

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 Sherburne County Zoning Ordinance.
- B. Corner lots for residential use shall have additional width to permit appropriate building setback from both roads as required by the Sherburne County 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. 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. *If the public road is not paved, the subdivision applicant must have a written agreement with the local road authority as to when the road will be paved. A written copy of this agreement shall be supplied to the Zoning Office as a part of the application.*
- 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

- A. The arrangement of roads and streets shall conform to the Sherburne County Transportation Plan. 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 fourteen hundred (1400) feet in length (as measured at a starting point at center of intersection to centerpoint of cul-de-sac) except where requested by the road authority, with concurrence of the County, 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 twenty three (23) 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 on 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 conform to the Sherburne County Transportation Plan. Roads and streets shall not have less than the following rights-of-way:

<u>Facility Type</u>	<u>Urban Setting</u>	<u>Rural Setting</u>
Bicycle Only	12'	12'
Pedestrian and Bicycle	16'	16'
Alley	20'	20'
Local Street*	66'	66'
Minor Collector	70'	100'
Major Collector	70'	100'
Minor Arterial	100'	100'
Principal Arterial	120'	170'

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

* Local Streets constructed as an urban section, and adjacent to U.S. State or County State Aid Highway, may have a right-of-way of less than 66' if approved by the local road authority.

- 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 except in PUDS.

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 County Board, by ordinance, upon the recommendation of the Planning Commission.
- 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 owning utility company.

5. Monuments

Plat monumentation, and identification of monuments shall be as required by Minnesota Statutes regarding platting and registered land surveys. Sherburne County may require a financial guarantee to assure that delayed staking takes place. See the 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.
- B. All newly created lots for residential building purposes, served by shared sewer systems designed under the standards set forth in the Section 11, Cluster Plats, must have at least 15,000 contiguous square feet of the required minimum platted lot area at least three (3) feet above the highest known water table.

Advisory Committee Comment: For lots with private sewer and water services it is necessary to preserve more high land for sewage treatment for future sites for replacement of failing systems.

- C. The standards in “A” and “B” must be met unless a township has adopted its own zoning and chooses to implement alternate standards. Alternate standards for creation of new lot must require the following:
1. Each lot must have 10,000 square feet of undisturbed and contiguous land that is at least eighteen (18) inches above mottling (as defined in MN Chapter 7080).
 2. A minimum of three (3) soil borings must be done on each proposed lot; one where the house will be located and one where each septic drainfield will go. Developer’s engineer must designate permanent location of home and the maximum house pad size on preliminary plat and grading and drainage plan.
 3. Each lot must have 5,000 square feet of contiguous land that is 36 inches above mottling. This may be accomplished by filling in non-wetland area. This area shall be a minimum of 60 feet in width and 60 feet in length. The house shall be located in this area and all fill below the floor areas and foundation shall be certified as structural fill by a geotechnical engineer.
 4. The designing engineer shall incorporate into the overall drainage plan of the plat all fill that may be necessary for construction of homes. If additional fill is proposed after the grading and drainage plan was approved by the Township Engineer, then prior to building permit being issued, the property owner must submit proposed grading changes to the Township and submit an approval letter to the County. Elevation changes not shown on the preliminary plat and / or grading and drainage plan will not be allowed.
 5. The designing engineer must identify on the preliminary plat and grading plans what the low floor and low entry elevations will be for construction of a new home. The low floor shall be determined by not only surface flooding potential, but by mottling as shown in the soil borings. The types of homes that will be allowed on each individual lot must also be identified (full basement, walkouts, 2-level split entry, slab on grade.)
 6. The proposed lowest floor elevation for each home shall be a minimum of one foot above mottling as indicated by the soil boring taken on the lot.
 7. All plats must follow the requirements set forth in Subd 4 Controls During Construction.

7. Outlots

Lots in a plat, planned unit development or other subdivision of land may be designated as an Outlot when:

- A. The landowner intends to develop the subdivision in phases;
- B. The proposed outlot is to be owned by all other lot owners under an owner's association;
- C. When there is a dispute on a boundary line with an adjoining landowner, the land is placed in an outlot to allow the proposed subdivision to be presented before the Planning Commission and other governmental bodies for action; or
- D. The land is to be dedicated to the public for future public uses. For example, a stub road to the adjacent lands for the purpose of future development, a pathway for connection to state trails, etc.

Subdivision 2: Road Standards

Maximum Cul-de-sac Length (feet)	1400'
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, Planning Commission or County 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 Section 17 of the Sherburne County Zoning Ordinance. Any solid waste generated during road building, site development or building construction shall be handled and disposed of as required by the Sherburne County Solid Waste Ordinance.

Subdivision 4: Controls During Construction

1. Soil erosion shall be limited during construction as required by Section 17 of the Sherburne Zoning Ordinance.
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 County 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 County for 125% of the estimated cost of completing the grading, filling and inspections required pursuant to the grading plan.

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 the report of the Sherburne County Tree Forester will be forwarded to the Planning Commission and County Board for consideration within thirty (30) days.

Subdivision 6: Compliance with Wetland Conservation Act Regulations

The Sherburne County Board of Commissioners delegates the Zoning Department to 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 prior to being scheduled for a Public Hearing with the Sherburne County Planning Commission.

If Staff deems the application controversial, it may defer the decision on approval or denial to the Sherburne County Board of Commissioners.

If an applicant wishes to appeal the decision of Zoning Staff relating to the Wetland Conservation Act, the appeal would be heard by the Minnesota Board of Water and Soil Resources.