

SECTION 10.1 - RESIDENTIAL PLANNED UNIT DEVELOPMENT

Subdivision 1: Purpose

A Residential Planned Unit Development (R-PUD) is a development that allows flexibility and creativity in design by offering alternative standards. Offering flexibility of lot size and dimensions for specific design standards should provide higher lot yield, along with a higher quality development than what might otherwise be achieved through the strict application of the “Standard Plat” subdivision. Lot yield is calculated according to the base density allowed in applicable zoning district.¹

In designing an R-PUD the natural features such as wetlands, existing topography, soil types, woodlands and natural communities shall be considered to preserve rural character, enhance scenic vistas, and protect sensitive environmental resources and provide areas for local recreational use. A Residential PUD may allow for the creation of distinctive neighborhoods by encouraging clustered residential development.

The R- PUD is only allowed as an overlay district that has been designated on the Sherburne County Zoning Map and predetermined by the County Board and applicable Town board. The R-PUD must be approved through a Conditional Use Permit.

Subdivision 2: Definitions

Conservation Easement: A legal agreement creating an interest in real property created in a manner to impose limitations or affirmative obligations regarding the use of property including the retention, protection, and maintenance of open space.

Base Density: The allowable number of lots per gross acreage.

Bonus Qualifiers: A set of criteria that when met will enhance the quality of a residential development and which will allow for an increase in density for the purposes of calculation of the number of allowable lots.

¹ The net land area (gross area minus existing public road right-of-way and/or easement, DNR waters, floodways) divided by the base density (i.e. 2.5 acres in General Rural) will equal the allowable lot yield.

Buffer Strip: A strip of land that is preserved from development for homes or structures with the sole purpose of separating and/or screening a property from another use or to shield or mitigate from noise, lights or other impacts.

Common Open Space: Land that is jointly owned and maintained by landowners in the development through a homeowners association and is not designated for development of homes, but may be used for parks, nature areas, playgrounds, trails and other recreational uses, which are intended for use by the homeowners of the development and/or preservation of land. It is a tract of land that is platted as an outlot and is unavailable for further development for residential lots.

DNR Classified Public Water: Any water body classified by the Department of Natural Resources and defined in Minnesota Statutes, Section 103G.005, Subd 15 and 19.

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

Gross Land Area: The total area of an undeveloped parcel of land.

Land Trust: A nonprofit organization that, as all or part of its mission is to work to conserve land by undertaking or assisting in direct land transactions, primarily for the purchase or acceptance of donations of land or easements.

Lot Yield: Lot Yield is determined by the net land area (gross area minus existing public road right-of-way and/or easement, DNR waters, floodways) divided by the base density (i.e. 2.5 acres in General Rural District).

Net Land Area: All land within the boundaries of a parcel of land for the purposes of calculating density except existing public road right-of-way or public road easement, land below the Ordinary High Water Level of a DNR protected waters and wetlands and land designated as “floodway” by FEMA.

Overlay District: A predetermined area of land, designated on the official zoning map where specific uses are allowed.

Rain Garden: An infiltration technique where water is captured in a garden that features native plantings, and where the water has a chance to slowly filter into the ground rather than run off into the storm sewer.

Steep Slope: An area where the average slope is 18% or more over a distance of 50 feet.

Vegetative buffer: A strip of land that is preserved from development of structures which is not mowed, but left in its natural state. The purpose is to protect a natural feature from run off and other impacts that could lead to degradation of the natural feature.

Subdivision 3: Permitted Areas

1. PUDs shall only be permitted in areas that have been identified by each Township Board and designated on the official Sherburne County Zoning Map as a “Residential PUD Overlay District.”
2. The areas where the Overlay District is established in each township shall be approved by the local township board with concurrence from the Sherburne County Board of Commissioners and shall be a contiguous area within a township of not less than thirty (30) acres in size.²
3. *The Residential PUD Overlay* shall allow a minimum lot size of 1.5 acres with individual septic systems. *The Residential PUD Overlay District* may allow a minimum lot size of 0.5 acres with a common septic system only where the developer and a local government authority have agreed to establish a subordinate service district pursuant to Minn. Statute, Ch 365A or 375B and the local government authority has agreed to manage the common septic system through the subordinate service district. Other forms of common septic system ownership shall not be permitted.
4. PUDs in a shoreland district are regulated by Section 14-Shoreland District of the Sherburne County Zoning Ordinance.

Subdivision 4: Objectives

1. Locate residential lots to avoid hydric and restrictive soils.
2. Plat designs shall avoid lot locations that impact steep slopes, wetlands, floodplains or other environmentally sensitive areas.
3. Consider structures of historical significance, prime agricultural lands, endangered species protection, mature tree stands, and rare plant communities when designing layouts. Lots should be designed in a manner that offers the highest preservation for natural corridors that are valuable for wildlife habitat, scenic enjoyment or agricultural production.
4. Reduce the cost of construction and maintenance of public facilities, infrastructure and services.
5. Provide a lot layout that maintains a low visual impact, particularly from arterial roadways and abutting properties.

² It is the intention of this ordinance for the individual townships to decide where this overlay district shall be located in their township. A township may decide to include the entire township or selected areas where the town board finds alternative designs to be appropriate. The overlay district shall be contiguous and not promote spot zoning.

6. Create cohesive neighborhoods to establish local identity and community interaction.
7. Facilitate road connections from one subdivision to another.
8. Connect existing and potential open space lands, natural corridors, and trailways whenever possible.

Subdivision 5: Lot Design Standards

Lots shall be designed to achieve the following:

1. Locate building pads and septic systems on the most suitable soils. Two septic system locations must be designated on each lot before preliminary plat approval. If deemed necessary by the County Board, site specific septic designs shall be provided on designated lots.
2. On lots less than 1.5 acres in size, the open space bonus must be utilized and installation of a community septic system is mandatory. Community septic systems shall be located on the most suitable soils.
3. Residential lots shall be located away from “Natural Communities and Rare Species of Sherburne County” as identified by the DNR.
4. Lot designs shall minimize impacts to wooded areas and promote preservation of contiguous wooded corridors by limiting house site location to the edges of wooded areas or by preserving the corridors with open space.
5. Existing topography should be considered to the greatest degree possible to eliminate and reduce filling for house pads.
6. Residential house sites should be located away from wetlands, floodplain and steep slopes.
7. To improve public safety and protect rural character, residential lots may not access onto arterial roads. House sites should be buffered from incompatible uses with open space and vegetative screening
8. No one lot shall have more than 25% of the lot covered by wetland or a stormwater pond.
9. Every lot shall be a “developable lot” as described in the Sherburne County Subdivision Ordinance, Section 11, Subd. 1 Item 6.

Subdivision 6: Dimensional and Setback Regulations

1. The dimensional regulations in an R-PUD will be automatically reduced from the underlying zoning district dimensional regulations. The calculation of density is calculated on the entire property including the proposed right-of-way. An R-PUD must meet the following:

A. Dimensions:

Base Lot Density	2.5 acres	(General Rural & Urban Expansion Districts)
	5.0 acres	(Agricultural Districts)
Minimum Lot Size:	1.5 acres	Individual Septic Systems
	0.5 acres	Common Septic System
Minimum Lot Width	100 feet	
Minimum Lot Depth	200 feet	

B. Setbacks

Front yard setback	50 feet from the township road right-of-way ³
Side yard setback	10 feet
Rear yard setback	25 feet

- 2. All other setbacks shall conform to the underlying zoning district in addition to any other underlying districts (shoreland, floodplain, airport, etc.).
- 3. Developments located within the Urban Expansion District shall be ghost platted to match the adjacent city standards if the lot width exceeds 200 feet.

Subdivision 7: Density Calculations

- 1. Every R-PUD will have a base density equal to the underlying zoning district and measured using the net acreage on the parcel as defined in this Section.
- 2. Instead of requiring that lots be a minimum size of 2.5 or 5 acres⁴, the lots may vary in size.
- 3. Guaranteed amenities will be conditions of approval during the platting process and conditions of the conditional use permit. Approvals of bonuses are at the discretion of the County Board. Some amenities may also require approval by the Township Board.

³ Although the minimum front yard setback is 50', it is encouraged that the placement of homes be staggered to promote variety within the streetscape.

⁴ Depending on the underlying zoning district where the property is located

4. Density bonuses may be allowed to a maximum increase of 50% above the base density of the PUD overlay district.

Subdivision 8: Bonus qualifiers:

1. An applicant may choose to implement one or more of the available amenity bonuses to qualify for an increase in the overall density to a plat.

A. Available Bonus	Percent Increase
1. 50 % Common Open Space	30%
2. Significant resource protection	15%
3. Sidewalks or bikeways	10%
4. Recreational amenity	5%
5. Architectural features	5%
6. Buffer from roads	5%
7. Street lighting & entrance monument	5%
8. Additional right-of-way	5%

B. Bonus Details

1. Open Space;
 - a. Open space shall be 50% of the net land area of the entire subdivision.
 - b. Open space will be subdivided as an outlet.
 - c. Open space must be owned by the homeowners association, public entity or a non-profit organization dedicated to environmental protection of the land.
 - d. The open space will be considered undevelopable in perpetuity as a condition of plat approval⁵. Prior to the public hearing, the developer must make application to a Land Trust for holding a conservation easement. If the land trust or other public entity will not hold a conservation easement, then the open space will be owned and protected by the homeowners association through their covenants⁶.
 - e. No more than 50% of the open space may consist of DNR protected waters, wetlands and/or floodplain.
 - f. Common septic systems must be located in the area designated as “open space” and must be located on an exclusive outlet designated for that sole purpose.

⁵ Open Space areas within the Urban Expansion District may be identified for future development when municipal sewer & water becomes available.

⁶ Open space held under a conservation easement is the first choice so the developer must make every effort to accomplish this before dedicating it to the homeowners association.

- g. Narrow corridors less than 200 feet in width, surrounding a development will not qualify for this bonus increase regardless of whether it meets the 50% area requirement.

2. Sidewalks or Bikeways

- a. They shall be designated as a minimum 20 foot easement through the residential lots or on the common open space.
- b. The easement may or may not give public access.
- c. They shall be hard surfaced, 10 feet wide, initially being paved by the developer and maintained in the future by the home owners association.
- d. Paving specifications will depend on whether the sidewalk or bikeway will be owned by the association, Township or County. If owned or held by the Township or County, their adopted specifications must be followed.⁷

3. Significant Resource Protection

- a. Natural communities and rare species as identified by the DNR shall qualify as a significant resource.
- b. Areas or land features that are identified by the State Historical or the State Archeological Society may qualify as a significant resource. A historical structure protection plan must be submitted to specify how the structure will be maintained and preserved.
- c. Important wildlife corridors as determined by the DNR
- d. Areas identified by the township, or County Board as having historical, environmental or scenic significance may qualify as a significant resource warranting protection.
- e. Protection is required by maintaining a protective easement a minimum of 30 feet around the feature, which prohibits disturbance from grading, filling, vegetation removal or mowing.
- f. Signage approved by the County shall be placed around the feature to inform residents of its value, use and management to help protect the site. Installation and cost of signage will be the responsibility of the developer.

4. Recreational Amenity

- a. Recreational amenities are structures or areas that will offer the residents of the development or the community recreational opportunities. Recreational amenities may include but are not limited to ball fields, playgrounds, ball courts, swimming pools, golf courses, or an activity center.

⁷ Park Fees may be waived, at the discretion of the County Board, if the sidewalk or bikeway was requested by the County.

- b. Recreational features will be owned and maintained by the homeowners association.

5. Architectural Features

- a. The focus of the garage must be minimized in the design of homes. Homes must have either a side load garage, angled garage, or garage setback 20 feet from the front façade of the house.
- b. 25% of the house facade must be brick, stone or stucco, or a front porch with roof covering 25% of the length of the house.
- c. Adjacent houses shall not be built to the same exterior design.
- d. A minimum 3 car garage is required.
- e. Accessory structures shall use similar exterior materials as the house.

6. Buffers From Road

- a. Residential lot lines must be located a minimum of 100 feet from the edge of the road right-of-way with a commonly owned outlot in-between the road and the residential lot. If open space is not used, the residential lots abutting the arterial road must be wider and allow for a larger building setback of 100 feet from the edge of the right-of-way added to what is already required for the road.⁸
- b. Trees must be planted outside of the right-of-way along the roadway to provide screening.
- c. Trees must be coniferous to provide year round screening and shall measure at least 2 inch in caliper at ground level.
- d. There should be two rows of trees, with trees staggered and no further than 20 feet apart from each other.
- e. Provisions must be made and described in the landscape plan for assurance that the trees will be watered and kept alive for the first two years after planting. Money will be held in escrow to ensure that trees will be replaced if needed in the first two years. Escrows from the developer will be held by the County unless an agreement is made between the County and the Townships for landscaping requirements in the Township developer's agreement.

7. Street Lighting and Entrance Monuments (both must be used to qualify)

- a. Lighting must be located at intersections.
- b. Lighting may be situated between intersections, but no closer than 500 ft from the adjacent lights.
- c. Street lights shall have a 90 degree full cutoff shield. The base and pole shall have a combined maximum height of twenty five (25) feet.

⁸ If the required setback from the road right-of-way is normally 70 feet, then there would be an additional 100 feet required, making the building setback 170 feet from the edge of the road right-of-way.

- d. Utility costs for operation and maintenance shall be paid by the Homeowner's association.
- e. Township approval will be required for installation of lighting in the road right-of-way.
- f. Entrance monuments shall be constructed of, or faced with brick or stone.
- g. Monuments shall be no smaller than 16 square feet and no larger than 36 square feet.
- h. The monument sign is not permitted within the public right-of-way or within drainage & utility easements. Monuments may be placed on residential lots by easement or on the common open space and shall be maintained by a Homeowners Association.
- i. Proposed monument signs shall be identified on the Preliminary Plat and Grading Plan and/or Landscape Plan.
- j. Prior to installation, a sign permit shall be required from the County.

8. Additional Right-of-Way

- a. The additional right-of-way must be for land beyond the minimum already required for dedication when platting and based on the standards set forth in the county Subdivision Ordinance, Section 11, Subd 1.H. It must be requested by a government entity. It may be right-of-way requested by MnDOT, the County or the Township.
- b. Compensation from the government entity requesting the additional right-of-way, will not be allowed, if a bonus in density is granted.
- c. Additional right-of-way requested from a Township for a trail may also qualify.

2. The County Board has the right to deny any request for a bonus density increase, if the Board does not feel the value is justified.

3. All bonus increases must be identified in the covenants and reiterated as a requirement and condition of the plat and conditional use permit approval.

4. Examples of Bonus calculation:

Gross land area	40 acres
Net land area	40 acres minus DNR waters or floodplain
Base density	$40 / 2.5 = 16 = 16$ lots
10% Bonus (trail)	$16 \times .10 (10\%) = 1.6$
5% Bonus (resource protection)	$16 \times .05 (5\%) = .8$
Total number of Lots	$16 + 1.6 + .8 = 18.40$ or 18 lots (totals rounded down)
Gross land area	40 acres
Net land area	25 acres (14 acres of DNR waterbody, 1 acre of floodway)

Base density	$25 / 2.5 = 10 = 10$ lots
10% bonus (trail)	$10 \times .10 (10\%) = 1$
5% bonus (resource protection)	$10 \times .5 = (5\%) = .5$
Total number of lots	$10 + 1 + .5 = 11.5 = 11$ lots (totals round down)

5. Open Space Bonus Standards and Requirements:

- A. All stormwater ponds must be in the open space outlot.
- B. Narrow strips of open space less than 200' in width shall not count toward the required open space acreage.
- C. All residents shall have access to open space.
- D. An Operational Plan must be submitted that will be part of the final documents recorded with the plat which describes how the open spaces will be maintained, a schedule for maintenance and how the association will enforce any restrictions placed on the open space.
- E. Applicants shall meet with potential conservation easement holders prior to the sketch plan meeting to establish acceptance or denial of holding a conservation easement.

Subdivision 9: Homeowners Association

- 1. If the development will create commonly owned land or facilities, a homeowners association shall be established for the purpose of maintenance and billing. Membership in the Association is mandatory for all purchasers of land and homes in the development and their successors.
- 2. A Homeowners Agreement shall be established prior to final plat approval and must be recorded with the County Recorder at the same time as the final plat is recorded. The Homeowners Agreement shall be included within the Developer's Agreement with the County. The homeowner's association documents and/or declaration of covenants, conditions and restrictions shall contain the following information:
 - A. The legal description of the common lands or facilities.
 - B. The restrictions placed upon the use and enjoyment of the lands or facilities including the persons or entities to enforce the restrictions.
 - C. A mechanism for resolving disputes among the owners or association members.
 - D. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums.
 - E. Written standards for scheduled maintenance of open spaces, including a plan guaranteeing continuing maintenance of the open spaces.
 - F. Written clarification that open space restrictions are permanent and not for a given period of years, with the exception of a PUD in the Urban

Expansion District, where the open space may or may not be intended as open space in perpetuity.

- G. The conditions and timing of the transfer of ownership and control of land or facilities from the developer to the association members.
- H. Clarification that any proposed change in the articles of association or incorporation will require an amendment to the Conditional Use Permit and shall require a public hearing and approval by the County Board.
- I. Any other matters the developer or County deems appropriate.

Subdivision 10: Road Development and Access:

- 1. All roads must meet the requirements in the Sherburne County Zoning and Subdivision Ordinance and the Sherburne County Transportation Plan.
- 2. Interior road design and access points must be in compliance with the applicable township's road standards and transportation plan and/or meet approval by the township board.
- 3. All roads accessing a County road must meet the recommendations set forth in the Sherburne County Transportation Plan.
- 4. All turn lanes and other road improvements required by the County must be built at the developer's expense. Any slope easements required for construction must be obtained prior to preliminary plat approval by the County Board.
- 5. Driveway access permits are required, if requested by the Township.

Subdivision 11: Landscaping Requirement

- 1. At least three (3) inches of topsoil shall be placed from the curb or roadway edge 100 feet into each residential lot. This same area shall then be sodded or seeded. For the purposes of this section, "topsoil" shall be defined as soil/dirt that has sufficient amounts of organic material to establish a suitable foundation for vegetative growth. The topsoil shall not contain more than thirty-five percent (35%) sand content. Areas that are not disturbed in the construction process or existing heavily wooded areas may be exempt from being seeded or sodded, at the discretion of the zoning office. On individual residential lots, turf must be established and all trees must be planted prior to the final building inspection for the home.
- 2. All lots shall have a minimum of 4 trees per ½ acre of land, including outlots. If more than 16 trees per lot are required, those in excess of the sixteen may be located on outlots rather than on residential lots. Each lot shall have no less than 80% species native to Sherburne County. Deciduous trees must measure a

minimum of 2” in caliper measured at the ground when planted. Conifer trees must measure a minimum of 6’ in height when planted. No more than 25% of the same species may be planted on any one lot.

3. All lots must have a minimum of one tree planted every fifty (50) feet along, but outside of the public right-of-way, but no further than fifty (50) feet from the right-of-way (These trees will count towards the required tree per ½ acre). Trees shall not be placed within sight corners as determined by the township and/or County Public Works Department.
4. Lots that already meet the tree requirements will be exempt from planting additional trees, but must provide a plan for protecting the existing trees to meet Subdivision 11, items 2 and 3.
5. Landscaping requirements must be met before final inspections by Zoning Staff. If landscaping has not been completed by the winter months⁹, escrows will be required from the developer. Escrow amounts will be set ~~on~~ according to the fee schedule approved by the County Board.

Native Sherburne County Tree Species (Deciduous)

Ash, Black [Fraxinus Nigra]	Oak, Bur [Quercus Macrocarpa]
Ash, Green [Flaxinus Pennsylvanica]	Oak, Bicolor [Quercus Bicolor]
Birch, Paper [Betula Papyrifera]	Oak, Red [Quercus Rubra]
Cherry, Black [Prunus Serotina]	Oak, Northern Pin [Quercus Ellipsoidalis]
Coffeetree, Kentucky [Gymnocladus Dioica]	Serviceberry, Allegheny [Amelanchier Laevis]
Cottonwood (populus deltoids)	Aspen, Quaking [Populus Termuloides]
Crabapple [Malus]	Aspen, Bigtooth [Populus Grandidentata]
Hackberry [Celtis Occidentalis]	Boxelder [Acer Negundo]
Hawthorn, Downy [Crataegus Mollis]	Cherry, Pin [Prunu]
Hickory, Shagbark [Carya Ovata]	Maple, Silver [Acer Saccharinum]
Honeylocust, Thornless [Gleditsia Triacanthos var. inermis]	Maple, Sugar (Acer Saccharum)]
Ironwood (ostrya viginiana)	Mountain Ash, Showy [Sorbus Decora]
Linden [Tilia Amercian]	Plum, American [Prunus Americana]
Maple, Red [Acer Rubrum]	Walnut, Black [Juglans Nigra]
Mountain Ash [Sorbus]	
Oak, White [Quercus Alba]	

⁹ For the purpose of escrow collection, winter months will be from October 1 to May 1.

Sherburne County Tree Species (Conifers)

Cedar, Red [Juniperus Virginiana]	Pine, Red (Norway) [Pinus Resinosa]
Fir, Balsam [Abies Balsamea]	Spruce, Black [Picea Mariana]
Fir, White [Avies Concolor]	Spruce, Black Hills [Picea Glauca Var. Densata]
Pine, Eastern White [Pinus Strobus]	Spruce, Norway [Picea Abies]
Pine, Jack [Pinus Banksiana]	Spruce, White [Picea Glauca]

6. The developer must provide a Tree Protection and Planting plan which must include the following:
 - A. A tree detail shall be included within the landscape plan (i.e. illustration of how/where trees/shrubs should be installed). This should include the types and size of trees.
 - B. A narrative explanation of timelines for fencing existing trees for protection, planting new trees and shrubs, mulching and planting standards. Fencing shall be installed around the tree protection area prior to grading.
 - C. Those trees which will not be removed as a part of the development shall be protected with fencing at the drip line.
 - D. The tree protection plan shall address Oak wilt prevention and suppression efforts.
 - E. The plan is to be submitted as a part of the Preliminary Plat and Landscape Plan, and approved by the County Forester prior to being scheduled for the public hearing on the plat.

7. All lot landscaping shall be installed prior to the final inspection of the home. The County and/or Township shall collect an escrow from the developer prior to the recording of the Final Plat and hold said escrow until such a time as the landscaping is installed.

8. Vegetative Buffer Requirements:
 - A. Buffer strips shall be required around all existing wetlands and areas identified as “Natural Communities and Rare Species” identified on the Sherburne County Biological Map. Buffer strips will be used to prevent disturbance during the development and building construction phase. The developer will be responsible for placement of silt fencing around and 15 feet from wetland edges prior to any grading. The developer will notify the County Zoning Office when installation is complete.
 - B. Buffer strips shall also be required around constructed stormwater ponds after constructed.

Subdivision 12: Stormwater Requirements

1. Storm water retention basins must meet the following minimum design standards:
 - A. Storm water ponds shall be designed with curved linear boundaries that resemble a natural basin and that will enhance the landscape.
 - B. Natural depressions shall be used whenever possible.
 - C. No individual storm water pond may be larger than 0.5 acre in size unless the Township Engineer determines a larger storm water pond is necessary.
 - D. Multiple small storm water ponds are encouraged throughout the development.
 - E. Vegetated swales will be used whenever possible.
 - F. Storm water ponds must be immediately vegetated and maintained by the developer until completion of the development.
 - G. Storm water ponds must be in open space, if an open space bonus is granted.
 - H. If the plat has no common open space, a storm water pond may never cover more than 25% of any one lot unless the Township Engineer determines a larger storm water pond is necessary.

2. Best Management Practices (BMPs) shall be followed throughout the course of the development.
 - A. BMPs to be used shall be approved by the County and/or Township engineer. If a development is found to be non-compliant, the township engineer and/or the building official may issue a “stop work order” until the BMP requirements are properly in place.
 - B. The developer shall be responsible for maintaining silt fencing and ensuring that vegetation is established until completion of the development.
 - C. The developer will be responsible for notification and expected to have the ability to enforce best management practices upon all contractors working within the development throughout the course of all construction phases.
 - D. The County and/or Township will regularly inspect the site for compliance. Violations may be punishable by a County or State imposed fine.
 - E. The developer will be responsible for removal of all silt fencing in public right-of-way and open spaces as soon as construction is complete and vegetation has been established.

Subdivision 13: Utilities

1. The Preliminary Plat and Grading Plan shall include areas identified for a primary and secondary septic system and shall comply with MN Rule 7080 and its appendices, or the MPCA standards in effect at the time of installation and septic system regulations of the Zoning Ordinance. Structures and septic systems shall be built at the locations shown on the Preliminary Plat and Grading plans. Building Permit applications proposing locations that are inconsistent with the

Preliminary Plat and Grading plans shall not be accepted.¹⁰ Changes to approved plans will require approval from the Township Engineer, the County Building Official and may require approval from the County Board as an amendment to the CUP if necessary.

2. Septic system drainfield areas on each lot must be roped off before and after installation to protect the site until final construction of the home is completed.
3. Communal septic drainfields shall be marked with 12" X 18" metal signs mounted on a pole no shorter than five (5) feet in height. The sign shall state "Community Septic Drainfield Area. NO TRESSPASSING!" and "In case of system failure or questions, contact (system manager) at (telephone number) - 24 hours a day." Signs shall be installed along the perimeter of the drainfield outlot within sight of each other, but shall be placed no further than 500' apart.
4. All wells must adhere to Minnesota Department of Health requirements. If common wells are required, permits must be obtained prior to final plat approval from the County Board.
5. Where a community septic system is required, the applicant shall submit a sewage treatment system management plan to the County prior to preliminary plat approval. The applicant must provide the County with a copy of the septic permit application that has been submitted to the County or Minnesota Pollution Control Agency (MPCA)¹¹. Prior to scheduling for final plat approval with the County Board, the applicant must provide a copy of the approved sewer permit.
6. The sewage treatment plan shall clearly identify the following:
 - A. The ownership of the shared sewage system.
 - B. The name and MPCA license number of the system's designer.
 - C. Annual schedule for maintenance, inspection and monitoring of the shared sewage system, and contact information.
 - D. Contingency plan and contact name and phone number in the event of failure of the shared sewage system.
 - E. Provisions describing how the sewage treatment portion of the system will be protected from vehicles, animals, humans and other sources of risk.
 - F. Billing rate analysis to include how the Homeowners Association will pay for maintenance and replacement of the system, when necessary.

¹⁰ The intension is for the Preliminary Plat and Grading plans to identify the "best" location for homes and septic systems, and for the builder to build on those locations.

¹¹ The estimated daily flow will determine whether the permit is approved by the County or the Minnesota Pollution Control Agency.

Subdivision 14: General Development Standards

1. Each lot shall have a minimum of one attached or detached 3-car garage with adequate storage.
2. Any outbuildings must also be constructed of permanent materials similar and matching in color of that used on the house, and shall not exceed the maximum size requirements specified in the Zoning Ordinance unless the lot size is less than 1.5 acres. Lots less than 1.5 acres in size shall have no more than 1,200 sq ft total for accessory structures.
3. No more than 35% of any lot outside of the Shoreland District, or 25% within the Shoreland District shall consist of impervious surfaces.
4. Final inspection and certificate of occupancy shall not be issued until all requirements of the CUP have been met on each individual lot. Monies held in escrow shall not be released until all lots are in compliance with the permits as determined by the Zoning Administrator or the designated zoning staff.
5. All residential driveways must be paved with a hard surface of asphalt or concrete, before the final building inspection. If, due to weather conditions, the driveway cannot be installed before the final inspection. An escrow of 150% of the contractor's bid must be deposited with the County until the driveway has been installed.
6. No more than 25% of any one lot may be wetland or stormwater pond if there is no open space bonus. Lots in a PUD utilizing the open space bonus may not have wetlands in the residential lots.
7. Escrow money will be held by the County until the development is completed. Money may be deducted for inspections and compensation, as set by the County fee schedule, for any time spent by County staff in the course of achieving compliance of the conditions of the CUP and other County, State or Township regulations.
8. Only R-PUDs utilizing the open space bonus and having a community septic system may have lots less than 1.5 acres in size.
9. If the County determines that it is in the best interest of environmental safety of potential residents, common drinking water wells may be required.
10. A minimum of two (2) soil borings will be required on each residential lot where individual septic systems will be installed. One boring per lot will be required on lots that will be connected to a community septic system.

11. The developer shall enter into a Developer's Agreement with the township prior to final plat approval, regarding construction within township right-of-way.
12. The developer shall enter into a Developers Agreement with the County and/or the township, prior to recording of the plat.

Subdivision 15: Platting Procedure

1. Pre-Application Meeting

- A. The applicant shall be responsible for requesting a pre-application meeting with County staff prior to the applicant submitting a sketch plan for review. The purpose of the pre-application meeting with staff is to provide the applicant an opportunity to gather information on the procedures for application for an R-PUD, which is also a Conditional Use Permit. It will also be to review the standards and discuss the general suitability of the proposal for the area and discuss issues that may be specific to the parcel in question. This meeting will give staff the opportunity to offer suggestions before the property owner and/or developer incurs substantial expense in the preparation of plans, surveys and other data.

2. Sketch Plan

- A. The purpose of the sketch plan is to provide the applicant with further guidance and advice on the proposed project before incurring substantial financial investment. A sketch plan review¹² team will be assembled to review sketch plans. The review team will consist of a group of at least one representative from zoning and one from public works, at least one representative from the township board where the parcel is located, at least one member of the planning commission, and a representative from the County Park Commission or their staff representative.
- B. The sketch plan review process will not lead to a formal approval or denial of the presented plan. The sketch plan review is meant to give guidance and identify issues of concern, prior to a layout being formally presented to the Planning Commission in the form of a preliminary plat and prior to extensive engineering being done for the project.
- C. The applicant shall provide the following information at the sketch plan review meeting:
 - 1) Total acreage of parcel
 - 2) Topography (minimum of 10 foot contours)
 - 3) Soil types and characteristics, such as depth to water table

¹² The sketch plan review team will consist of County staff and citizen members appointed by the County Board.

- 4) Hydrological features including DNR designated water bodies, floodplains, designated wetlands, natural swales and drainage ways, and steep slopes.
- 5) Identify wooded areas
- 6) Proposed lot lines
- 7) Proposed road ways
- 8) Proposed open space areas
- 9) Proposed trails
- 10) Proposed storm water ponds

3. Township Sketch Plan Review

The Town Board must review the proposed sketch plan and provide comment to the applicant and the County zoning office before the applicant may submit a preliminary plat. The township will provide their comment in writing on the standard comment form.

4. Preliminary Plat

- A. The applicant shall submit twelve (12) copies of the proposed preliminary plat, grading plan, and landscape plan (including two 11" X 17" plans) containing the following listed in item B, below. Ten days before the public hearing, twenty (20) 24" X 36" copies of the proposed grading and drainage plan shall be submitted to the zoning office. A digital drawing in a format compatible with the CAD software used by the County of the plat on County coordinates must be submitted with all the information contained on the preliminary plat in its respective layer. All submitted revisions to the preliminary plat must also be accompanied with a digital drawing.
- B. The preliminary plat should include the following items:
 - 1) Vicinity Map
 - 2) Boundary Survey (see Public Works Platting Manual as revised)
 - 3) Ties to subdivision lines or existing platting
 - 4) Legal Description
 - 5) Name, address and phone number of owner/developer
 - 6) Name, address and phone number of surveyor
 - 7) Scale, date and north orientation
 - 8) Proposed streets, correct width, names and other requirements of ordinances
 - 9) Utility easements, existing and proposed
 - 10) Lot and block layout and numbering
 - 11) Existing zoning district
 - 12) Yard, area lot dimension as measured at the property line and the front yard setback line
 - 13) Set-back lines

- 14) Plat Calculations
 - a. Gross Acres
 - b. Net acres
 - c. Acres of DNR protected waters & wetlands
 - d. Acres of floodway
 - e. Acres of existing public road right-of-way and/or public road easements
 - f. Preserved Open Space Acres
 - g. Miles of Streets (Linear)
 - h. Miles of Trails (Linear)

- 15) Supplementary requirements
 - a. Topography in 2' contours extending 200 feet beyond survey boundaries – including, driveway accesses, surface elevation and high water elevation of public waters
 - b. Street plans and profiles
 - c. Grading plans to include the landscape plan

- 16) Adjacent areas (name if platted) and names of adjacent land owners
- 17) Historic sites shall be identified on the plat. These may include significant structures identified by the County and/or Minnesota Historical Society related to the agricultural industry such as barns, silos, etc.
- 18) Soil types, topography equal to or greater than three-feet above mottle soils, house pad, and sewer locations.
- 19) Lowest Floor Elevations (LFE) and Lowest Opening Elevations (LOE), shown in the buildable area of each lot.
- 20) Homeowners Association documents, including bylaws, deed restrictions, covenants, and proposed conservation easements, prepared by the holder of the conservation easement.
- 21) Management plan of collector sewage treatment systems as approved by the County. The plan should clearly identify the following:
 - a. The ownership of the shared sewage system.
 - b. Annual schedule for maintenance, inspection and monitoring of the shared sewage system.
 - c. Contingency plan in the event of failure of the shared sewage system.
 - d. Provisions describing how the sewage treatment portion of the system will be protected from vehicles, animals, humans and other sources of risk.
 - e. Assignment of responsibility for the management of and payment for the shared system.
 - f. The name and license number of the system's designer.

- 22) Landscape plan
 - a. Plant species

- b. Plant location
- c. Planting standards (plotted, bare root)
- d. Mulching
- e. Watering schedule

C. The following procedure shall apply:

1) Application:

The required information must be submitted to the Zoning Administrator, along with the required fee. The application will be for an R-PUD plat approval and for the Conditional Use Permit. The Zoning Administrator may request additional or clarifying of information.

2) Reports:

- a) The County Surveyor and Public Works Department shall submit a report to the County Zoning Office concerning the proposed plat and its conformance with the requirements of this Ordinance and the Public Works Platting Manual.
- b) Township Comments must be submitted to the Zoning Department for the application to be considered complete.

3) Notification and Public Hearing;

Upon receipt in proper form of the application and other requested material, the Sherburne County Planning Commission shall hold at least one public hearing on the Preliminary Plat in a location to be prescribed by the Planning Commission. At least ten days in advanced of each hearing notice of the time and place of such hearing shall be published in the official paper of the County. All property owners within one-half mile, the Town Board, the County Highway Engineer and municipalities within two miles, and when required, the Minnesota Department of Natural Resources and/or The Minnesota Department of Transportation, shall be notified by U.S. Mail as to the time and place of the public hearing.

4) Report to the County Board;

Following the public hearing(s), the Planning Commission will report to the Sherburne County Board of Commissioners its' findings and recommendation on the Preliminary Plat. Approval; of the Preliminary Plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the Final Plat. This approval, unless an extension is granted by the Planning Commission, shall be effective for a period of two (2) years. The applicant may file a Final Plat limited to

such portion of the Preliminary Plat which he/she proposes to record and develop at the time, provided that such portion shall consist of a minimum of thirty (30) contiguous acres and conform to all requirements of this Ordinance.

5) Final Plat

a) The applicant shall submit the following:

1. Submission Information

- a. Six (6) full-size and two (2) 11" X 17" copies of a final plat in conformity with the Sherburne County Public Works Platting Manual and Minnesota Statutes, Chapter 505.
- b. Two (2) full size and two (2) 11"x17" copies of a final grading and drainage plan that meets county requirements. The Grading and Drainage Plan shall include an index for Low Floor Elevations (LFE) and Lowest Entry Elevations (LEE) for each lot. The Grading and Drainage Plan shall be consistent with the Final Plat.

b) Procedure:

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

1. Approval of the County Planning Commission;
The final plat shall be submitted to the County Planning Commission at least ten (10) business days prior to a Planning Commission meeting at which consideration is requested. The Planning Commission may act on a Preliminary Plat and Final Plat at the same meeting, provided the Preliminary Plat had been heard and tabled at a previous meeting.
2. County Surveyor and Public Works Department Approval;
The County Surveyor and Public Works Department shall approve the Final Plat as in conformance with Sherburne County Public Works Platting Manual and Minnesota Statutes Chapter 505. Plat checking fees, established by the County Board, shall be paid to the County Surveyor's Office for Final Plat review. In addition, 3 paper copies of the Final Plat drawing showing the area of all finaled lots, roadways, and outlots shall be submitted.
3. Town Board Approval;
 - a) Township comments must be submitted to the Zoning Department for the application to be considered

complete.

- b) Prior to consideration by County Board, where new streets or roads are included in the proposed Final Plat, or where a new street or road is required for access to the proposed plat, the affected Town Board shall require a Developer's Agreement be signed obligating the applicant to provide the proposed road and utility improvements to the town standards. The applicant shall provide the Town Board with sufficient sureties to cover the estimated costs of construction and inspection of the proposed improvements.

4. County Board Approval;

After review and approval of the Final Plat by the Planning Commission, such Final Plat, together with the recommendations of the Planning Commission, shall be submitted to the County Board for action. If approved, the plat must be recorded within one year of the County Board's action.

5. County Attorney Review and approvals;

The plat as well as a title insurance commitment or attorney's opinion current within 30-days of submittal for signature or certificate of title shall be submitted to the County Attorney and together with any additional information requested by the same.

6. Recording;

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