

SECTION 5 - DEFINITIONS AND RULES OF LANGUAGE CONSTRUCTION

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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

Base Density: The allowable number of lots per gross acreage in a residential planned unit development.

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.

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

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.

Buildable Lot Area: The minimum contiguous area with at least three (3) feet above the highest known water table meeting the buildable lot area requirements of the applicable zoning district remaining on a lot or parcel of land after all public road right-of ways, drainage and utility and private easements, setbacks (excluding road setbacks), and wetlands are subtracted. In the Shoreland District, all land below the ordinary high water level of public waters, bluffs, areas with slopes greater than eighteen (18) percent, and floodways shall also be subtracted. Land where other legal or ordinance restrictions exist, which would prevent or prohibit the placement of a structure shall also be subtracted.

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 County 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.

Flood Plain: The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood (base flood or 100 year flood).

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 flood maps.

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

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.

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.

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.

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).

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.

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.

Outlot: A lot that is in a plat that is not buildable.

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

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.

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

Registered Land Survey: A survey 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.

Steep Slope: Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

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.

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.

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 or 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.