

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.

Subdivision 2: Definitions

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.

Cluster Plat: A grouping of residential structures on smaller lots than are typically allowed in the specific zoning district, leaving a portion of the tract as common open space.

Common Open Space: Land used for agriculture cropland, pasture, natural habitat, pedestrian corridors and/or recreational purposes that is either protected by a conservation easement, or limited to future development.

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

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

County Board: The Sherburne County Board of Commissioners.

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.

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

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.

Final Plat: A drawing or map of a subdivision, meeting all the requirements of the County, Minnesota State Statutes regarding the platting of land and in such form as required by Sherburne County for the purposes of recording.

Hardship: The condition when the property in question cannot be put to a reasonable use under the conditions allowed by this ordinance. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of this ordinance. (As used in connection with a variance under this ordinance.)

Homeowners Association: A formally constituted nonprofit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating and maintaining the common open space and facilities.

Local Street: Local streets represent the lowest category in the hierarchy of streets. Their primary function is to provide access to abutting land use.

Lot: A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation.

Lot , Corner: A lot abutting upon two or more streets at their intersection or junction or a lot bounded on two sides by a curving street where it is possible to draw two intersecting chords, one each commencing at each of the two points of intersection of the lot lines and street line, which intersect with each other to form an interior angle of less than 120 degrees.

Lots of Record: All lots which are a part of a subdivision legally 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 and the sewage treatment and setback requirements of the Zoning Ordinance are met.

Lot Width: The shortest distance between lot lines measured at the building front

setback line.

Major Collector: Major collectors collect traffic from local and minor collector streets and connects with arterial streets. They can also serve local business districts.

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.

Outlot: A lot that is in a plat that is not buildable for a residence by itself.

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

Planned Unit Development: A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

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.

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.

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.

Shared Sewage Treatment System: A common system for the collection, treatment and disposal of wastewater from a group of properties, in which the final treatment and disposal

facilities are located on common open space or a separate outlot, and management responsibilities are assumed by all the property owners, through a homeowners association or a management entity which they may retain for that purpose.

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

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

Variance: 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.

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 of 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.

Zoning District: An area or areas within the limits of the County of Sherburne for which the regulations and requirements governing land use are uniform.