

Chapter 500. Subdivisions (Purpose, Intent & Authority).

500.1 Purpose and Intent. It is the purpose and intent of these Subdivision Regulations to:

- a) Safeguard the best interests of the Town and all of its citizens;
- b) To assist a Subdivider in harmonizing his/her interests with those of the Town;
- c) To promote comprehensive planning of Subdivisions and desirable circulation of traffic;
- d) To correlate Lot and/or Parcel Subdivisions with the Town Comprehensive Plan;
- e) To secure the rights of the public in and to Public Lands and waters;
- f) To improve land records by establishing standards for Lot and/or Parcel Subdivisions, Surveys and Plats; and
- g) To manage Development.

500.2 Authority. Authority to regulate the Subdivision of Lots and/or Parcels within the Town is granted by Minnesota Statutes Chapter 394, as amended from time to time.

[END OF CHAPTER 500]

Chapter 510. Subdivision Types.

510.1 Subdivision Types. This Ordinance allows for the types of subdivisions as defined in this Chapter.

510.2 Exemption Certificates.

a) Exemption Certificates are administratively approved by the Zoning Administrator without review by the Planning Commission and Town Board. An Exemption Certificate may only be allowed if:

- 1) a Quarter-Quarter is divided into four or fewer Lots and/or Parcels; and
- 2) all new Lots and/or Parcels have the minimum Lot Width on an existing public Street;
- 3) all new Lots and/or Parcels adhere to the Minimum Lot Standard;
- 4) all new Lots and/or Parcels have access to the Public Road Right-of-Way;
- 5) all new Lots and/or Parcels to be subdivided will not require the creation of a new Street for purposes of gaining access to the subdivided Lot and/or Parcel or adhering to the Lot Width;
- 6) no additional Public Roads are constructed; and
- 7) all Lots and/or Parcels created conform to the requirements of this Ordinance.

b) In addition to Subdivisions that are allowed pursuant to Section 510.2(a) above, Exemptions Certificates may also be used for the following subdivisions:

- 1) Boundary Line Adjustments. Procedure for changes in Lot Lines through the attachment of a Lot and/or Parcel to a contiguous Lot and/or Parcel. A Lot Line Adjustment is intended to modify or correct the location of a Lot Line, to remedy adverse topographical features or encroachments of Buildings or Structures. A Lot Line Adjustment may be allowed provided the Lot and/or Parcel or any existing Structure does not become non-compliant with the

provisions of this Ordinance or any such Lot Line Adjustment as provided herein does not result in the creation of a new Lot and/or Parcel.

- 2) Deed Language Corrections. This exemption pertains to procedures to correct Legal Descriptions on deeds that have been previously recorded. This procedure will not result in the creation of new Lots and/or Parcels or any adjusted Lot and/or Parcel and should be used in the correction of title conflicts or similar situations.
- 3) Agricultural or Recreational Subdivisions. Lots and/or Parcels that are sold for Agricultural Uses or Recreational Uses provided that the intended Use of the conveyance is stated as a deed restriction and that the conveyance is not intended as a building site, in accordance with this Ordinance for Minimum Lot Standard.
- 4) Enlargement of Pre-Existing Parcels. The Zoning Administrator may approve a conveyance of a part of a Lot to an Owner of an adjacent Lot, where the reduced Lot remains in compliance with the provisions of this Ordinance. This procedure will not result in the creation of new Lots and/or Parcels. The conveyance (deed) shall contain the following language:

“This conveyance is made for the purpose of enlarging a Pre-existing parcel; the parcel here conveyed shall not be deemed a buildable lot under Ford Town Ordinance.”
- 5) Conveyance to Government Entity. The subdivision regulations herein shall not apply to conveyances to the state, the county or the Town made for the purpose of widening, altering or creating new roads, or to conveyances of land upon which no Building or Structure will be erected.

510.3 Simple Plats. Subdivision by simple plat procedure for processing applications for the division of land is intended to provide an expedited procedure in those limited cases where strict adherence to the standard platting process is not required. The subdivision by simple plat procedure is not intended to be a substitute for the standard platting process set forth in this Ordinance. Subdivision by simple plat procedures may be utilized where the following circumstances exist:

- a) all new Lots and/or Parcels have the minimum Lot Width on an existing public Street;
- b) all new Lots and/or Parcels adhere to the Minimum Lot Standard;
- c) all new Lots and/or Parcels have access to the Public Road Right-of-Way;
- d) all new Lots and/or Parcels created conform to the requirements of this Ordinance;
- e) all new Lots and/or Parcels to be subdivided will not require the creation of a new Street for purposes of gaining access to the subdivided Lot and/or Parcel or adhering to the Lot Width;
- f) all new Lot and/or Parcel no longer qualify for subdivision by an Exemption Certificate; and
- g) no additional Public Roads are constructed.

510.4 Standard Plats. Subdivision by standard plat shall be used for the creation of a new Public Road or subdivision of a previously platted Lot.

[END OF CHAPTER 510]

Chapter 520. Subdivision Procedure (Exemption Certificates).

520.1 Introduction. An Owner and/or Applicant may subdivide a Lot and/or Parcel by Exemption Certificate under the terms and conditions set forth in Chapter 510 of this Ordinance and in accordance with the Exemption Certificate procedure described in this Chapter 520 below. Exemption Certificates shall be administratively approved by the Zoning Administrator in instances where the Exemption Certificate Application meets all the requirements of this Ordinance.

520.2 Applications. An Exemption Certificate Application shall be made to the Zoning Administrator together with all required fees. The following items shall be included with an Exemption Certificate Application:

- a) Street location of the Lot and/or Parcel;
- b) Address of the Lot and/or Parcel;
- c) Name, address, phone number of the Owner and Applicant;
- d) Legal Description of the Lot and/or Parcel;
- e) Existing and proposed easements;
- f) Gross Acreage of the Lot and/or Parcel;
- g) Site plan drawn to a minimum scale of 1" = 100 feet or other scale to be approved by the Zoning Administrator showing the Lot and/or Parcel and Building dimensions, including square footage, with accurate measurements and location of all existing and proposed Buildings and improvements on the Lot and/or Parcel, together with all Setbacks from the Lot Lines and Public Road Right-of-Way;
- h) Driveways, Access Roads, Parking Spaces, Off-Street Parking and Loading Areas;
- i) Unless a Certificate of Survey is required by the Zoning Administrator, the Applicant shall provide a dimensioned map or sketch showing:
 - 1) Existing Legal Description of the Lot and/or Parcel to be subdivided;
 - 2) All contiguous Lots and/or Parcel and all nearby Streets and their proper names;

- 3) Proposed new Lot Lines with dimensions noted;
 - 4) Proposed Driveway location and location of existing Driveways on the same side of the Street as the Lot and/or Parcel to be subdivided;
 - 5) Proposed Legal Description of the Lots and/or Parcels to be created;
 - 6) General location, purpose and dimensions of all existing Buildings, Structures and Fences on the Lot and/or Parcel. Location shall note distance of those Buildings, Structures and Fences closest to Lot Lines from the existing and proposed Lot Lines;
 - 7) General location of any existing tile lines, abandoned wells or drainage ways.
 - 8) Location of existing septic tank(s), drain field(s) and mound systems.
- j) If the Legal Description is to be described by a Metes and Bounds Description, a Certificate of Description of the proposed Lot and/or Parcel is required to be prepared by a Licensed Land Surveyor.
 - k) Legal Descriptions of Street easements to be granted to either the Town or Kanabec County for Streets abutting the Lot and/or Parcel.

520.3 Procedure.

- a) The person applying for an Exemption Certificate shall fill out and submit to the Zoning Administrator an Exemption Certificate Application form and filing fee;
- b) Exemption Certificate Applications shall be executed by the Owner of the affected Lot and/or Parcel and the Applicant;
- c) Upon submission, the Zoning Administrator shall review the Exemption Certificate Application with the Applicant to determine if the Exemption Certificate Application is complete. If said Exemption Certificate Application is not complete, the Zoning Administrator shall, within fifteen (15) business days of the submission of the Exemption Certificate Application, request any and all missing information from the Applicant. For purposes of

this Chapter 520, an Exemption Certificate Application shall be considered complete if:

- 1) said Exemption Certificate Application contains all information as required pursuant to Section 520.2 above; or
- 2) said Exemption Certificate Application contains less than all information as required pursuant to Section 520.2 above, but the Zoning Administrator determines that certain requirements as contained in Section 520.2 are inapplicable and/or unnecessary, and deems the Exemption Certificate Application complete nonetheless; or
- 3) the fifteen (15) day review period as described in Section 520.3(c) above expires without the Zoning Administrator submitting to Applicant a request for additional and/or missing information.

The above notwithstanding, no Exemption Certificate Application shall be deemed complete unless and until the Applicant has provided the Zoning Administrator with three (3) copies of said complete Exemption Certificate Application, inclusive of any and all site plans and any other supporting documentation.

- d) Within sixty (60) days of the submission of a completed Exemption Certificate Application, or within sixty (60) days of resubmission of an Exemption Certificate Application by the Applicant to the Zoning Administrator if further information was requested by the Zoning Administrator as provided in Section 520.3(c), the Zoning Administrator shall determine whether:
 - 1) The proposed Subdivision complies with all of the objectives and provisions of the Comprehensive Plan and Ordinance;
 - 2) The Lot and/or Parcel to be divided will result in four (4) or fewer Lots and/or Parcels per Quarter Quarter;
 - 3) The Lot and/or Parcel to be divided will not require creation of a Public Road for purposes of gaining access to the subdivided Lot and/or Parcel;
 - 4) The Lot and/or Parcel complies with the required Lot Width and Buildable Area requirements and Minimum Lot Standard;

- 5) all new Lots and/or Parcels to be subdivided will not require the creation of a new Public Road for purposes of gaining access to the subdivided Lot and/or Parcel or adhering to the Lot Width;
 - 6) no additional Public Roads are constructed;
 - 7) A Licensed Surveyor's Description or Certificate of Survey is required pursuant to this Ordinance;
 - 8) An inspection of the Lot(s) and/or Parcel(s) is required to ensure compliance with the provisions of this Ordinance; and
 - 9) Additional information is necessary to properly consider the Exemption Certificate Application as may be requested of the Applicant by the Zoning Administrator.
- e) The Zoning Administrator may extend the time limit as provided in 520.3(d) if, before the end of the initial sixty (60) day period, the Zoning Administrator provides Written Notice of the extension to the Applicant stating the reasons for the extension and its anticipated length, which may not exceed an additional sixty (60) days unless approved by the Applicant.

520.4 Zoning Administrator's Decision.

- a) Approval of Exemption Certificate by Zoning Administrator.
 - 1) The Zoning Administrator shall grant an Exemption Certificate if all objectives of this Chapter are met.
 - 2) If the Exemption Certificate Application is granted, the Zoning Administrator shall cause to be prepared a document to be executed by the Owner conveying Street easements to the Town and/or to Kanabec County utilizing the Legal Descriptions provided by the Applicant and approved by the Zoning Administrator. The Owner shall execute said document prior to, and as a condition of, the issuance of the Exemption Certificate. The Town shall record such easements on behalf of the Town or Kanabec County as appropriate.
- b) Denial of Exemption Certificate by Zoning Administrator.

- 1) If the Zoning Administrator denies an Exemption Certificate Application, the Zoning Administrator shall provide Written Notice to the Applicant of the reasons for the denial.
- 2) In the event an Exemption Certificate is denied, no Exemption Certificate Application affecting the same Lot and/or Parcel and proposing a Subdivision of a substantially same or similar nature as that which was initially proposed in the denied Exemption Certificate Application may be resubmitted by any Applicant for a period of six (6) months from the date of said denial by Zoning Administrator, unless:
 - i) said Applicant can demonstrate a clear showing to the Zoning Administrator of new evidence and/or change in circumstances impacting said Exemption Certificate Application; or
 - ii) the Applicant appeals the denial of the Exemption Certificate Application within thirty (30) days of the denial of the same by submission of a Petition for Administrative Appeal to the Board of Adjustment and Appeals in accordance with the procedure set forth in Chapter 740 of this Ordinance herein.

520.5 Recording the Exemption Certificate. Exemption Certificates approved and issued by the Zoning Administrator shall be recorded by the Applicant at the County Recorder's Office within sixty (60) days of issuance thereof. Failure to record an Exemption Certificate within the timeframe provided herein shall render said Exemption Certificate null and void and the Applicant shall be required to reapply and resubmit the required fee before a replacement Exemption Certificate may be issued.

[END OF CHAPTER 520]

Chapter 530. Subdivision Procedure (Simple Plats).

530.1 Simple Plats. Any and all Subdivision by Simple Plat shall be prohibited.

[END OF CHAPTER 530]

Chapter 540. Subdivision Procedure (Standard Plats).

540.1 Standard Plats. Any and all Subdivisions by Standard Plat shall be prohibited.

[END OF CHAPTER 540]