburne County for the 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 Ordinance have been complied with.

Subdivision 5: Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling where provisions of this Ordinance and the provisions of the Haven Township Zoning Ordinance, or any other Haven Township Ordinance conflict or overlap, the more restrictive shall apply.

Subdivision 6: Lots of Record

All lots which are a part of a subdivision and assigned a P.I.D. number by the Sherburne County Auditor, and legally recorded with the County Recorder/Registrar of Titles and lot or lots described by metes and bounds to which a P.I.D. number has been assigned by the Sherburne County Auditor and, the deed to which has been recorded in the Office of the County Recorder/Registrar of Titles prior to July 5, 1994, shall be considered to be Lots of Record. Such lots may be considered a building site if they were created compliant with official controls in effect at the time and the sewage treatment and setback requirements of this ordinance are met.

Subdivision 7: Roads

Under no circumstances is Haven Township required to accept any new roads in any plat or otherwise.

Subdivision 8: Park Fee

A Park Fee shall be paid for each plat and lot, unless waived by this Ordinance or the Town Board.

SECTION 5 - DEFINITIONS AND RULES OF LANGUAGE CONSTRUCTION

Subdivision 1: Rules of Language Construction

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. Words used in the present tense shall include the future; words in the singular shall include the plural; and the words "shall" and "must" are mandatory and not discretionary. Unless otherwise specified, all distances shall be measured horizontally and in feet. Nothing in these definitions gives anyone a substantive right not explicitly provided for elsewhere in this Ordinance.

Subdivision 2: Definitions

Accessory Use or Structure: A use or structure on the same lot with, and, of a nature customarily incidental and subordinate to, the principal use or structure.

Agriculture: See Minnesota Statutes Section 17.81, Subdivisions 3 and 4. May also include animal husbandry, tree nurseries, and orchards. The cultivation of soil for crops with the intention of making cash profit.

Agricultural Building: A structure used for agricultural purposes as defined in the Minnesota State Building Code.

Automobile or Trailer Sales Lot: An open area other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

Block: An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

Bluff Impact Zone: A bluff and land located within 20 feet from the top of a bluff.

Bluff: (In Mississippi Scenic River District): Considered a slope on any slope greater than 13% (13 feet vertical rise in 100' horizontal distance).

Board of Adjustment: Haven Town Board of Adjustment as appointed by the Haven Town Board.

Buffer: The use of land, topography (differences in elevation), space, fences, or landscape plantings to screen or partially screen a tract of property from another tract or property and thus reduce undesirable influences such as sight, noise, dust and other external effects which a land use may have upon other adjacent or nearby land uses.

Building Line: An imaginary line on a development site corresponding with the series of points where an exterior building wall meets the grade of the earth.

Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

Building Official: Sherburne County Building Official.

Business: Any occupation, employment, or enterprise wherein merchandise is exhibited or sold or rented, or which occupies time, attention, labor, or materials, or where services are offered for compensation.

Business Sign: A sign which only pertains to the use of the premise on which it is located.

Commercial Use: The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Comprehensive Plan: Unless otherwise stated, it is the general plan for land use, transportation, and community facilities prepared and maintained by the Town.

Conservation Easement: A non-possessory interest in real estate property as defined by Minnesota Statute 84.64, Subdivision 2.

County: Sherburne County.

Developer's Agreement: A document signed by the subdivider and the Town Board providing financial guarantees and standards for the construction, inspection and acceptance of newly dedicated town roads and other improvements. This does not require the Haven Town Board to accept any roads.

Directional Sign: A sign erected on private property for the purpose of directing pedestrian or vehicular traffic onto or about the property upon which such sign is located, including signs marking entrances and exits, circulation direction, parking areas, and pickup and delivery areas, which does not display advertising copy.

District: A section or sections of Haven Township for which the provisions of the Zoning Ordinance are uniform.

Dwelling Single-Family: A detached building designed for and occupied by not more than one family. Recreational vehicles and travel trailers are not considered Dwellings.

Dwelling Unit: A building or portion of a building including kitchen facilities permanently installed which are arranged, designed, used or intended for use as living quarters for one household.

Dwelling, Detached: A dwelling, including its attached garage, if any, which is entirely surrounded by open space on the same lot.

Dwelling, Multiple-Family: A building designed for or occupied by more than two families.

Easements: 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, sanitary sewers, watermains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

Equal Degree of Encroachment: A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Erosion Control: Sherburne County Stormwater Management and Erosion Control Ordinance and Regulations.

Essential Services: Overhead or underground electrical, gas, steam or water transmission or distribution systems and structures, used by public utilities, rural electric cooperatives or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings for the purpose of this ordinance and work. "Building" does not include "structure" for essential services.

Excavation: The extraction of sand, gravel, rock, soil or other material from the land. Excavation shall not include the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats or utility highway construction or minor agricultural and sod removal.

Fee Schedule: Fee Schedule as approved from time to time by the Town Board.

Final Plat: A drawing or map of a subdivision, meeting all requirements of Sherburne County.

Flood: A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood Frequency: The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe: That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Sherburne County for the purposes of recording.

Flood Plain: The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Flood Plain District: Sherburne County Flood Plain District.

Flood-Proofing : A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway: The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge as determined by FEMA and designated on the flood maps.

Forest Land Conversion: The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Forestry: The use and management, including logging of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, and fences.

Frontage: All the property fronting on one side of a street, measured along such street, between an intersecting street and another intersecting street, a right-of-way, waterway, end of a dead-end street, or municipal boundary. The Zoning Administrator shall determine the frontage on a corner lot, or other lot bordered by two or more streets.

Hardship: See definition in Minnesota Statutes Chapter 462.

Height of Building: The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

Home Occupation: Any occupation which is clearly incidental to the principal use of the home as a single family dwelling unit, is conducted within the dwelling, is conducted by a resident occupant, and does not change the character of the principal use.

Hotel: A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house as herein defined. A hotel has more than six guest rooms.

Household: Any number of individuals living together on the premises as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel as defined herein.

Impervious Surface: A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, storage areas, and concrete, asphalt or gravel driveways.

Industrial Use: The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Intensive Vegetation Clearing: The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Interim Use: A temporary use of property until a particular date, until the occurrence of a particular event, until zoning regulations no longer permit it, or until the land occupation of the interim use changes ownership.

Light Industry: The processing or fabrication of certain materials or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.

Local Street: A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

Lot: A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plot, or other accepted means, and separated from other parcels or portions by that description for the purpose of sale, lease or separation. A lot must be situated and have its principal frontage on a public street.

Lot of Record: All lots which are a part of a subdivision legally assigned a P.I.D. number by the County Auditor, and recorded with the County Recorder/Registrar of Title and lots described by metes and bounds, the deed to which has been recorded in the Office of the County Recorder/Registrar of Title prior to the passage of this ordinance, shall be considered to be Lots of Record. Such lots may be considered a building site if they were created compliant with official controls in effect at the time, meet the County sewage treatment rules and meet all setback requirements of this Ordinance.

Lot, Corner: A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

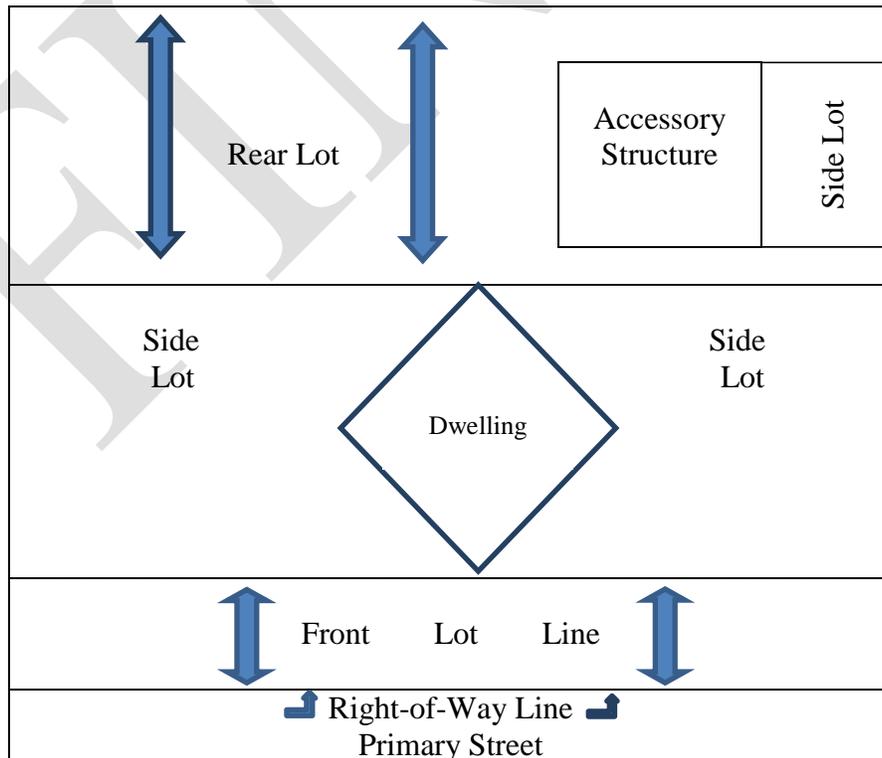
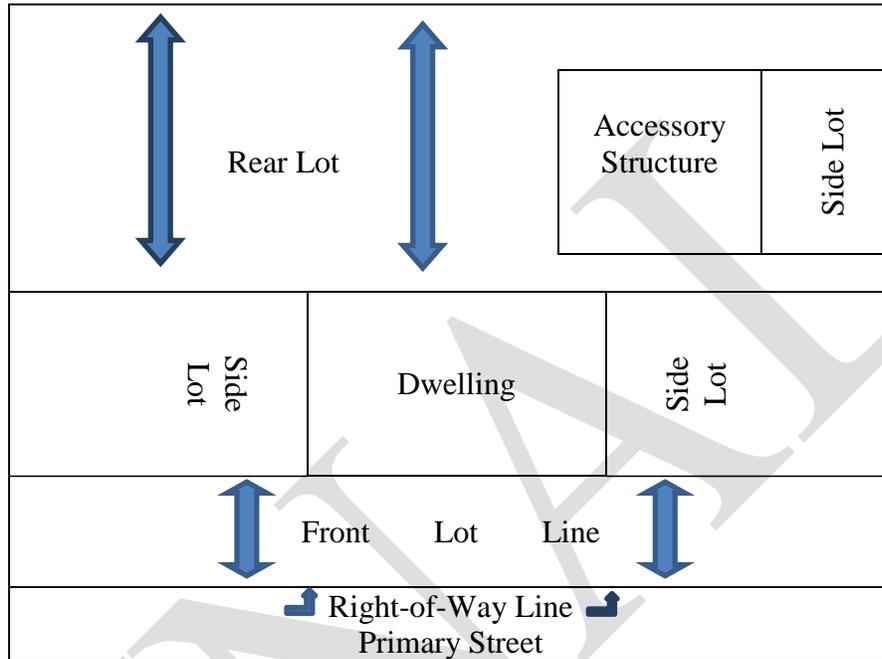
Lot, Interior: A lot other than a corner lot.

Lot Width: The shortest distance between lot lines measured at the midpoint of the building line.

Lot, Front: The boundary of a lot abutting a street. ON a corner lot, the shortest street lot line is the front lot line.

Lot, Side: Boundaries of lot perpendicular to street.

Lot, Rear: Boundary of lot at opposite end of lot away from street.



Major Collector: Major collectors collect traffic.

Manufactured (Mobile) Home: A structure, transportable in one or more sections, which in the travelling mode, is 8 feet or more in width or 40 feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term includes any structure that meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under State law.

Manufactured (Mobile) Home Park: A lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any mobile home.

Mini-Storage: Facility used for the purposes of renting or leasing individual indoor storage space to occupants who are to have year-around access to such for the purposes of storing and removing personal property.

Mining: Refer to "Excavation."

Minor Arterial: Minor arterial roadways serve inter-community travel with an emphasis on traffic mobility and may have some access control. These facilities augment the principal arterial network.

Minor Collector: Minor collectors serve as a feeder facility for neighborhood and local traffic to the collector/arterial network. This facility may also provide access for businesses and residential development.

Motel: A series of sleeping or living units, for the lodging of transient guests, offered to the public for compensation, and with convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

Non-Conforming Use: Any building or land lawfully occupied by a use at the time of the approval of this Ordinance, or any amendment to it rendering such use non-conforming, which does not comply with all of the regulations of this Ordinance, or any amendment hereto, governing use for the zoning districts in which such use is located.

Non-Conforming Building or Structure: Any building or structure lawfully existing on July 5, 1994, that under this Ordinance, or any amendment to it rendering such building or structure non-conforming, which: (a) does not comply with all of the regulations of this Ordinance, or any amendment hereto, governing bulk, height and yard requirements for the zoning district in which such building or structure is located; or (b) is designed or intended for a non-conforming use.

Nonconformity: Any legal use, structure or parcel of land already in existence, recorded, or authorized on or before July 5, 1994 that would not have been permitted to become established under the terms of the official controls as now written.

OAA: October 18, 2010 Orderly Annexation Agreement between Haven Township and the City of St. Cloud.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Ordinary High Water Level: The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Outlot: A lot in a plat that is not intended to be a buildable site.

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

Permanent Residence: Any building being used as living quarters between November 1 of the year and May 1 of the following year. These residences shall meet the minimum requirements for a Single Family Residence.

Planning Commission: Haven Town Planning Commission as appointed by the Haven Town Board.

Preliminary Plat: A tentative drawing or map of a proposed subdivision meeting the requirements herein enumerated.

Principal Arterial: Principal arterials form the backbone of the transportation network. This facility serves as a through facility yet allows for turning movements. A principal arterial is typically a divided roadway with access control.

Principal Use: The purpose for which land or a building or structure thereon is designed, arranged, intended or maintained or for which it is or may be used or occupied.

Principal Building: A building in which is conducted the principal use of the lot on which it is situated.

Public Waters: Any waters as defined in Minnesota Statutes, Section 103G.005, Subd. 15 and 19.

Public Works: Sherburne County Public Works Department.

Reach: A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Registered Land Survey: A drawing filed with the Registrar of Titles of a tract or tracts of registered land to be conveyed in other than full government subdivision or simple fraction thereof.

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

Screened: When a structure is built to be placed on a lot or vegetation is planted such that when the structure is built it is visually inconspicuous as viewed from the river during the summer months. Visually inconspicuous means difficult to see or not readily noticeable in summer months.

Screening: the use of land, topography (differences in elevation), space, fences, or landscape plantings to screen or partially screen a tract of property from another tract or property and thus reduce undesirable influences such as sight, noise, dust and other external effects which a land use may have upon other adjacent or nearby land uses.

Sensitive Resource Management: The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Setback: The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility. (All dimensions are measured in feet)

Sewage Treatment System: A septic tank and soil absorption system or other individual type sewage treatment system as described and regulated in Section 14, Subd. 1, of this ordinance, and/or as described in Sherburne County Ordinances.

Sewered Areas: An area that is serviced by a wastewater treatment facility (s), or publicly owned, operated, or supervised centralized septic systems servicing the entire development.

Sewer System: Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal. Also subject to Sherburne County Ordinances.

Shore Impact Zone: Land located between the ordinary high water level of public water and a line parallel to it at a setback of 50 percent of the structure setback.

Shoreland: Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

Single Family Residence: A dwelling which is a minimum of twenty four (24) feet wide and a minimum of seven hundred and twenty (720) square feet in main floor area.

Steep Slope: Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Stormwater Management: The Sherburne County Stormwater Management and Erosions Control Ordinances and Regulations.

Structure: Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, decks, detached garages, cabins, manufactured homes, travel trailers/vehicles.

Subdivision: Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.

Subdivider: Any individual firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land and sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.

Toe of the Bluff: The lower point of a 50-foot segment with an average slope exceeding 18 percent.

Top of the Bluff. The higher point of a 50-foot segment with an average slope exceeding 18 percent.

Town or Town Board: Haven Town Board.

Town Hall: Haven Town Hall.

Townhouses: A group of attached single-family dwelling units on a common lot.

Variance: Means a modification of a specific permitted development standard required in an official control including this ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation. Variance is further defined and limited in Minnesota Statutes Chapter 462.

Wetland: Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this Ordinance, wetlands must (1) have a predominance of hydric soils; (2) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and (3) under normal circumstances, support a prevalence of hydrophytic vegetation.

"A wetland" or "the wetland" means a distinct hydrologic feature with characteristics of the preceding paragraph, surrounded by nonwetland and including all contiguous wetland types except those connected solely by riverine wetlands. "Wetland are" means a portion of "a wetland" or "the wetland."

Wetlands do not include public waters wetlands and public waters that are designated on the public waters inventory maps prepared under Minnesota Statutes, Section 103G.201.

Wooded: A tract of land that has mature trees (trees at least 18 feet tall from ground to the top of the canopy and with a trunk diameter of not less than five inches at 4 feet off the ground) with a tree canopy covering over at least 75 percent of the land.

Zoning District: An area or areas within the limits of the Haven Township for which the regulations and requirements governing land use are uniform, as defined in the October 18, 2010 Orderly Annexation Agreement between Haven Township and the City of St. Cloud.

To the extent they are inconsistent with these Definitions; all Definitions in the Haven Town Zoning Ordinance are incorporated as needed into this Subdivision Ordinance.

SECTION 6 - TYPES OF SUBDIVISIONS

Four types of Land Subdivisions are allowed by this ordinance:

1. Administrative Subdivisions
2. Simple Plats
3. Registered Land Surveys
4. Standard Plats

FINAL

SECTION 7 - ADMINISTRATIVE SUBDIVISIONS

Subdivision 1: Purpose

Administrative Subdivisions will allow an adjustment of a common boundary line, by administrative approval, which will not change the use of the land or character of the area.

Subdivision 2: Restrictions

The following criteria will be followed when approving Administrative subdivisions:

1. Administrative Splits will only be allowed in the Commercial, Industrial and Agricultural Districts.
2. A new property line location is needed due to a conflict or inconsistency with the legal description and / or the actual lines of possession of an adjoining parcel of record.
3. No lot may be reduced by more than 50% of its original lot size. The property line adjustment may not result in any lot or parcel becoming a substandard lot.
4. Existing lot road frontage width may not be substantially reduced for any parcel. The split shall not reduce the lot width to a non-conforming width for that zoning district or for shoreland regulations.
5. Non-conforming platted lots of record which were created prior to July 5, 1994, with an existing structure, may be altered, if the split will rectify a boundary line issue or create a more desirable land use situation, as determined by the Town.
6. When ever possible, undeveloped platted lots should be replatted and not be altered administratively.
7. The lots or parcels to be divided and / or combined may not be in different sections if they are also in different school districts or taxing jurisdictions.

8. If the Zoning Administrator finds that the split is too complicated, platting or a Registered Land Survey may be required.

An Administrative Subdivision may only be considered if:

1. The transfer does not create more than one additional building lot.
2. The transfer does not require creation or altering of public road right-of-ways.
3. The lots or parcels may not be subdivided again for at least two years.
4. Septic systems on all properties involved must be evaluated for compliance and, if necessary, upgraded prior to stamping of deeds.

Subdivision 3: Submission Information

The applicants must submit to the Zoning Administrator, copies of a Certificate of Survey prepared by a licensed Land Surveyor. Included with the survey should be the existing legal description, the description of the property to be transferred and proposed new legal descriptions, along with an explanation of the practical difficulties which led to the request.

Subdivision 4: Procedure

1. Application. The required information must be submitted to the Zoning Administrator, along with the required fee. The Zoning Administrator may request additional or clarifying information.
2. Notification of Decision. Upon submission of all required information, the Zoning Administrator shall, notify the applicants whether the subdivision is approved or denied.
3. Recording. If approved, the applicant must provide transfer deeds to the Zoning Administrator within 60 days of approval. The Zoning Administrator may stamp and sign the deeds as approved before the documents can be accepted by County Auditor and recorded by the County Recorder/Registrar of Titles.

SECTION 8 - SIMPLE PLATS

Subdivision 1: Purpose

Simple Plats allow subdivision of lots that meet the minimum lot size in Haven Town Zoning Ordinance, and where no new public roads are proposed.

Subdivision 2: Restrictions

A Simple Plat may only be considered if:

1. A. The platting will result in no more than three (3) lots, and
B. The plat does not require establishment of new roads.
2. Each resulting parcel has the minimum required frontage for the applicable zoning district on a dedicated public road as referred in Section 11, Subdivision 1.E.
3. The parcels involved have not been created or split by the simple plat process within the last two years.
4. The resulting lot sizes shall meet the minimum lot size.
5. Adequate access to public roads must be considered.

Subdivision 3: Submission Information

1. Preliminary Plat showing: (5 copies)
 - A. Vicinity Map.

- B. Boundary Survey (See Sherburne County Public Works Platting Manual as revised).
 - C. Legal Description:
 - 1. Name, address and phone number of owner / developer
 - 2. Name, address and phone number of surveyor
 - D. Scale, date and north orientation
 - E. Existing Buildings.
 - F. Proposed building sites, showing elevations (mean sea level datum) on existing streets, open water and proposed building sites.
 - G. Proposed and existing easements.
 - H. Wetland delineations.
 - I. Lot and Block layout and number:
 - 1. Existing class of use (zoning)
 - 2. Proposed class of use (zoning)
 - 3. Yard, area and lot dimension
 - 4. Building set-back lines
 - J. Lowest Floor Elevations (LFE) and Lowest Entry Elevations (LEE) shown on every lot.
 - K. Soil types / buildable lot area.
 - L. Adjacent property owners.
 - M. A digital drawing in a format compatible with the CAD software used by the County of the plat on County coordinates with all the information contained on the preliminary plat in its respective layer. All submitted revisions to the preliminary plat must also be accompanied with a digital drawing.
2. A Final Plat in conformity with the Sherburne County Public Works Platting Manual and Minnesota Statutes, Chapter 505.
 3. Haven Town Board shall act as the Town Park Commission.
 4. City of St. Cloud Comments.

Subdivision 4: Procedure

1. Application

The required information must be submitted to the Zoning Administrator, along with the required fee. The Zoning Administrator may request additional or clarifying information.

2. Report of the County Surveyor and County Public Works Department:

The County Surveyor and County Public Works Department shall submit a report to the Town Planning Commission concerning the proposed plat and its conformance with the requirements of this Ordinance and Public Works Platting Manual

3. Notification and Public Hearing:

Upon receipt in proper form of the application and other requested material, the Haven Township Planning Commission shall hold at least one public hearing. At least ten days in advance of each hearing, notice of the time and place of such hearing shall be published in the official paper of the Town. All property owners within one-half mile, the City of St. Cloud, the County Highway Engineer and municipalities within two (2) miles, and when required, the Minnesota Department of Natural Resources and/or the Minnesota Department of Transportation, shall be notified by U.S. Mail as to the time and place of the public hearing.

4. The Town Board or Town Planning Commission may at its discretion require submission of a Standard Preliminary Plat.

5. Report to the Town Board:

Following the public hearing(s), the Planning Commission will report to the Haven Town Board its findings. The Town Board may hold additional hearings, and shall make a decision to approve or deny the Simple Plat within sixty (60) days of receiving the Planning Commission report.

6. County Attorney Review and Approval:

The plat as well as an abstract or certificate of title shall be submitted to the County Attorney together with any additional information requested by the same.

7. Recording:

If approved, and upon obtaining necessary signatures, the plat shall be recorded in the office of the County Recorder/Registrar of Titles, subject to recording fees. The plat must be recorded within fifteen (15) days of the date of approval and signature by the County Attorney.

SECTION 9 - REGISTERED LAND SURVEYS

Subdivision 1: Purpose

Registered Land Surveys (RLS's) are required to convey a tract or tracts of registered property which are not full government subdivision or simple fractional or quantity part of a full government subdivision, all as provided in Minnesota Statutes Section 508.47.

Haven Township recognizes that parcels of land have been split or divided using erroneous, overlapping or confusing legal descriptions. In some cases the lines of use and occupation of platted lands do not conform to the plat boundary lines. In other cases old survey descriptions are not correct. In order to assist landowners in correcting legal descriptions, the Town policy will be to allow a Registered Land Survey of Parcels that otherwise do not meet the requirements of the Town Zoning Ordinance or Subdivision Ordinance.

Subdivision 2: Restrictions

A Registered Land Survey may only be considered to correct existing boundary lines, and for the purposes stated in Minnesota Statutes Section 508.47. A Registered Land Survey is not a substitute for a plat.

Subdivision 3: Submission Information

1. Preliminary drawing shall show the following:
 - A. Boundary Survey (See County Public Works Platting Manual as revised)
 - B. Existing buildings
 - C. Proposed and existing easements and driveways
 - D. Building setbacks
 - E. Existing encroachments

Subdivision 4: Procedure

1. Application. The required information must be submitted to the Zoning Administrator, along with the required fee. The Zoning Administrator may request additional or clarifying information.
2. Report of the County Surveyor and Public Works Department. The RLS must conform with the County Public Works Platting Manual and Minnesota Statutes, Chapters 508 and 508A. The County Surveyor and County Public Works Department shall submit a report to the Town Zoning Administrator concerning the proposed RLS and its conformance with the requirements of this Ordinance and the County Public Works Platting Manual.
3. Zoning Administrator Review and Approval. The RLS as well as a certificate of title shall be submitted to the Zoning Administrator, together with any additional information requested by the same.
4. All real estate taxes must be paid as a condition of approval of the RLS.
5. Recording. If approved, and upon obtaining necessary signatures, the RLS shall be filed in the office of the Registrar of Titles.

Subdivision 5: Conditions for Approval

1. When platting under the Subdivision and Zoning Ordinance is not possible or practical, the RLS may be used to correct or clarify legal descriptions or parcels. The Zoning Administrator may attach conditions to approval of the Registered Land Survey to assure compliance, as far as practical, with Zoning Ordinances and Subdivision Ordinances.
2. As a condition of approval of a Registered Land Survey the Town may require an existing public road be created as a tract and deeded to the Road Authority, concurrently with recording the RLS.
3. Approval of the Registered Land Survey does not waive setback requirements, building standards, drainage, road frontage, septic or well ordinances, rules or regulations.
4. The Zoning Administrator may require variances from the Board of Adjustment as a pre-condition to consideration of a Registered Land Survey under this Section.
5. No park fees shall be assessed for a Registered Land Survey.
6. All Registered Land Survey tracts shall be treated as a platted lot for setbacks under this ordinance.

SECTION 10 - STANDARD PLATS

Subdivision 1: Purpose

Standard Plats allow the subdivision of land into lots smaller than the minimum metes and bounds size in the zoning district, and control road development and access.

Subdivision 2: Restrictions

The Standard Plat process must be followed if the proposed subdivision does not meet the standards necessary to qualify as an Administrative Subdivision, Simple Plat, or Registered Land Survey.

Subdivision 3: Sketch Plan

Sketch plans are encouraged to be prepared as a planning tool for review and discussion prior to submitting preliminary plat application. Sketch plans are not considered as part of the plat application.

It is recommended that sketch plans include the following:

- A. Topography (minimum of 10 ft. contours).
- B. Soil types, and characteristics, such as depth to water table.
- C. Hydrologic features including surface water bodies, floodplains, wetlands, natural swales and drainage ways.
- D. Vegetation of the site (pasture, woodland, hedgerow, etc.).
- E. A description of current land use and structures on the land, and all encumbrances, such as easements or covenants.

- F. All roads, property boundaries, and property use within 1/2 mile of the tract.
- G. An outline of the land area to be protected as open space or park, and the land area to be developed for housing, and the acreage for each area.
- H. All possible future roads, parks and open space on or adjacent to the subject property.
- I. Preliminary calculation of the amount of acreage that is public road right way and the amount of acreage that is DNR classified public water bodies.
- J. An outline of the areas proposed for stormwater management and sewage treatment.

Subdivision 4: Preliminary Plat

1. Submission Information

- A. Five (5) copies of the proposed preliminary plat containing:
 - 1. Vicinity Map:
 - a. Land information listed in the optional Sketch Plan.
 - 2. Boundary Survey (See Public Works Platting Manual as revised).
 - 3. Ties to subdivision lines or existing platting.
 - 4. Legal description.
 - a. Name, address and phone number of owner/developer
 - b. Name, address and phone number of surveyor
 - 5. Scale, date and north orientation.
 - 6. Proposed streets, correct width, names and other requirements of ordinance.
 - 7. Utility easements, existing and proposed
 - 8. Lot and block layout and numbering:

- a. Proposed class of use (zoning)
- b. Yard, area and lot dimension
- c. Set-back lines

9. Supplementary requirements:

- a. Topography in 2' contours extending 200 feet beyond survey boundaries – including, driveway accesses, surface elevation and high water elevation of public waters
- b. Street plans and profiles
- c. Grading plans

10. Adjacent areas (name if platted) / Names of adjacent land owners.

11. Areas set aside for other uses (outlots, parks, etc.).

12. Commercial, industrial, multiple dwelling, regulations for parking, landscaping and screening.

13. Soil types, buildable lot area, house pad, and sewer locations.

14. Lowest floor elevations and lowest opening elevations shown on every lot.

15. A digital drawing in a format compatible with the CAD software used by the County of the plat on County coordinates with all the information contained on the preliminary plat in its respective layer. All submitted revisions to the preliminary plat must also be accompanied with a digital drawing.

B. Town Park Commission Recommendation.

C. City of St. Cloud comments.

2. Procedure

A. Application

The required information must be submitted to the Zoning Administrator, along with the required fee. The Zoning Administrator may request additional or clarifying information.

B. Report of the County Surveyor and Public Works Department

The developer shall obtain a report from the County Surveyor and Public Works Department and shall submit the reports to the Town Planning Commission concerning the proposed plat and its conformance with the requirements of this Ordinance and the Public Works Platting Manual.

C. Notification and Public Hearing

Upon receipt in proper form of the application and other requested material, the Haven Township Planning Commission shall hold at least one public hearing on the Preliminary Plat. At least ten days in advance of each hearing, notice of the time and place of such hearing shall be published in the official paper of the Town. All property owners within one-half mile, the City of St. Cloud, the County Highway Engineer, Sherburne County Zoning Office, the Minnesota Department of Natural Resources and/or the Minnesota Department of Transportation, shall be notified by U.S. Mail as to the time and place of the public hearing.

D. Report to the Town Board

Following the public hearing(s), the Planning Commission will report to the Haven Town Board its' findings and recommendation on the Preliminary Plat. Approval of the Preliminary Plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the final plat. This approval, unless an extension is granted by the Planning Commission, shall be effective for a period of two (2) years. The property owner may file a final plat limited to such portion of the preliminary plat which he/she proposes to record and develop at the time, provided that such portion must conform to all requirements of this Ordinance.

Subdivision 5: Final Plat

1. Submission Information

- A. Six (6) full-sized copies and two (2) 11"x17" copies of a final plat in conformity with the County Public Works Platting Manual and Minnesota Statutes, Chapter 505.
- B. Two (2) full size and two (2) 11"x17" copies of a final grading and drainage plan that meets county requirements. The Grading and Drainage Plan shall include an index for Low Floor Elevations (LFE) and Lowest Entry Elevations (LEE) for each lot. The Grading and Drainage Plan shall be consistent with the Final Plat.

2. Procedure. After the preliminary plat has been approved, the final plat may be submitted for approval as follows:

A. Approval of the Town Planning Commission:

The final plat shall be submitted to the Town Planning Commission at least 20 days prior to a Planning Commission meeting at which consideration is requested.

The Planning Commission may act on a preliminary plat and final plat at the same meeting, provided the preliminary plat has been heard and tabled at a prior meeting.

B. County Surveyor and Public Works Department Approval:

The County Surveyor and County Public Works Department shall approve the final plat as in conformance with County Public Works Platting Manual and Minnesota Statutes Chapter 505. Plat checking fees, established by Sherburne County, shall be paid to the County Surveyor's Office for final plat review. In addition, 3 paper copies of the final plat drawing showing the area of all finalized lots, roadways, and outlots shall be submitted.

C. Town Board Approval:

1. As a general rule, Haven Township will not accept new streets and roads. The developer shall provide the town board with sufficient sureties as determined by the Town Board to cover the estimated costs of construction and inspection of the proposed improvements.

2. After review and approval of the final plat by the Planning Commission, such final plat, together with the recommendations of the Planning Commission, shall be submitted to the Town Board for action.

If accepted, the final plat shall be approved by resolution which resolution may, but is not required to provide for the acceptance of all streets, roads, alleys, easements, or other public ways, and parks, or other open spaces dedicated to public purposes.

E. County Attorney Review and Approvals:

The plat as well as an abstract or certificate of title shall be submitted to the County Attorney and together with any additional information requested by the same.

F. Recording:

If approved, and upon obtaining necessary signatures, the plat shall be recorded in the office of the County Recorder/Registrar of Titles, subject to recording fee. The plat must be recorded within fifteen (15) days of the date of approval and signature by the Town Zoning Administrator.

FINAL

SECTION 11 - GENERAL REGULATIONS

Subdivision 1: Design Standards

1. Lots and Blocks

- A. The minimum lot area, lot width, and lot depth shall conform to the requirements of the Zoning District in which the plat is situated as required by the Haven Township Zoning Ordinance.
- B. Corner lots for residential use shall have additional width to permit appropriate building setback from both roads as required by the Haven Township Zoning Ordinance.
- C. Side lines of lots shall be approximately at right angles to road or street lines or radial to curved road or street lines.
- D. Double frontage lots shall be avoided except where lots back on a highway or other arterial road, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least ten (10) feet in order to allow space for screen planting along the back of lot line.
- E. Every lot shall have the minimum required frontage with legal access on a dedicated public road or street. As a general rule, Haven Township will not accept dedication of new streets or roads. The minimum required frontage shall be the lot width requirement for the applicable zoning district, and or plat. If there is a significant curve in the road, or the lot is located on a cul-de-sac, then the public road frontage may be measured at the setback line. All new roads accepted by Haven Township shall be paved and signs erected all as determined by the Haven Town Board, and comply with all Haven Ordinances.
- F. Where lots are separated by a dedicated road or an outlot, separate block numbers shall be used. The minimum required frontage shall be the lot width requirement for the applicable zoning district, and or plat. If there is a

significant curve in the road, or the lot is located on a cul-de-sac, then the public road frontage may be measured at the setback line.

- G. In general, intersecting streets and roads, determining block lengths, shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets and roads. Where no existing plats control, the blocks in residential subdivisions shall not exceed thirteen hundred twenty (1,320) feet in length, except where, in the opinion of the Planning Commission, topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required near the center of the block. Blocks for business or industrial use should not exceed six hundred (600) feet in length.
- H. The width of the block shall be sufficient to allow two (2) tiers of lots of appropriate depth.

2. **Roads and Streets.** As a general rule, Haven Township will not accept new streets or roads. Nothing in this Ordinance shall require Haven Township to accept a street or road.

- A. The arrangement of roads and streets shall conform to the requirement of the Haven Town Board. Roads and streets shall connect with roads and streets in already dedicated adjacent subdivisions. If adjacent land is not subdivided, the developer shall acquire, design and dedicate roads and streets both within and outside the plat to provide ingress/egress to the presently existing road system.
- B. The arrangement of roads and streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to storm water run-off, to public safety, and to their appropriate relation to the proposed uses of the area.
- C. Dead-end streets and roads shall be prohibited. Permanent cul-de-sacs may be permitted where topography, woodlands, or public waters justify their use. *Beginning from a single access point, cul-de-sacs shall not exceed eight hundred (800) feet in length (as measured at a starting point at center of intersection to center point of cul-de-sac) except where agreed to in writing by the Haven Town Board, for future road connection, and shall provide a terminal turn-around with a right-of-way radius of sixty five (65) feet.*
- D. Subdivisions with five (5) lots or more shall have two or more accesses onto existing public roads or streets. When counting lots under this provision, all existing and proposed lots shall be counted.
- E. Intersection and road design features shall comply with the most recent versions of:

1. A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials (AASHTO)
 2. Road Design Manual, State of Minnesota Department of Transportation (MnDOT)
 3. State-Aid Operations Rules, Chapter 8820, State of Minnesota Department (MnDOT), State Aid for Local Transportation Division
 4. Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD). United States Department of Transportation (USDOT), Federal Highway Administration (FHWA)
 5. Minnesota Manual on Uniform Traffic Control Devices (MN MUTCD), State of Minnesota, Department of Transportation (MnDOT)
 6. Traffic Manual, State of Minnesota Department of Transportation (MnDOT)
- F. Whenever the proposed subdivision contains or is adjacent to a State or Federal Highway, provision shall be made for a service road adjacent to the highway right-of-way, or because of topography or at the request of the road authority for a service road at a distance suitable for the appropriate use of land between such road and the highway right-of-way.
- G. Dedication of half streets or roads will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided, or where it becomes necessary to acquire the remaining half by condemnation so that it may be improved in the public interest.
- H. For all public streets and roads hereafter dedicated, the minimum right-of-way widths shall not have less than the following rights-of-way:

<u>Facility Type</u>	
Bicycle Only	12'
Pedestrian and Bicycle	16'
Local Street	100'
Minor Collector	100'
Major Collector	100'
Minor Arterial	100'
Principal Arterial	120'

Where dictated by traffic, topography or future needs, the Town may require additional right-of-way dedication.

- I. All proposed streets and roads shall be offered for dedication in fee simple as public rights-of-way. Private roads shall not be permitted.
- J. Developer shall deposit with the Town board a sum determined by the Town Board to replace all signs at least four (4) times as required by Minnesota Law.

3. **Easements**

- A. An easement for utilities at least six (6) feet wide shall be provided on the side and rear lot lines, to form a continuous easement at least twelve (12) feet wide. An easement for utilities at least twelve (12) feet wide shall be provided along the front lot line. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.
- B. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the Town Board.
- C. Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along side lot lines.
- D. Where a subdivision contains or is traversed by a water course, drainage way, channel, lake or stream, a stormwater easement, drainage right-of-way or park dedication, whichever the Planning Commission may deem the most adequate, conforming substantially with the lines of such water courses, shall be provided, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. The minimum width of such easements shall be determined by the Public Works Department.

4. **Pipeline Easements**

Permanent markers (such as steel fence posts) shall be set on each side of pipeline easements where they cross lot lines and road rights-of-way. Pipelines shall follow on the back or rear property lines unless the developer can show a hardship.

No permanent building, or other improvements are allowed within the easements. Buildings shall set back 50' from edge of easement. Fences will only be allowed subject to the conditions specified by the Zoning Administrator.

5. **Monuments**

Plat monumentation, and identification of monuments shall be as required by Minnesota Statutes regarding platting and registered land surveys. Haven Township may require a financial guarantee to assure that delayed staking takes place. See the Sherburne County Public Works Platting Manual for the allowable options.

6. **Developable Lot**

A. All newly created lots for residential building purposes, where public sanitary sewer is not available, must have at least 40,000 contiguous square feet of the required minimum platted lot area at least three (3) feet above the highest known water table.

7. **Outlots**

Lots in a plat, planned unit development or other subdivision of land may be designated as an Outlot when the landowner intends to develop the subdivision in phases.

Subdivision 2: Road Standards – The following shall apply unless other Haven Town Ordinances which are more restrictive control:

Maximum Cul-de-sac Length (feet)	800'
Minimum Cul-de-sac Outside Shoulder/Curb Radius (feet)	55
Minimum Cul-de-sac Right-of-way Radius (feet)	65'
Minimum Intersection Angle (degrees)	75°
Minimum Intersection Offset (feet)	125'

Subdivision 3: Storm Water Drainage

1. To reduce the amount and protect the quality of storm water run-off that may be created during and after the process of developing a residential, commercial or industrial subdivision, a storm water management plan may be required.
2. Developers and contractors will implement "Best Management Practices (BMP's) as defined by the State of Minnesota, in all subdivisions. BMP's shall be used during grading and construction of all stages of the development, including construction on individual building sites.
3. If a method of storm water management is used that will require maintenance, a plan shall be submitted indicating how the system will be maintained and who will be responsible for maintenance.

4. Some or all of the following may be required by the Zoning Administrator or Town Board prior to final plat approval:
 - A. A temporary erosion and sediment control plan.
 - B. A permanent erosion and sediment control plan.
 - C. Identification of who will be responsible for implementing and managing the temporary and permanent erosion and sediment control plans.
5. Soil erosion shall be limited during construction as required by Sherburne County. Any solid waste generated during road building, site development or building construction shall be handled and disposed of as required by the Haven Township Solid Waste Ordinance.

Subdivision 4: Controls During Construction

1. Soil erosion shall be limited during construction as required by Sherburne County.
2. All preliminary and final grading / drainage plans must designate the lowest floor elevation and lowest entry elevation for the residence of each lot.
3. The preliminary and final grading plan must include a plan for tree removal and preservation.
4. The designing engineer's designation of the type of house (example: walkout, no walkout, split, full basement, slab) that will be allowed on each lot must be shown on the preliminary and final drainage and grading plan drawings.
5. When significant filling and grading will take place in a subdivision, the developer of the property will need to grade the entire first phase prior to building permits being issued. A signed certification from a Minnesota licensed geotechnical engineer, written in a form acceptable to the County Building Official, must be presented to the Building Official that certifies that grading and compaction of the entire plat has been completed pursuant to the approved grading and drainage plan. This certification must be filed prior to issuance of building permits. The developer will be responsible for hiring the engineer and for the costs related to the certification.
6. The developer of the subdivision must disclose to future homeowners and / or builders, through a recorded covenant, approved as part of the plat, that two as-built inspections surveyed and certified by a qualified professional will be required for every home. The first inspection will be to establish the elevation of the lowest floor, and the second for the final grading of the lot, in conformity with the requirements of the grading plan. The builder will be responsible for the cost of the inspections. Signed documentation from a surveyor and / or geotechnical engineer certifying these inspections must be provided to the County Building Official before subsequent

inspections will be made on the home, and before the Certificate of Occupancy will be issued by the County.

7. The developer must also state in the covenants that the final grading / drainage as-built grades should not be altered by the owner and / or builder in landscaping or any other work.
8. The developer must enter into an agreement with the Town to guarantee that the development will be graded, filled and inspected according to the requirements of the approved grading and drainage plan and this ordinance. This agreement will require that the developer post a letter of credit, with terms acceptable to the Zoning Administrator, or a cash guarantee with the Town for 125% of the estimated cost of completing the grading, filling and inspections required pursuant to the grading plan.
9. In all cases the developer must pay all costs to the Town for any changes, additions, modifications and/or other requirements for Town compliance as required by all county, state and federal rules. This includes, but is not limited to, any impacts on the NPDES and/or MS4 permit, water quality and/or other environmental rules.

Subdivision 5: Tree and Woodland Preservation

Developers, proposing new residential subdivision areas with oak woods shall schedule an on-site inspection with the County Forester for diagnosis of any existing oak wilt infection centers on the property. If oak wilt is found, it will be included in a report to the Haven Planning Commission.

Subdivision 6: Compliance with Wetland Conservation Act Regulations

Sherburne County shall make all necessary decisions on Wetland approvals pursuant the requirements of the MN Wetland Conservation Act.

All applicants for Preliminary Plats must have all required wetland approvals from Sherburne County prior to being scheduled for a Public Hearing with the Haven Township Planning Commission.

Subdivision 7: Other Town Ordinances

Other Town Ordinances may apply to plats and development. To the extent that there may be conflicts between this Ordinance and other Town Ordinances, the more restrictive Ordinance shall apply.

SECTION 12 - ADMINISTRATION AND ENFORCEMENT

Subdivision 1:	Zoning Administrator
Subdivision 2:	Board of Adjustment
Subdivision 3:	Amendments and Rezonings
Subdivision 4:	Violations, Penalties and Enforcement

Subdivision 1: Zoning Administrator

1. The office of the Zoning Administrator is hereby established for which the Haven Town Board may appoint such Board Member, employee or employees of the Town as it may deem proper.
2. The duties of the Zoning Administrator shall include the following:
 - A. Receive and forward to the Town Board and the Town Planning Commission all applications for Registered Land Surveyors, Simple Plats and Standard Plats.
 - B. Receive and forward all applications and petitions for matters to come before the Board of Adjustment.
 - C. Receive and forward to the Town Board and the Town Planning Commission all applications for amendments to this Ordinance.
 - D. Inspect all development to insure that the standards of this Ordinance are being complied with.
 - E. Receive and act on Administrative Subdivision requests.
 - F. Provide and maintain a public information bureau relative to matters arising out of this Ordinance.
 - G. Maintain the Town Zoning Map.

3. It shall be the duty of the Zoning Administrator to enforce this Ordinance through the proper legal channels.
4. It shall be the duty of the County Attorney and the County Sheriff when called upon by the Zoning Administrator, to perform such duties as may be necessary to enforce the provisions of this Ordinance.

Subdivision 2: Board of Adjustment

1. **Creation and Membership:** Board is hereby established and vested with such authority as is hereinafter provided and provided by Minnesota Statutes, Chapters 462 and 414.0325. Such Board shall consist of at least three (3) members selected by the Haven Town Board. The Board shall be appointed for three (3) year terms. The Board shall appoint a secretary.
2. **Meetings:** The meetings of the Board of Adjustment shall be held at the call of the chair and at such other times as the Board in its rules of procedure may specify.
3. **Notification:** Written notice of time, place and purpose of the public hearings shall be published in the official newspaper, designated by the Town Board. Notices will be sent to the landowner, applicant, and owners of record within the distances specified in Minnesota Statute 462.
5. **Variances:** The Board of Adjustment shall have power to grant a variance adjustment in and exception to dimensional regulations of this Ordinance to the extent consistent with Minnesota Statutes Chapter 462, using the following and no further:
 - A. To vary or modify the strict application of any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict applications; no variance or modification of the uses permitted within a district shall be allowed, except as otherwise provided in this Ordinance.

"Hardship" means that the property in question cannot be put to a reasonable use if used under the conditions allowed by this ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner, and a variance will not alter the essential character of the locality.

Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this ordinance.

Variances shall not be granted if:

1. The terms of the variance are inconsistent with the Haven Township Comprehensive Plan.

2. The request would not be in harmony and character to the surround neighborhood.
3. The use is prohibited in the zoning district in which the subject property is located.
4. The use would restrict the passage of stormwater in such a manner as to increase the height of flooding and / or negatively impact adjacent properties.
5. The use may require the Town to amend or modify its NPDES and/or MS4, stormwater or other county, state or federal permit compliances.

The Board may have full discretion to require additional information as needed to make a decision on a variance, and may impose conditions in the granting of variance to insure compliance and to protect adjacent properties and the public interest.

- B. To interpret zoning district boundaries on official zoning maps.

6. Appeals:

- A. An appeal from any order, requirement, decision, or determination of any administrative official charged with enforcing this ordinance shall be perfected within ten days (10) of the administrative official's decision by filing with the Town Clerk a Notice of Appeal. The Town Clerk shall then fix a reasonable time for the hearing of the appeal and give notice thereof to the appellate and the officer from whom the appeal is taken and to the public by publishing a notice of the hearing once in the official newspaper of the Town at least ten (10) days before the date set for the hearing.

All decisions by the Town Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision, or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the State shall have the right to appeal within thirty (30) days, after receipt of notice of the decision, to District Court in the county in which the land is located on questions of law and fact.

Subdivision 3: Amendments and Rezonings

1. Application: This Ordinance or the Official Zoning Map may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this Section.

Proceedings for amendment of this Ordinance shall be initiated by:

- A. A petition of a landowner in Haven Township.
 - B. By action of the Town Board.
2. Filing: An application for an amendment shall be filed with the Zoning Administrator.
 3. Public Hearing: Upon receipt in proper form of the application and other requested material, the Haven Township Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. At least ten (10) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the Town.
 4. Authorization: following the public hearing, the Town Planning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the Town Board and the Zoning Administration within sixty (60) days after the hearing. If no report or recommendation is transmitted by the Town Planning Commission within sixty (60) days after the hearing, the Town Board may take action without awaiting such recommendation.

Upon filing of such report or recommendation, the Town Board may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the Town Board may adopt the amendment or any part thereof in such form as it deems advisable. The amendment shall be effective only if four-fifths (4/5) of the members of the Town Board concur in its passage.

5. Fees: To defray the administrative cost of processing of requests for an amendment to this Ordinance, a fee shall be paid to the Town Clerk as determined by the Town Fee Schedule and Zoning Administrator. A deposit for Town costs and expenses may also be required.

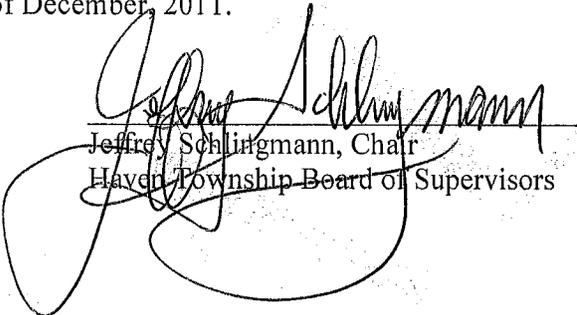
Subdivision 4: Violations, Penalties and Enforcement

1. Violations and Penalties: Any person, partnership or entity who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions thereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished pursuant to law.
2. Enforcement: This Ordinance shall be administered and enforced by the Zoning Administrator, who is hereby designated the enforcing officer.
3. Actions: In the event of a violation or a threatened violation of this Ordinance, the Town Board, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.

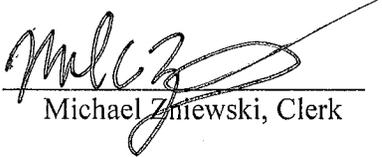
SECTION 13 - DATE OF EFFECT

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Passed and approved this 19 day of December, 2011.

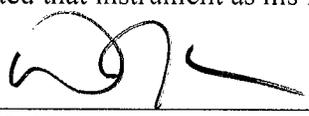

Jeffrey Schlingmann, Chair
Haven Township Board of Supervisors

ATTEST:

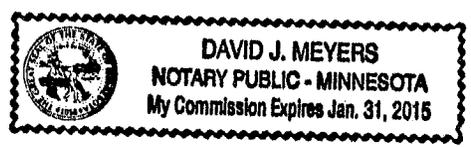
By: 
Michael Zniwski, Clerk

STATE OF MINNESOTA)
) SS
COUNTY OF SHERBURNE)

On this 19 day of December, 2011, before me, a Notary Public for this County, personally appeared Jeffrey Schlingmann, who I know to be the person described in the foregoing instrument, and who acknowledged that he executed that instrument as his free act and deed.



Notary Public



STATE OF MINNESOTA)
) SS
COUNTY OF SHERBURNE)

On this 19 day of December, 2011, before me, a Notary Public for this County, personally appeared Michael Zniewski, who I know to be the person described in the foregoing instrument, and who acknowledged that he executed that instrument as his free act and deed.



Notary Public

THIS INSTRUMENT DRAFTED BY:
Rinke Noonan (DJM)
1015 West St. Germain Street, Suite 300
P.O. Box 1497
St. Cloud, MN 56302-1497
(320) 251-6700
Our File No. 5097.072

