

SUBDIVISION ORDINANCE

FOR

ROCHESTER TOWNSHIP

OLMSTED COUNTY

MINNESOTA

DATED 11 JULY, 2003

ROCHESTER TOWNSHIP SUBDIVISION ORDINANCE

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ARTICLE I ---GENERAL PROVISIONS

Section 1.0. SHORT TITLE

This ordinance shall be known and may be cited as the 'Subdivision Ordinance of Rochester Township" and its provisions shall apply to all lands to be subdivided in Rochester Township which lie outside the limits of incorporated cities, villages and towns.

Section 1.1. PURPOSE

The Subdivision Ordinance of Rochester Township sets forth the minimum requirements deemed necessary to insure and protect the health, safety and welfare of the public. More specifically, the provisions of this ordinance are designed to:

- Assure that to the maximum extent possible, all lands will be developed for the best possible use with adequate protection against deterioration and obsolescence.
- Assure that effective protection is given to the natural resources of the community, especially ground water and surface waters.
- Assure that plans for water distribution, waste water collection and disposal use appropriate technology.
- Encourage well-planned subdivisions through the establishment of quality design standards.
- Facilitate acceptable provisions for transportation and other public facilities.
- Secure the rights of the public with respect to public lands and waters.
- Improve land records by the establishment of standards for surveys and plats.
- Minimize governmental operating and maintenance costs.

Section 1.2. ADMINISTRATION

The Subdivision Ordinance of Rochester Township shall be administered by the Rochester Township Board of Supervisors through the Rochester Township Planning and Zoning Commission appointed by them.

Section 1.3. COMPLIANCE

After the adoption of this ordinance no lot in a subdivision shall be sold, no permit shall be issued to alter or erect any building upon land in a subdivision, and no building shall be erected in a subdivision unless a subdivision plat or metes and bounds subdivision has been approved and recorded and until any reasonable improvements required by the Rochester Township Board of Supervisors relative to the subdivision have been constructed or guaranteed as provided herein. No land shall be subdivided which is held unsuitable by the Rochester Township Board of Supervisors for reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the floodway and flood fringe (FFA and FFB) districts shall contain a building site at or above the Regulatory Flood Protection Elevation. All subdivisions shall have water and sewage disposal facilities that comply with the Minnesota Board of Health or their Designee, regulations and have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the Regulatory Flood Protection Elevation.

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Section 1.4. APPROVALS

- A General Development Plan shall be acted on separately by the Rochester Township Planning and Zoning Commission and the Rochester Township Board of Supervisors in accordance with Article III of the Rochester Township Zoning Ordinance.
- A Preliminary Plat shall have the approval of the Rochester Township Planning and Zoning Commission.
- Before any Final Plat shall have any validity it shall have been approved by the Rochester Township Planning and Zoning Commission, the Minnesota Board of Health or their Designee and Rochester Township Board of Supervisors as provided herein and recorded in the office of the Olmsted County Recorder.

Section 1.5. ADDITIONAL REQUIREMENTS

The Commission may establish additional requirements for a particular subdivision as deemed necessary in order to achieve the overall goals and purposes of this ordinance and to secure the interests of the public.

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ARTICLE II DEFINITIONS

Section 2.0. PURPOSE

For clarity of interpreting this ordinance, certain terms and words are herewith defined.

Section 2.1. SUBDIVISION

The division of a lot, parcel or tract of land into two (2) or more lots or parcels is a subdivision. This term shall include re-subdivision..

Section 2.2. STREETS AND ALLEYS

The term street means a way for vehicular traffic, whether designated as a street, highway, parkway, thoroughfare, arterial, road or however otherwise designated.

For the purposes of this ordinance, six (6) functional classifications of streets are used and are defined as follows:

- A. HIGHWAYS - Routes carrying large volumes of relatively fast moving traffic and are designated as either Federal, State or Interstate highways.
- B. MAJOR STREETS / ROADS - Arterials carrying, large volumes of local traffic between widely separated areas of the community and which may be designated as County State Aid highways.
- C. COLLECTOR STREETS / ROADS - Streets which carry traffic from minor streets to major streets and highways, including the principal entrance streets of a residential subdivision and streets used for circulation within such developments.
- D. LOCAL STREETS / ROADS - Streets which are used principally for access to abutting properties, especially residential properties.
- E. SERVICE ACCESS STREETS - Trafficways which are adjacent and parallel to highways and major streets providing access to abutting properties.
- F. ALLEYS - Minor trafficways affording a secondary means of access to abutting properties which is not intended for general traffic circulation.
- G. PRIVATE ROAD - A non-public trafficway utilized by more than four private residences, having a recorded road name and being able to accommodate emergency vehicles.
- H. PRIVATE DRIVE - A non-public trafficway utilized by four or less private residences.

Section 2.3. PARKS

Areas of public land developed and maintained primarily as pleasurable landscaped areas providing for both active and passive recreational pursuits, including tot-lots, playgrounds, neighborhood parks, play fields and special purpose areas.

Section 2.4. OFFICIAL MAP

A map of Olmsted County, Rochester Township and/or any portion thereof lying outside incorporated cities, villages and towns, which shows the exact alignments, gradients, dimensions and other pertinent data for highways and major streets and including specific controls for setbacks from the right-of-way of buildings or other physical structures or facilities.

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Section 2.5. GENERAL DEVELOPMENT PLAN (GDP)

A series of maps, documents and publications showing the planned development, the uses of private land and the general location and extent of all necessary or desirable facilities. Ref.: Township Zoning Ordinance Art IV Sect 4,

Section 2.6. COMMISSION

The "Commission" shall mean the Rochester Township Planning and Zoning Commission.

Section 2.7 TOWNBOARD

The "Townboard" shall mean the Rochester Township Board of Supervisors.

Section 2.8 BOARD

The "BOARD" shall mean the Rochester Township Board of Adjustment and Appeals.

Section 2.9 ZONING ADMINISTRATOR

The "Zoning Administrator" is the Township Cooperative Planning Association ("TCPA") or otherwise unless another administrator is designated by the Cascade Township Board.

Section 2.10 DEVELOPER

The owner of land proposed to be subdivided or the owner's representative. Consent shall be required from the legal owner of the premises.

Section 2.11 CIVIL ENGINEER

A civil engineer registered in the State of Minnesota

Section 2.12 PLAT

A map or drawing, conforming to State statutes, which graphically delineates the boundaries and dimensions of land parcels for the purpose of identification and record of title.

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ARTICLE III PROCEDURES FOR SUBMISSION OF PLATS

Section 3.0. PREPLAT INVESTIGATION

A. Purpose: Rochester Township considers vital, the orderly, integrated, compatible development of the limited land area within the township. The Rochester Township Land Use Plan establishes general land use policy. The zoning ordinance established detailed polices, regulations and standards for the township. General development plans are necessary to:

1. Insure that the landowner and developer investigates the broad effects of development of property will have on the site and also on adjacent properties and the public infrastructure.
2. Guide the future growth and development of those portions of the township identified for development in accordance with the land use plan.
3. Protect the natural, social and economic character of the township by encouraging orderly development that assures appropriate timing and sequencing.
4. Ensure that the public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed development(s).
5. Prevent the pollution of water bodies and groundwater; assure the adequacy of drainage; establish protection for and wise management of natural resources in the township.
6. Provide for open spaces through the efficient design and layout of the land.
7. Avoid and remedy the problems associated with inappropriately subdivided lands, including premature subdivision and scattered subdivision.

B. A General Development Plan (GDP) is required prior to:

1. Any subdivision of land containing more than three non-farm lots.
2. Any land use plan amendment, zone change, or subdivision of land that would be platted. A GDP is not required if the plat consists of three lots or less.
3. The Rochester Township Zoning Administrator may waive this requirement under the following circumstances.
 - a. A preliminary plat has been prepared and is presented at the same time the zone change request is presented.
 - b. The rezoning or subdivision has been initiated by the Rochester Township Board.
4. The Rochester Town Board may waive this requirement under the following circumstances.
 - a. It has determined the request is consistent with the Olmsted County Land Use Plan.
 - b. A majority of the adjoining properties are zoned the same and the request is determined to be infill development.

C. A General Development Plan shall include:

1. All current parcels proposed for subdivision and development and their current zoning.
2. Any zone change request that will be necessary prior to platting.
3. All other parcels abutting the property proposed for rezoning or within one-half mile of the boundaries of the property proposed for rezoning.

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4. All adjacent lands under the same ownership as the owner or applicant proposing the development.
- D. The following physical and planning factors should be addressed in a General Development Plan:
1. All parcels need to be provided access to public roads. The present and proposed transportation system and other infrastructure systems including the street pattern and connections to the external street network and shared water supply and sewage treatment systems.
 2. Existing and proposed land uses, densities, and general lot sizes and location.
 3. Surface water drainage systems.
 4. The open space system that may include natural resource lands (unique habitat, outdoor recreational space, wooded areas, significant visual resource areas) and sensitive lands (shore lands, wetlands, floodplain, steep slopes, sinkhole concentrations and other features dependent on the site).
 5. Phases of development, if any.
- E. An application for a General Development Plan shall be present to the zoning administrator. Upon receipt of a complete application, the administrator shall schedule a public hearing before the township planning commission. A General Development Plan and zoning map amendment may be reviewed at the same time in the hearing process. The planning commission shall adopt findings based upon the criteria listed below and upon the evidence established during the hearing and make a recommendation to the town board.
- F. In the review of a General Development Plan, the Commission and Town Board shall make findings indicating that:
1. The proposed land uses are in accord with the Rochester Township Land Use Plan and Zoning Map
 2. The street pattern is appropriate to serve the properties under consideration and future development of adjoining properties.
 3. The proposal make provision for planned capital improvements and streets based on the Olmsted County Capital Improvement Plan
 4. The proposal makes adequate provision for surface water drainage, soil erosion control, water supply and sewage treatment consistent with State Statue and Rule and Township Ordinance.
 5. The lot, block and street layout is consistent with general development and resource management policy.
 6. The lot, block and street layout is consistent with the subdivision design principals as defined in other sections of this ordinance.
 7. The unique natural resources and sensitive areas are protected through open space provisions and appropriate lot layout.
 8. Development will occur in an orderly fashion.
 9. Connecting roads are adequate to handle projected traffic, or provisions have been made to correct deficiencies.

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Section 3.1. PRELIMINARY PLAT

Upon completing the preplat investigation, the subdivider shall prepare a preliminary plat together with improvement plans and other supplemental material as may be specified by the Commission or the Minnesota Board of Health or their Designee.

Six (6) copies of the preliminary plat and supplementary material specified in Article IV, Section 4.2 shall be submitted to the Commission and two (2) copies to the Minnesota Board of Health or their Designee, with written application for conditional approval at least ten (10) days prior to the Commission or Health Board meeting at which it is to be considered.

Following review of the preliminary plat and supplementary material submitted for conformity thereof to this ordinance, and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements made by him; the Commission and the Minnesota Board of Health or their Designee, shall, within forty (40) days, act thereon as submitted or modified, and if approved, the Commission and the Minnesota Board of Health or their Designee shall express their approval as conditional approval and state the conditions of approval, if any, or if disapproved, shall express its disapproval and its reasons thereof.

The actions of the Commission and the Minnesota Board of Health or their Designee shall be noted on four (4) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider, one (1) copy to the Townboard, one (1) copy to the Minnesota Board of Health or their Designee and the other retained by the Commission.

Conditional approval of a preliminary plat shall not constitute approval of the final plat. Conditional approval of a preliminary plat is hereby limited to a period of twelve (12) months, after which time the subdivider is required to resubmit a preliminary plat.

Section 3.2. DEVELOPERS AGREEMENT

Prior to approval of the final plat, the developer shall enter into a contract (Developers Agreement) in writing and in a form acceptable to the Township, requiring the developer to furnish and construct said improvements at the developer's sole cost and in accordance with plans and specifications approved by the Township. The developer shall include provisions for supervision of details of construction by the township engineer and shall grant to the township engineer authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the local unit of government in the vicinity. The agreement shall require the developer to make a cash escrow deposit or bank letter of credit in an amount and form approved by the Township. In general, the surety shall represent no less than 125 percent of the cost of the improvements including all inspections.

The developer shall be responsible to pay all costs incurred by the Township or its agents in the review and inspection of the project and enforcement of this Ordinance, including but not limited to administrative planning, engineering and legal fees.

Section 3.3. FINAL PLAT

The final plat shall conform substantially to the preliminary plat as approved, and if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which is proposed to be recorded and developed at the time, provided however, that such portion conforms to all requirements of this ordinance.

Application for approval of the final plat shall be submitted in writing to the Zoning Administrator at least ten (10) days prior to the Commission meeting at which it is to be considered.

Four (4) copies of the final plat and other supplemental data required for approval shall be prepared and submitted to the Commission within twelve (12) months after conditional approval of a preliminary plat; otherwise conditional approval of a preliminary plat shall become null and void; unless an extension of time is applied for by the subdivider and granted by the Commission.

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Section 3.4. RECORDING FINAL PLAT

No final plat for record shall be approved by the Board for filing which has not had prior approval of the Commission, the County Health Department, and the County Engineer.

The final plat of record, prepared in accordance with this ordinance shall be filed by the subdivider with the County Recorder. The subdivider shall furnish signed copies to the County Recorder, at time of recording, one (1) reproducible mylar, two (2) muslin backed, one marked original and one marked copy, and one (1) acceptable print or copy of the plat. There shall be a filing fee assessed against the owner or developer whose name and address shall be recorded with the County Recorder at the time the record plat is submitted for acceptance by the Rochester Township Board of Supervisors.

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ARTICLE IV SPECIFICATIONS FOR PLANS AND PLATS

Section 4.0. PRELIMINARY PLAT

The preliminary plat shall be drawn on suitable tracing paper or other material of suitable quality with black waterproof ink or pencil at a scale not greater than one-hundred (100) feet equals one (1) inch. Original prints or legible reproductions of said drawing may be submitted to the Commission for the purposes of receiving conditional approval.

Section 4.1. FINAL PLAT

The final plat shall be drawn on muslin backed white paper, Mylar or other suitable material with black waterproof ink. The final plat shall measure thirty (30) inches in length and twenty (20) inches in width with a border line of one and one-half (1/2) inches provided on the left side of the thirty (30) inch length and a border of one-half (1/2) inch provided on the other three (3) sides. When more than one sheet is required for any plat, each sheet shall be numbered consecutively and shall contain a notation of the total number of sheets, i.e., 2 of 3. The final plat shall be drawn to a scale not greater than one inch to one-hundred (100) feet. Where there is a difference in requirements between this subdivision ordinance and the State platting and surveying standards then the State standards will prevail.

Section 4.2. GENERAL INFORMATION

The information to be included on the preliminary and final plats is as follows:

PRELIMINARY PLAT

FINAL PLAT

- | | |
|--|--|
| <ul style="list-style-type: none"> • Date, scale, north point. • Proposed subdivision name and all intended street names. • Name of the owner, developer and surveyor preparing plat. • Location of the plat by quarter, quarter section, section, town and range. • Topographic map of the area showing two foot contours and delineating areas with the following changes in slope: minimum contours of two feet as follows: seven (7) percent or less; eight (8) to fifteen (15) percent; sixteen (16) to twenty-five (25) percent; greater than twenty-five (25) percent. | <ul style="list-style-type: none"> • Date, scale, north point. • Subdivision name and all street names. • Name of the owner of record and surveyor preparing plat. • Location of the plat by quarter, quarter section, section, town and range. • Exact location, widths and names of all existing platted or dedicated streets, easements, railroad and utility rights-of-way, parks, water courses and drainage ditches all of which are of record. |
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PRELIMINARY PLAT

- Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.
- Zoning classification of lands to be subdivided and all adjacent lands.
- Location, widths and names of all existing, platted or dedicated streets, easements, railroad and utility rights-of-way, parks, water courses, drainage ditches, permanent buildings and structures and such other data as may be required by the Commission within the area being subdivided and within three hundred (300) feet of the exterior boundaries of the area being subdivided.
- Water elevations of adjoining lakes, rivers and streams at date of survey and their approximate high and low water elevations. All elevations shall refer to the established United States Coast and Geodetic Survey and/or United States Geodetic Survey Datum.
- Location and boundaries of all floodplain, floodway and wetland areas. Location and edge boundaries of all sinkholes must be clearly indicated. (Ref. Article VII).
- The layout and width of all proposed new streets and rights-of-way, private roads, storm drainage and easements, whether public or private, for public and private utilities.
- Length and bearings of the exterior boundaries of the land being subdivided.
- Dimensions of all lots.

FINAL PLAT

- Water elevations of adjoining lakes, rivers and streams at date of the survey and their approximate high and low water elevations. All elevations shall refer to the established United States Coast and Geodetic Survey and/or United States Geodetic Survey Datum.
- Exact location and width of all streets, their bearings, dimensions, angle of intersection, length of arcs, radii, points of curvature, tangent bearings, easements, private roads and storm drainage.
- Exact length and bearings of the exterior boundaries of the land being subdivided.
- Exact dimensions of all lots.
- Exact radii of all curves and lengths of all tangents.
- Exact location and width of all known or recorded easements, whether public or private and a statement of easement rights.
- Accurate location and material of all permanent reference monuments.
- Certificate of the registered land surveyor preparing the plat that the plat as presented fully complies with the requirements of this ordinance and the platting laws of the State of Minnesota, and appropriate signature lines.

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PRELIMINARY PLAT

- Radii of all curves and lengths of all tangents.
- Location and area of all property to be dedicated for public use or reserved by deed covenant for use by all property owners in the development with a statement of the conditions of such dedication or reservation.
- Location of all proposed or existing wells (active, abandoned or capped) and any distribution systems to point of service connection.
- Location of well site and distribution system to point of service connection, if a community water supply is being proposed.
- Location of proposed septic support or field areas including the location of percolation test sites and boring holes, per current Cascade Township Septic Rules and the Cascade Township Zoning Ordinance.
- An engineering feasibility report for the installation and operation of community-type sewage disposal system and water distribution system where such facilities are to be incorporated in the final plat.
- Drainage design, storm water management including storm water ponds both temporary and permanent, and erosion control including, ditch checks, silt fencing and seeding types.
- Roadway designs including cross-sections and finished grade and ditch slopes. Reports shall include present grades and contours and finished grades and contours.
- A soil analysis delineating types per the Soils Survey of Olmsted County, Minnesota and obtainable from the United States Department of Agriculture, Soil Conservation Service.

FINAL PLAT

- Exact location and area of all land to be dedicated for public use and use or purpose must be defined on plat.
- Signature line for Olmsted County Engineer I
- Signature line for Olmsted County Surveyor
- Signature line for Olmsted County Environmental Specialist.
- Signature line for the Cascade Town Board
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ARTICLE V SUBDIVISION DESIGN STANDARDS

Section 5.0. PREAMBLE

The subdivision design standards contained in this ordinance are to assure that the style, character and form of new developments will conform to minimum requirements promoting the health, safety and general welfare of the public. In addition to these regulations and to insure that future developments are consistent with the growth objectives and goals of the community, subdivisions shall conform to the comprehensive Development Plan of Olmsted County or any part thereof, the Official Map, Zoning ordinance, County Health Department Regulations and any other applicable ordinances of Olmsted County or Rochester Township

Section 5.1. STREETS AND ROADS - GENERAL

The street system of a proposed subdivision shall be designed to establish and integrated and safe roadway system to facilitate adequate traffic circulation from the subdivision to adjacent areas. Street arrangements, character, width, grade, location, sight distance and surface material shall be related to existing or planned streets, topography, convenience and safety, and their -intended ultimate function. In all cases where the requirements of the Township subdivision ordinance conflict with other standards the requirements of this document shall be superior.

- A. The arrangement of major streets in a subdivision shall provide for the continuation or projection of existing streets in adjacent areas; or conform to a plan approved by the Commission where topographic or other conditions make continuance or conformance to existing streets impracticable.
- B. Collector streets shall be properly related to major streets and designed in a manner so as to supplement the major street system, but not to serve in lieu thereof.
- C. Local streets shall be designed to benefit from the topography, to discourage through traffic and to provide the minimum amount of streets necessary for safe access to adjacent properties
- D. Where a subdivision abuts upon, or contains an existing or proposed highway, major thoroughfare, or railroad right-of-way, the Commission may require reverse frontage lots with appropriate screen plantings in the non-access reservation strip; or the provision of suitable access roads parallel to and on either side of said highway, major thoroughfare, or railroad right-of-way providing access to adjacent properties and affording separation of through and local traffic.
- E. Where adjoining areas are not subdivided or other development of land has not occurred, the arrangement of roads and streets in new subdivisions and other development of land shall make provision for the proper projection of roads and streets. When a new subdivision of other development of land adjoins unsubdivided land susceptible to being subdivided or other development of land may occur, or where the adjacent unsubdivided land is or would be landlocked then the new roads, streets or road easement shall be carried to the boundaries of such land.
- F. All subdivisions abutting a public lake, river or stream shall provide public access at least eighty (80) feet wide to the low water elevation so that there will be public access at not more than one-half (h) mile intervals as measured along the lake, river or stream shoreline.
- G. Provisions for through traffic must be considered for projected land use of adjoining areas. An acceptable average daily traffic volume should be calculated and designed for accordingly. The location of crosswalks, walkways or bikeways should also be studied and implemented as appropriate in the planning of any new subdivision.

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Section 5.101. STREET & ROAD DESIGN STANDARDS

The design of all roads shall be considered in their relation to existing and planned roads, to the reasonable circulation of traffic, to topographical conditions, to runoff of storm waters and to the proposed land uses of the area to be served. Street design standards are based upon the intended ultimate use as specified by their functional classification and are contained in the following table:

Section 5.102. MINIMUM STREET DESIGN STANDARDS

	MAJOR THOROUGHFARE	COLLECTOR STREET	LOCAL STREET	SERVICE ACCESS STREET	ALLEY	PRIVATE ROAD
Rights of Way	100'	80'	66'	40'	30'	33' ⁽²⁾
Driving Surface Width	(¹)	36'	24'	24'	20'	18'w/2' CL5 shoulders
Base Specification	(¹)	(¹)	(¹)	(¹)	(¹)	same as service access street
Minimum Horizontal Curve Radii	850'	400'	200'	200'	200'	see sect 5.106
Minimum Tangent Between Curves	200'	150'	100'	100'	100'	0'
Minimum Grade	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%
Maximum Grade	5%	8%	10%	10%	10%	14%
Pavement Specifications	(¹)	(¹)	(¹)	(¹)	(¹)	same as service access street

⁽¹⁾As specified by the County Engineer

⁽²⁾May be easement

Section 5.103. GEOMETRIC DESIGN STANDARDS

- The centerline of all roadways shall be the center of the platted right-of-way.
- Where new roads will be an extension of an existing road their projections shall be at the same or greater width, but in no instance less than the minimum required width.
- When connecting street lines deflect from each other by more than fifteen (15) degrees, they shall be connected by a curve with a radius appropriate to the intended functional use of said street as specified in Section 5.102 of this ordinance.
- All roadways shall be designed for a minimum of 30 miles per hour or the design speed determined by the Townboard.
- Stopping sight distance will be the minimum sight distance allowed.

ROCHESTER TOWNSHIP SUBDIVISION ORDINANCE

- Local roads and streets shall be so aligned that their use by through traffic will be discouraged.
- Road and street jogs with centerline offsets of less than 150 feet shall be avoided.
- Streets designed and laid out so as to have one end permanently closed shall not exceed one-thousand-five-hundred (1500) feet in length, except where the Commission has approved additional length due to property limitations. Each cul-de-sac shall be provided at the closed end with a turn-around having a minimum outside roadway diameter of 90 feet and minimum right of way diameter of 120 feet.

Section 5.104. INTERSECTIONS

- In so far as practical all streets and roads shall intersect at right angles or as close thereto as possible. No street shall intersect another at an angle of less than 70 degrees. All roads and streets that do not intersect at right angles shall have the intersection angle approved by the Olmsted county highway engineer to insure sufficient sight distance and traffic safety. More than two (2) streets intersecting at the same location shall be prohibited.
- When the Commission finds it necessary for reasons of safety and the protection of property, property lines at street intersections shall be rounded with a radius of fifteen (15) feet. The Commission may permit comparable cords in lieu of the rounded corners.

Section 5.105. ALLEYS

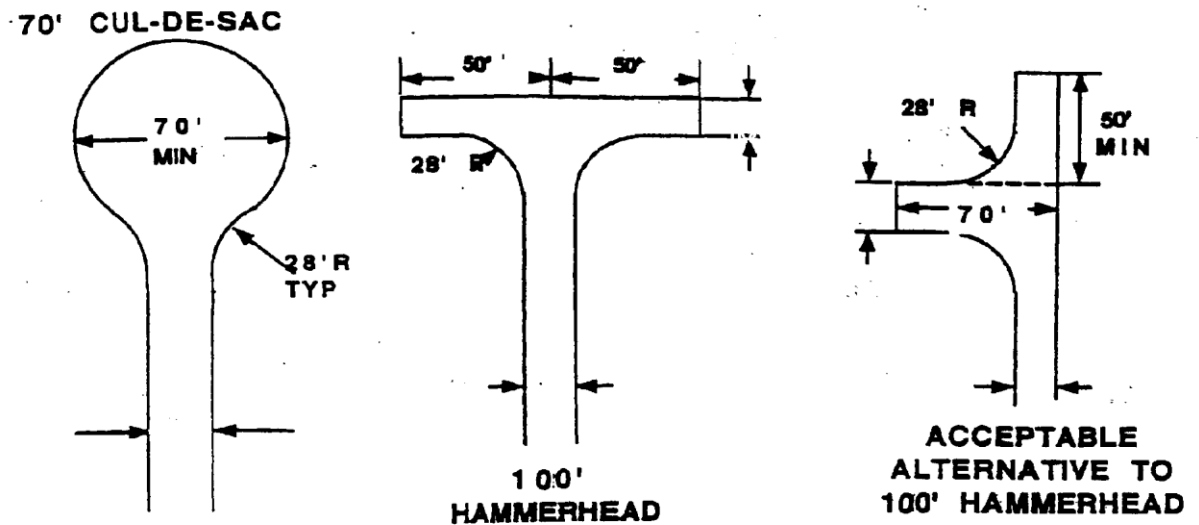
- Alleys shall be required in all commercial and industrial districts, except that the Commission may waive this requirement where the commercial or industrial district is designed as a comprehensive unit and adequate provisions for service access, off-street loading and unloading areas and parking space is a part of the overall development plan.
- Dead-end alleys are prohibited except where natural or other features make it impossible to continue them. Where dead end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead-end as determined by the Commission.
- Alleys shall not be provided in residential areas unless a secondary means of access to certain property is necessary due to topography or other exceptional circumstances.
- Design standards for alleys are contained in Section 5.1. of this ordinance.

Section 5.106 PRIVATE ROADS

- A trafficway serving more than four private residences shall be deemed a private road.
- Private roads are required to have an approved and recorded road name.
- Private roads are required to have street signs. The initial signs are to be paid for by the developer / owner and subsequently maintained by all property owners owning property that utilizes the private road.
- Private roads shall be able to accommodate emergency vehicles.
- Private roads shall have the following design minimums:
 1. Minimum travelway of 18 feet with 2 foot shoulders of class five road rock.
 2. Curves shall have a minimum inside radius of 28 feet.
 3. A private road exceeding 700 ft in length will be provided with either a circular or hammer head style turn around area (Ref. Figure 5.1)

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Figure 5.1 PRIVATE ROAD -- TURN AROUND AREAS



- Private roads will not be maintained by the Township. If a private road is to be eligible for Township maintenance it must be upgraded to township road standards and accepted by the Township.

Section 5.107. GRADING

- All excavation and embankment as well as surfacing shall be finished in reasonably close conformity with dimension shown on the typical section (figure 5.1) and shall be compacted by the Method of Quality Compaction in accordance with the requirements of "Minnesota Department of Transportation, Standard Specifications for Construction, Specification Number 2105.3, latest edition.
- The upper one foot of topsoil shall be removed from the traveled portion of the roadway and placed on inslopes and backslopes. In general when granular materials or select soils are uncovered they shall be placed in the uppermost part of the traveled portion of the roadway.
- All streets shall be graded to their full right-of-way and the roadway compacted to ninety-five (95) percent of proctor density.
- Where staged roadway construction is employed including the early application of a bit base pavement layer or bit base and bit wear pavement layers, the Township may require the application of a final bit wear layer prior to acceptance of the road by the township.
- Sodding and/or seeding shall be provided for on new or reconstructed roadways.

Section 5.108. DRAINAGE

- Provisions for the collection and disposal of surface and storm water shall be provided within the street right-of-way to comply with Federal, State, County and Township regulations.
- Drainage facilities shall be designed for a 25 year storm event under a registered engineer's supervision and approved by the engineer. The facilities shall be designed to consider the drainage basin or watershed as a whole and shall accommodate not only runoff from the subdivision or other development, but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and upstream from the subdivision or other development, as well as its effects on lands downstream.

ROCHESTER TOWNSHIP SUBDIVISION ORDINANCE

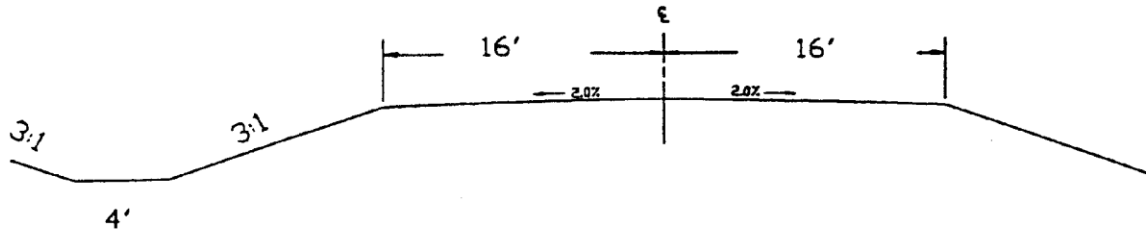
- Post development peak storm water runoff may not exceed predevelopment values and may not exceed the peak amount for a 10 year event.
- All drainage systems shall be designed to ensure adequate drainage of all low points.
- Culverts and bridge widths shall be at least the width of the roadway and shoulder plus a driver reaction of two feet. All culverts in the public right of way, shall be new with aprons.
- This information shall be included in the grading plan.
- Inslopes shall be a minimum of 3:1 slopes, and all slopes shall be kept free of impediments or obstacles not part of the roadway and ditch designs to a distance of 20 feet from the traveled portion of roadway.

Section 5.109. BASE AND SURFACING

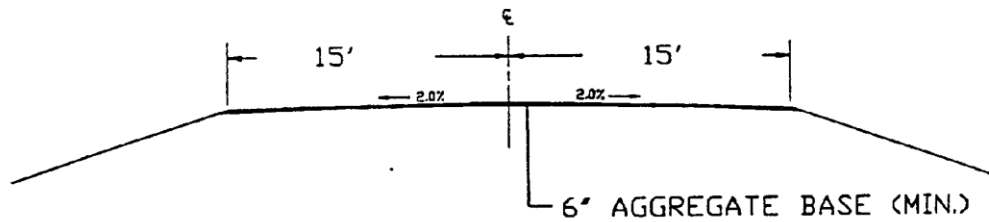
- Upon completion of the grading a minimum of 6 inches of compacted aggregate shall be placed on the roadway.
- Design strength of surfacing is dictated by the degree and type of traffic, therefore, each project must be considered individually. R-Values shall be required on all projects. Each project, if surfaced, shall meet a minimum standard of a 7-ton design as determined by the Olmsted County Public Works Department. Surfacing should be delayed for one year after grading. Where staged roadway construction is employed including the early application of a bit base pavement layer or bit base and bit wear pavement layers, the Township may require the application of a final bit wear layer prior to acceptance of the road by the township.
- All materials incorporated into the base and surfacing shall comply with "Minnesota Department of transportation, Standard Specifications for Construction, Specification No. 3138, latest edition.
- The recovery area of "shoulder" shall be a minimum of two feet and a maximum of ten feet.
- Finished subgrade grading roadway widths shall be a minimum of thirty-two feet plus two feet of aggregate shoulder on each side.
- Shoulder radius at road intersections shall be rounded at a radius of not less than forty (40) feet.
- Show exact alignment, gradients, dimensions and other features such as storm drainage, widths of roads or streets, widths of surfacing, etc.
- Show the fundamental design procedure used for culvert and bridge water way openings. Basically (1) determination of the design discharge and (2) the determination of the geometric proportions of the drainage structure to accommodate the design discharge.
- Provide a typical cross section of roadway showing width of right of way width of roadway, width of surfacing, type and depth of surfacing, etc. (ref. Fig 5.2). If stage construction is to be used, develop plans of sufficient geometrics capable of future structural strength, (ref. Fig 5.2).
- State road gradients and radii of curves and show drainage computations. All elevation data shall be mean sea level.
- Platted streets, railway right of way, utility easements, etc.
- Topography such as lakes, water courses, streams, marsh areas and contours at a reasonable vertical interval.

Figure 5.2. Subgrade, Base, Finished Surface and Staged Construction Requirements

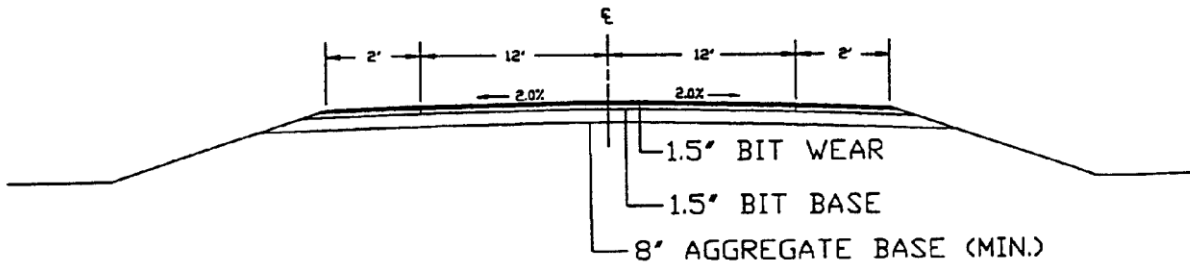
ROCHESTER TOWNSHIP SUBDIVISION ORDINANCE



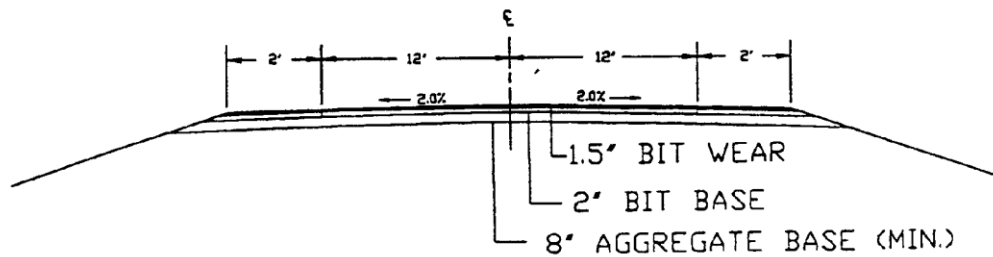
MIN. SUBGRADE REQUIREMENTS



AGGREGATE BASE REQUIREMENTS



FINISHED SURFACE REQUIREMENTS



STAGED CONSTRUCTION REQUIREMENTS

ROCHESTER TOWNSHIP SUBDIVISION ORDINANCE

Section 5.110. ROAD PROCEDURES

- A construction permit shall be filed by the developer or owner with the Township Zoning Administrator prior to any work being done.
- A grading plan shall be submitted to the Township Zoning Administrator. All said roads shall be inspected by the County Public Works Department and/or the Township as the work progresses.
- The Townboard shall not approve or accept a road until houses are totally constructed on a minimum of fifty (50) percent of the lots or buildable properties to be covered by the performance bond.
- Upon completion of the work the County Public Works Department shall review the roadways with the Townboard and make a recommendation as to acceptance. The Townboard may, at its discretion, perform limited maintenance without incurring any obligation for future acceptance of a road.

Section 5.2. EASEMENTS AND DEDICATIONS

- Easements for public utilities may be required by the Commission. Where such easements are determined to be necessary, they shall be provided along the rear and / or side lot lines and shall be ten (10) feet in width.
- Easements for public or private utilities will be provided along all road right-of-ways. The easements shall be a minimum of ten (10) feet in width. The easements may be interior to and abutting the exterior boundaries of the road right of ways. All above ground utility components must be exterior of the obstacle free area which extends a distance of 20 feet from the traveled portion of the roadway. Only underground utilities may be within the road right of way. All underground utilities must be buried a minimum of thirty two (32) inches below the finished grade.
- Where a water course, drainage way channel or stream traverse a subdivision, there shall be provided a storm water easement for drainage right-of-way conforming substantially with the lines of such water course. If it is deemed advisable by the Commission, such water course or drainage way may be re-established to conform with the proposed street pattern, in which case suitable storm drainage facilities shall be designed by a licensed engineer and the design reviewed by the County Engineer.
- Any storm water control or impoundment features will have easements to allow maintenance and access for maintenance.
- Upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood unit developments, the Commission may require the dedication or reservation of areas or sites suitable to the needs created by such development for schools, parks and other neighborhood purposes.

Section 5.3. LOTS

The size, width, shape and orientation of lots and buildings set back line shall be appropriate for the type of development and use contemplated.

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A. Residential lot dimensions are contained in the following table:

	LOTS SERVED BY PUBLIC SEWERAGE SYSTEM	LOTS SERVED BY PRIVATE SEWERAGE SYSTEM
Minimum Lot Width at Street Line	60 feet	120 feet
Minimum Lot Width at Building line	60 feet	120 feet
Maximum Lot depth as measured along side lot lines	160 feet	2 ½ times street frontage
Minimum Area of Lot	one-half acre	two acres **
**Additional lot area may be required by the Commission depending upon soil and drainage conditions.		

- B. Corner lots for residential use shall have additional width to permit appropriate building set back from and orientation to both streets.
- C. Side lot lines shall be as near to right angles or radial to street lines as possible.
- D. Every lot shall lie adjacent to a public street, thus providing access for fire protection, utilities and other necessary services.
- E. Where lots have frontage on a cul-de-sac, the minimum lot width may be reduced to 80 feet.

Section 5.4. ENGINEERING PLANS

Street plans and profiles shall be drawn with black ink on standard highway plan and profile linen. Street plans and profiles shall be drawn to a scale not greater than one (1) inch equals one-hundred (100) feet horizontally and one (1) inch equals ten (10) feet vertically, and shall show original and proposed centerline elevations, all curve data, street orientation and a typical cross section for each street.

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ARTICLE VI REQUIRED IMPROVEMENTS

Section 6.0. MONUMENTS

Durable iron monuments shall be placed at all block corners, all intermediate points on blocks where there is a change in the direction of the block line, at points of curves in streets, at each angle and curve point on the exterior boundary lines of the plat, and at such other points as may be required by the County Engineer .

Section 6.1. STREETS

All streets/roads shall be constructed in accordance with the design standards of Article V.

Section 6.2. SIGNS

Street name signs shall be placed at all block corners and such other intermediate points as may be required by the Commission. Signs shall be of a permanent nature, mounted upon metal posts in conformance with county standards and located at the intersections of the street right-of-way lines extended. At intersections having four (4) block corners it will be necessary to erect signs on two (2) diagonal corners only. A fee will be charged for the first sign(s) on public roads or streets.

All signs, posts and their installation shall require approval of the County Engineer.

Section 6.3. UTILITIES

It shall be the responsibility of the subdivider to contact utility companies to determine the availability of services and to make the necessary arrangements for their installation.

Where a community or multiparty type water supply system and/or waste removal system is to be utilized, the subdivider or developer shall install the wells, water mains and/or waste collection system prior to construction of buildings upon the lots.

Section 6.4. STORM WATER MANAGEMENT

All storm water management facilities and structures must be constructed prior to acceptance of the road by the township. If no road construction is associated with the development then all storm water management facilities and structures must be constructed prior to construction of buildings upon the lots.

Section 6.5. CONSTRUCTION and PERFORMANCE BONDS

In the interest of good development and to protect the taxpayers and future purchasers of residential, commercial and industrial properties, it shall be the policy of the Rochester Township Board of Supervisors to require that a construction and/or performance bond be posted to the Olmsted County Public Works for completion of all public works required under the provisions of this ordinance.

- **CONSTRUCTION BOND:** The Township Board of Supervisors may accept a final plat for recording where the owner and/or developer of the platted subdivision posts a certified check or surety bond acceptable to the Township Board of Supervisors in sufficient amount to cover the provisions of this ordinance.

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The amount of said certified check or surety bond shall be determined by the Town Board with input from the County engineer and the stipulated period covered by such bond shall in general be for a period of two (2) years, and renewed for one year intervals until the work is completed and accepted by the Townboard. Where a portion of the work covered by the certified check or surety bond has been completed and is acceptable to the Townboard then the amount of the certified check or surety bond may be reduced in proportion to the amount of work completed.

- **PERFORMANCE BOND:** A performance bond from the developer shall be posted with Rochester Township Treasurer in an amount the Commission specifies. The bond shall run for a period of two years from the time the road is completed and accepted by the Townboard. The Townboard shall not approve or accept a road until houses are totally constructed on a minimum of fifty (50) percent of the lots or buildable properties to be covered by the performance bond.

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ARTICLE VII SINKHOLE DEFINITION & REQUIREMENTS

Section 7.0. SINKHOLE DEFINITION

Sinkholes exist in Rochester Township and are formed by the movement of water in the ground and bedrock with the causing the dissolution of soluble rock and the resultant sinking of the surface into these voids. The dissolution of the rock is not uniform and is enhanced along joints and cracks in the rock. The result of this action is karst. Thus a sinkhole is defined as a depression or hole in the landscape surface formed by the dissolution of bedrock or the collapse of and underlying cavity.

Depressions in karst advisory areas where soils are deeper than 8 feet, that were formed by differential compaction or subsidence are not considered sinkholes for the purposes of the ordinance.

Section 7.1. EDGE DEFINITION

For the purposes of defining offsets, the edge of a singular sinkhole shall be defined as the inner doline formed by the collapse or the dissolution of the carbonate bedrock plus a horizontal distance equal to the average vertical depth of soil in the area, i.e. a slope of 45 degrees from the inner doline to the point of intersection with the soil at the average soil depth in the area (Ref. Fig. 7.1)

A cluster or sinkhole group would exist where two or more sinkholes are separated by an edge to edge distance of less than 200 feet.

Section 7.2. SINKHOLE ADVISORY AREAS

Sinkhole prone areas are defined as "karst advisory areas (KAA)" as shown in the Olmsted County Geologic Atlas. For Rochester Township current KAA's are defined as those areas of Sections 7, 8, 9, 16, 17, 18, 29, 30 and 31, where the elevation is 1200 feet, from mean sea level, or higher.

Section 7.3. REQUIREMENTS

Developments in the KAA's must document any open or closed (mitigated) sinkholes. Preplat documentation must include an evaluation for the intrinsic geologic risk of the site including the risk of catastrophic collapse and potential for ground water contamination. Such documentation and the site topographic drawing shall identify all sinkholes on the subject property and those known or cataloged sinkholes shown in the Olmsted County or Rochester Township sinkhole inventory or registry within a distance of 500 feet from the property boundaries.

Where sinkholes exhibit linear patterns the area shall be evaluated for soil and/or bedrock stability as part of the preplat submission and prior to any construction activity.

Section 7.4. SETBACKS

Where sinkholes are identified the following setbacks from the sink hole edge as defined in section 7.1, shall apply:

- Septic tanks 50 feet
- Septic fields 50 feet
- Structures without evaluation of underlying geology 500 feet
- Structures with design supported by geologic evaluation, an engineered design and with sinkhole mitigation as per the report; "Basis for Sinkhole Designs", dated February 1993 by Barr Engineering 0 feet

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Section 7.5. MITIGATION OF SINKHOLES

Where sinkholes occur wholly or partially within the Right-of Way of public roads, these sinkholes must be mitigated in accordance with the design practices documented in "Basis for Sinkhole Designs" dated February 1993 by Barr Engineering. The proposed mitigation plan must be designed by a licensed engineer and must be accepted by the Committee as part of the preplat approval and prior to the start of any construction.

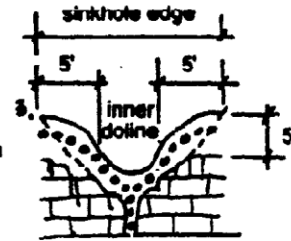
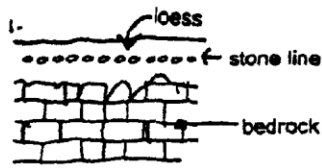
Mitigation of sinkholes in general will follow the practices identified in the document "Basis for Sinkhole Designs" dated February 1993 by Barr Engineering. The zoning administrator must be notified of any proposed mitigation and the mitigation plan prior to start of such mitigation.

Sinkholes of a cylindrical type or any sinkhole that would potentially form a trap or be a hazard to public safety must be mitigated at the start of any construction in the development.

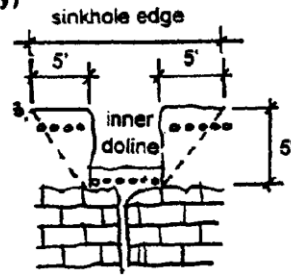
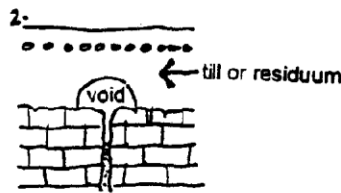
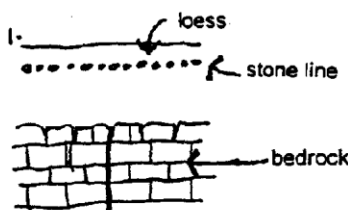
ROCHESTER TOWNSHIP SUBDIVISION ORDINANCE

Figure 7.1. Typical Sinkhole Cross-Sections

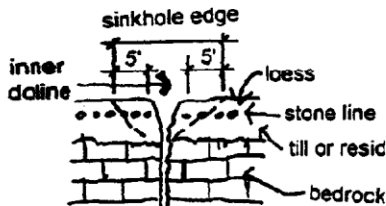
SUBSIDENCE SINKHOLES (Thin glacial drift form slowly)



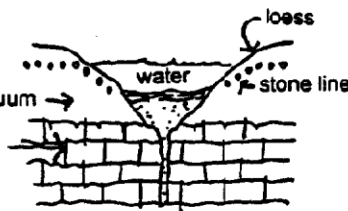
COLLAPSE SINKHOLES (Form beneath thick drift/can form catastrophically)



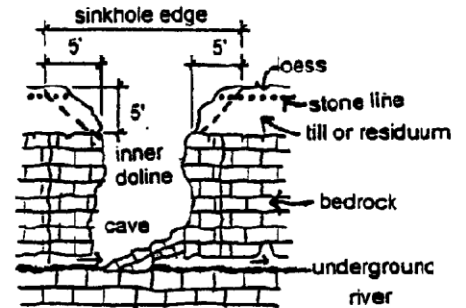
SOIL PIPES



KARST PONDS



KARST WINDOW



SINKHOLE FORMATION

Sinkholes form where surface materials are eroded through the solution channels in the underlying bedrock. If that erosion is slow compared to the rate at which the land surface adjusts, a slow subsidence sinkhole forms. If the subsurface erosion is rapid compared to the rate at which land surface adjusts, a void can form in the unconsolidated materials above the bedrock surface, and when the roof of that void fails, a catastrophic sinkhole can suddenly appear.

The drains in the bottoms of both subsidence and catastrophic sinkholes can be plugged by debris. Water may be temporarily collect in such plugged sinkholes and form ponds. As sinkholes continue to grow, they eventually form karst windows. In Minnesota the erosion process was interrupted by cycles of glacial deposition before the sinkholes evolved into karst windows. A stone line is present beneath the loess in places, but not everywhere.

Definitions:

Inner doline-

The edge of soil/bedrock collapse in cylindrical depression a point at mid-slope between the bottom and the shoulder of the depression.

Sinkhole edge-

A line extending from the inner doline at a horizontal distance equal to the average vertical soil depth in the area defining a 1:1 slope (45%) from the top of bedrock at the inner doline to the surface.

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ARTICLE VIII PLATTING EXCEPTIONS AND CONDITIONS

Section 8.1. METES & BOUNDS SUBDIVISION

Section 8.11. PORTION OF PLATTED LOT

On application of the owner, the Townboard may approve a metes and bounds subdivision of a portion of a platted lot under the following circumstances if, in each instance, the new and residual parcels of land which would result from the metes and bounds subdivision meet the requirements of the Zoning Ordinance.

- a) When it is desired to relocate a property line separating platted lots, or a platted lot and unplatted land, which would not result in the creation of any additional lots.
- b) When it is desired to divide two platted lots into not more than three parcels.
- c) When it is desired to divide one platted lot into not more than three parcels.
- d) When the parcels are approved for private sewage disposal systems, if needed, by the Health Department.
- e) When such a subdivision will not interfere with the purposes of the Subdivision Ordinance.
- f) All unused wells are sealed.

Section 8.12. UNPLATTED LAND

On application of the owner, the Townboard may approve a metes and bounds subdivision under the following conditions if, in each instance, the new and residual parcels of land which would result from the metes and bounds subdivision meet the requirements of the Zoning Ordinance.

- a) When the subdivision involves the creation of no more than a total of three new and residual parcels from a legally recorded parcel.
- b) When the parcels are approved for private sewage disposal systems, if needed, by the Health Department.
- c) When it is desired to relocate a property line that would not result in the creation of any additional lots.
- d) That such a subdivision will not interfere with the purposes of the Subdivision Ordinance.

Section 8.2. DEDICATION OF STREET, PUBLIC UTILITY, AND ENVIRONMENTAL CORRIDOR EASEMENTS

When easements are required as a result of a metes and bounds subdivision, the owner shall dedicate such necessary easements as a condition of metes and bounds subdivision approval. Definition of such easements must be included on the Certificate of Survey.

Section 8.3. APPLICATIONS

All applications under this section shall be filed with the Zoning Administrator and shall have attached thereto a legal description and map of the land to be subdivided showing all new and residual parcels, any deed covenants or restrictions that exist or are proposed, and written approval of the Olmsted County Health Department for private sewage disposal systems, if needed.

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All applications shall be sent to the Townboard for their review and decision at the next scheduled meeting. The Townboard shall act on the application in accordance with state statute time limits.

Final approval of all applications will require a Plat of Survey prepared by a registered land surveyor for each new parcel (unless waived by the County Surveyor in total or in part). The County Surveyor may waive the Plat of Survey for a parcel of land that is six (6) acres or more in size.

Section 8.4. FILING FEE

A filing fee as established by the Townboard shall accompany all applications for metes and bounds subdivision approval. All fees paid by check shall be made payable to the Rochester Township Treasurer.

Section 8.5. APPEALS REGARDING THE GRANTING OF PLATS

Appeals of the Commission's decision relating to the granting of plats shall be submitted to the Zoning Administrator within ten (10) days of the Commission's decision. Such appeals will be submitted to the Townboard at their next regular meeting. The Townboard shall within sixty days after the receipt of the appeal adopt findings and act upon the appeal.

Section 8.6. OTHER APPEALS

All appeals of decisions of the Commission regarding this ordinance, excepting the granting of the plat, shall be made directly to the Township Board of Adjustment and Appeals. Appeals must be filed with the Zoning Administrator within ten (10) days of the date of the decision of the Commission. The Board shall hold a public hearing within sixty (60) days from receipt of a written appeal and shall dispose of all requests within sixty (60) days of the hearing. The decision of the Board of Adjustment and Appeals shall be final.

The appellant, official, or township from whom the appeal is taken, and the public, shall be notified of the public hearing in accordance with Minnesota Statute 462.354, subdivision 2. Failure of any property owner or said persons to receive such notice shall not invalidate the proceeding provided a bona-fide attempt to give such notice has been made.

ROCHESTER TOWNSHIP SUBDIVISION ORDINANCE

ARTICLE IX DEDICATIONS AND RESERVATIONS

Section 9.0. REQUIREMENT FOR OPEN SPACE

Where deemed appropriate by the Commission, additional open space suitably located and of adequate size for parks, playgrounds or other recreational activities for local or neighborhood use, shall be provided for in the proposed subdivision..

Section 9.1. OPEN SPACE

All developments exceeding twenty (20) acres, shall provide a minimum of 1.5% of the gross development area in a single contiguous area with permanent dedication for common open space. This space shall not include development septic set aside area. The open space area shall be covered by a homeowners association agreement. One-third of the open space must be of a buildable quality. Open spaces exceeding 2 acres may be non-contiguous. Open space shall reflect the site specific natural characteristics.

Section 9.2. PARKS AND PUBLIC USE SITES

When a park or other public use site shown in the Comprehensive Development Plan or Official Map of Olmsted County or Rochester Township lies wholly or partly within the boundaries of the proposed subdivision, and such park or other public use site is not dedicated for public use to Rochester Township or Olmsted County, the Commission may recommend that the area be reserved for acquisition by Rochester Township for a period of one and one-half (1 1/2 years).The Townboard shall endorse this reservation by indicating a desire to purchase said site or sites at the time of platting

ROCHESTER TOWNSHIP SUBDIVISION ORDINANCE

ARTICLE X VARIANCES

Section 10.0. HARDSHIP

Where the Commission finds that extraordinary hardship may result from strict compliance with the provisions of this ordinance, it may vary the regulations to the extent that substantial justice may be done and the public interest secured, provided that such variation may be granted without detriment to the public interest and will not have the effect of nullifying the intent and purpose of this ordinance.

Section 10.2. CONDITIONS

In the granting of variances, the Commission shall weigh the benefits of hardships against the general standards and objectives of this ordinance, and may require such conditions that will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Section 10.3. BOARD OF ADJUSTMENT

The Township Board of Adjustment and Appeals, shall act upon all questions, excepting the granting of the plat, as they may arise in the administration of this ordinance. The Board shall hear and decide appeals from and review any order, requirement, decision or determination made in the enforcement of this ordinance.

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ARTICLE XI ENFORCEMENT

Any person, agent or corporation found guilty of violating any of the provisions of this ordinance, upon conviction thereof, shall be subject to a fine of not more than \$700.00 dollars and the cost of prosecution for each violation; or be imprisoned for a period of not more than 90 days, or both. Each day that a violation exists or continues, shall constitute a separate offense.

ROCHESTER TOWNSHIP SUBDIVISION ORDINANCE

ARTICLE XII AMENDMENTS

The Commission may of its own notion or upon petition, cause to be prepared amendments supplementing or changing the regulations herein established. All proposed amendments, together with the recommendation of the Planning Advisory Commission, shall be submitted to the Townboard for adoption in accordance with established procedures.

ROCHESTER TOWNSHIP SUBDIVISION ORDINANCE

ARTICLE XIII VALIDITY, SEPARABILITY AND EFFECTIVE DATE

Section 13.0. VALIDITY

Whenever any provision of this ordinance imposes restrictions which are more restrictive than those imposed by provisions of existing laws or ordinances, the provision of this ordinance shall govern.

Section 13.1. SEPARABILITY

Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, except that part so declared to be invalid.

Section 13.2. EFFECTIVE DATE

This ordinance shall become effective 11 JULY 2003

Section 13.3. FEES

There shall be fees established for items in this ordinance as established from time to time by Resolution of the Rochester Town Board of Supervisors.