

SECTION 10.1 - RESIDENTIAL PLANNED UNIT DEVELOPMENT

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Subdivision 1: Purpose

A. 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

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

- B. 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.
- C. 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: Permitted Areas

- A. 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.”
- B. 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
- C. 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.
- D. PUDs in a shoreland district are regulated by Section 14-Shoreland District of the Sherburne County Zoning Ordinance.

Subdivision 3: Objectives

- A. Locate residential lots to avoid hydric and restrictive soils.
- B. Plat designs shall avoid lot locations that impact steep slopes, wetlands, floodplains or other environmentally sensitive areas.

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.

- C. 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.
- D. Reduce the cost of construction and maintenance of public facilities, infrastructure and services.
- E. Provide a lot layout that maintains a low visual impact, particularly from arterial roadways and abutting properties.
- F. Create cohesive neighborhoods to establish local identity and community interaction.
- G. Facilitate road connections from one subdivision to another.
- H. Connect existing and potential open space lands, natural corridors, and trailways whenever possible.

Subdivision 4: Lot Design Standards

- A. 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 5: Dimensional and Setback Regulations

A. 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:

1. 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	

2. Setbacks

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

- B. All other setbacks shall conform to the underlying zoning district in addition to any other underlying districts (shoreland, Floodplain, airport, etc.).
- C. 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 6: Density Calculations

- A. 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.
- B. Instead of requiring that lots be a minimum size of 2.5 or 5 acres⁴, the lots may vary in size.

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

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

Subdivision 7: Bonus qualifiers:

- A. 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.

1. Available Bonus	Percent Increase
a) 50 % Common Open Space	30%
b) Significant resource protection	15%
c) Sidewalks or bikeways	10%
d) Recreational amenity	5%
e) Architectural features	5%
f) Buffer from roads	5%
g) Street lighting & entrance monument	5%
h) Additional right-of-way	5%

2. Bonus Details

- a) Open Space;

1. Open space shall be 50% of the net land area of the entire subdivision.
2. Open space will be subdivided as an outlot.
3. Open space must be owned by the homeowners association, public entity or a non-profit organization dedicated to environmental protection of the land.
4. 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.
5. No more than 50% of the open space may consist of DNR protected waters, wetlands and/or Floodplain.
6. Common septic systems must be located in the area designated as “open space” and must be located on an exclusive outlot 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.

7. 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.
- b) Sidewalks or Bikeways
1. They shall be designated as a minimum 20 foot easement through the residential lots or on the common open space.
 2. The easement may or may not give public access.
 3. They shall be hard surfaced, 10 feet wide, initially being paved by the developer and maintained in the future by the home owners association.
 4. 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
- c) Significant Resource Protection
1. Natural communities and rare species as identified by the DNR shall qualify as a significant resource.
 2. 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.
 3. Important wildlife corridors as determined by the DNR
 4. Areas identified by the township, or County Board as having historical, environmental or scenic significance may qualify as a significant resource warranting protection.
 5. 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.
 6. 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.
- d) Recreational Amenity
1. 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.
 2. Recreational features will be owned and maintained by the homeowners association.
- e) Architectural Features

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

1. 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.
 2. 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.
 3. Adjacent houses shall not be built to the same exterior design.
 4. A minimum 3 car garage is required.
 5. Accessory structures shall use similar exterior materials as the house.
- f) Buffers From Road

1. 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
2. Trees must be planted outside of the right-of-way along the roadway to provide screening.
3. Trees must be coniferous to provide year round screening and shall measure at least 2 inch in caliper at ground level.
4. There should be two rows of trees, with trees staggered and no further than 20 feet apart from each other.
5. 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.

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

1. Lighting must be located at intersections.
2. Lighting may be situated between intersections, but no closer than 500 ft from the adjacent lights.
3. 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.
4. Utility costs for operation and maintenance shall be paid by the Homeowner's association.
5. Township approval will be required for installation of lighting in the road right-of-way.
6. Entrance monuments shall be constructed of, or faced with brick or stone.
7. Monuments shall be no smaller than 16 square feet and no larger than 36 square feet.
8. 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

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.

easement or on the common open space and shall be maintained by a Homeowners Association.

9. Proposed monument signs shall be identified on the Preliminary Plat and Grading Plan and/or Landscape Plan.
10. Prior to installation, a sign permit shall be required from the County.

h) Additional Right-of-Way

1. 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.
2. Compensation from the government entity requesting the additional right-of-way, will not be allowed, if a bonus in density is granted.
3. Additional right-of-way requested from a Township for a trail may also qualify.

B. 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.

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

D. 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 floodplain)
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)

E. Open Space Bonus Standards and Requirements:

1. All stormwater ponds must be in the open space outlet.
2. Narrow strips of open space less than 200' in width shall not count toward the required open space acreage.
3. All residents shall have access to open space.

4. 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.
5. 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 8: Homeowners Association

- A. 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.
- B. 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:
 1. The legal description of the common lands or facilities.
 2. The restrictions placed upon the use and enjoyment of the lands or facilities including the persons or entities to enforce the restrictions.
 3. A mechanism for resolving disputes among the owners or association members.
 4. 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.
 5. Written standards for scheduled maintenance of open spaces, including a plan guaranteeing continuing maintenance of the open spaces.
 6. 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.
 7. The conditions and timing of the transfer of ownership and control of land or facilities from the developer to the association members.
 8. 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.
 9. Any other matters the developer or County deems appropriate.

Subdivision 9: Road Development and Access

- A. All roads must meet the requirements in the Sherburne County Zoning and Subdivision Ordinance and the Sherburne County Transportation Plan.
- B. 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.

- C. All roads accessing a County Road must meet the recommendations set forth in the Sherburne County Transportation Plan.
- D. All turn lanes and other road improvements required by the County must be built at the developer's expense. Any easements required for construction must be obtained prior to preliminary plat approval by the County Board.
- E. Driveway access permits are required, if requested by the Township.

Subdivision 10: Landscaping Requirement

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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]
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⁹ For the purpose of escrow collection, winter months will be from October 1 to May 1.

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 virginiana)	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]	

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]

F. The developer must provide a Tree Protection and Planting plan which must include the following:

1. 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.
2. 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.
3. Those trees which will not be removed as a part of the development shall be protected with fencing at the drip line.
4. The tree protection plan shall address Oak wilt prevention and suppression efforts.
5. 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.

G. 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.

H. Vegetative Buffer Requirements:

1. 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.
2. Buffer strips shall also be required around constructed stormwater ponds after constructed.

Subdivision 11: Stormwater Requirements

A. Storm water retention basins must meet the following minimum design standards:

1. Storm water ponds shall be designed with curved linear boundaries that resemble a natural basin and that will enhance the landscape.
2. Natural depressions shall be used whenever possible.
3. 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.
4. Multiple small storm water ponds are encouraged throughout the development.
5. Vegetated swales will be used whenever possible.
6. Storm water ponds must be immediately vegetated and maintained by the developer until completion of the development.
7. Storm water ponds must be in open space, if an open space bonus is granted.
8. 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.

B. Best Management Practices (BMPs) shall be followed throughout the course of the development.

1. 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.
2. The developer shall be responsible for maintaining silt fencing and ensuring that vegetation is established until completion of the development.
3. 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.
4. The County and/or Township will regularly inspect the site for compliance. Violations may be punishable by a County or State imposed fine.
5. 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 12: Utilities

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. The sewage treatment plan shall clearly identify the following:
 - 1. The ownership of the shared sewage system.
 - 2. The name and MPCA license number of the system’s designer.
 - 3. Annual schedule for maintenance, inspection and monitoring of the shared sewage system, and contact information.
 - 4. Contingency plan and contact name and phone number in the event of failure of the shared sewage system.
 - 5. Provisions describing how the sewage treatment portion of the system will be protected from vehicles, animals, humans and other sources of risk.

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.

6. Billing rate analysis to include how the Homeowners Association will pay for maintenance and replacement of the system, when necessary.

Subdivision 13: General Development Standards

- A. Each lot shall have a minimum of one attached or detached 3-car garage with adequate storage.
- B. 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.
- C. No more than 35% of any lot outside of the Shoreland District, or 25% within the Shoreland District shall consist of impervious surfaces.
- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. Only R-PUDs utilizing the open space bonus and having a community septic system may have lots less than 1.5 acres in size.
- I. If the County determines that it is in the best interest of environmental safety of potential residents, common drinking water wells may be required.
- J. 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.

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

Subdivision 14: **Platting Procedure**

A. Pre-Application Meeting

- 1. 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 requires 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.

B. Sketch Plan

- 1. 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 Advisory Commission in the form of a preliminary plat and prior to extensive engineering being done for the project.
- 2. The applicant shall provide the following information prior to the sketch plan review meeting:
 - a) The proposed plat overlaid on an aerial photo drawn to scale with dimension of the propose lots and roads;
 - b) Total acreage of the property to be platted;
 - c) Topography (minimum of 10 foot contours)
 - d) Hydrological features including DNR designated water bodies, floodplains, designated wetlands, natural swales and drainage ways, and steep slopes.
 - e) Existing property lines;
 - f) Proposed lot lines;
 - g) Proposed open space areas;
 - h) Proposed trails;
 - i) Existing roads and private roads and easements on the property, including length of road and the existing right-of-way of any public road abutting the property to be platted;
 - j) Existing buildings and impervious surface areas;
 - k) Existing utilities (overhead and underground);
 - l) Existing road spacing and driveway spacing on County roads.

3. Additional items to be discussed at the pre-application meeting include, without limitation: existing vegetation on the property, soil types, any solid waste disposal areas; potential wetland impacts; floodplain and shoreland regulations, if applicable; soils, water table and slope information; and potential stormwater management issues; private roads and easements; driveway access locations, road connections and property title.

C. Preliminary Plat Submission Information

1. The owner and subdivider shall file an application for Planned Unit Development approval with the Department that includes the following:
 - a) A completed application form signed by all property owners and the applicant, if different than the owner(s).
 - b) The fees established by the County Board for Planned Unit Development applications.
 - c) A title commitment or title opinion for all of the property. For Torrens property, the application must include a current Certificate of Title for all of the property being platted. The applicant shall also provide a description of any known encumbrances on the property not described on the title commitment, title opinion or Certificate of Title.
 - d) A certificate of compliance for any sewage treatment system on the property. No certificate of compliance dated more than ten (10) years prior to the date of application will be accepted. If any septic system on the property is not compliant, the system must be upgraded or abandoned according to the Zoning Ordinance and applicable State regulations and a new certificate of compliance submitted before any application may be considered complete.
 - e) A soil report and soil boring logs by a Minnesota Licensed Soil Scientist.
 - f) A stormwater management plan for the proposed development, along with written comments from the Town Board, as the drainage authority, relating to the plan. The stormwater management plan must include: (1) the existing and proposed drainage, including calculations; (2) a grading plan; and (3) a stormwater pollution prevention plan.
 - g) A Routine Level 2 Wetland Delineation for any wetlands on the property, approved by the Local Governing Unit and Technical Evaluation Panel.
 - h) Six (6) paper copies of the preliminary plat and one 11” x 17” copy, and a copy in PDF format.
 - i) Documentation that the preliminary plat has been approved by the Township Board of Supervisors in the Township where the plat is located.

- j) All other information deemed necessary by the Zoning Administrator in order to provide an adequate basis to make a decision on the plat.
2. The preliminary plat drawing must include the following items:
- a) Existing Features:
 - 1. Existing property lines and all property lines extending 200 feet from the exterior boundaries of the property to be platted, along with the names of adjacent property owners and the current use of those properties.
 - 2. Existing public and private roads, including length of road frontage and the existing right-of-way of any public road abutting the property to be platted.
 - 3. Existing access to any public road.
 - 4. Existing buildings and any other impervious surface.
 - 5. Location of any existing or abandoned wells, sewage treatment systems or solid waste disposal areas.
 - 6. Location of any lakes, waterways or other public waters on or adjacent to the property.
 - 7. Delineated wetland boundaries for all wetlands located on the property.
 - 8. Elevation and boundary line of the Ordinary High-Water Level.
 - 9. The 100-year flood elevation, Regulatory Flood Protection Elevation, if available and floodway, flood fringe and floodplain district boundaries, if applicable.
 - 10. Shoreland district boundary, if any part of the plat is in shoreland areas.
 - 11. Topography at two (2) foot contours extending 200 feet beyond the property boundaries.
 - 12. Surface water drainage patterns.
 - 13. Soil survey identification numbers and boundaries overlaid on the preliminary drawing.
 - b) Proposed Features:
 - 1. Lot and Block layout and numbering.
 - 2. Lot area and dimensions.
 - 3. Setback lines.
 - 4. Proposed streets, including width, length, names and other requirements of this Ordinance, the Zoning Ordinance and other applicable official controls.
 - 5. Proposed drainage and utility easements, and other easements or controls necessary for drainage, slope protection, flood protection, protection of wetlands and waterbodies, and stormwater retention areas.
 - 6. Proposed driveway access.
 - 7. Delineated buildable lot area, showing soil types and boring location each lot, certified by a Licensed Minnesota Soil Scientist.
 - 8. If individual sewer systems are proposed for residential plats, the building pad site and two (2) septic sites suitable for individual sewer treatment systems, based on the topography and soil borings taken at those sites.
 - 9. If individual systems are proposed for a commercial or industrial plats, the building pad site, two (2) sites suitable for individual sewer treatment systems, based on the

topography and soil borings taken at those sites and the location of areas for parking, landscaping and screening meeting the requirements of the Zoning Ordinance.

10. Lowest floor elevations (LFE) and lowest opening elevations (LOE) shown on every lot.
 11. Areas designated for other uses (outlots, parks, trails, etc.)
 12. Proposed name of the plat.
 13. Total acreage of the property to be platted.
 14. Existing Zoning.
 15. Scale, date and North orientation.
 16. Graphic scale of not less than 1 inch to 100 feet.
 17. A Boundary Survey and legal description, pursuant to the Sherburne County Public Works Platting Manual.
 18. A tree and woodland preservation plan, as may be required by section 11 of this Ordinance.
 19. Plat Calculations:
 - a) Gross Acres
 - b) Net acres
 - c) Acres of DNR protected waters & wetlands
 - d) Acres of floodplain
 - 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)
3. Homeowners Association documents, including bylaws, deed restrictions, covenants, and proposed conservation easements, prepared by the holder of the conservation easement.
4. 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.
5. Landscape plan:
 - a) Plant species
 - b) Plant location
 - c) Planting standards (plotted, bare root)
 - d) Mulching
 - e) Watering schedule

Subdivision 15 Preliminary Plat Approval Procedure

- A. A preliminary plat is a plan for how the property will be developed. The preliminary plat approval stage is the point in the process where all information relating to the proposed development is submitted by the subdivider for review and consideration by the Planning and Zoning Department, the Planning Advisory Commission and the public. The information submitted in the application must address both the existing conditions on the property and the changes that will occur during and after the development. Additional information may be required during the approval process in order to provide an adequate basis for making a decision, and changes may be required by the Planning and Zoning Department, the Planning Advisory Commission and the County Board.
- B. A Preliminary Planned Unit Development Plat application will be reviewed and considered according to the following procedure:
1. Planning and Zoning Department staff will review submitted applications for completeness pursuant to Minnesota Statutes section 15.99. When the preliminary plat application is deemed complete, Planning and Zoning Department staff will set a public hearing on the plat. Public notice shall be provided in accordance with Minnesota Statutes chapter 394.
 2. The preliminary plat shall be submitted to the County Surveyor for written comments and recommendations. When a preliminary plat includes land abutting an existing or established County Road or County State Aid Highway, the preliminary plat shall be submitted to the County Engineer for written comments and recommendations. When a preliminary plat includes land abutting an existing or established trunk highway, the preliminary plat shall be submitted to the Commissioner of Transportation for written comments and recommendations.
 3. Approval of the preliminary plat by the County Board does not constitute acceptance of the subdivision, but allows the applicant to proceed with the final plat.
 4. In the event an approved preliminary plat is not submitted to the County Board for final plat approval within one (1) year of preliminary plat approval, the preliminary plat will become null and void. One administrative extension of up to one (1) year may be granted by the Zoning Administrator upon written request of the subdivider, provided that there is reasonable cause for the request and that the request is made prior to the original one-year deadline. For phased developments, additional extensions may be granted by the County Board as provided in Subdivision 6.2.
- C. A completed Planned Unit Development Plat application will be reviewed and considered in accordance with the following criteria, in addition to other considerations that may be applicable to an individual plat application:

1. The preliminary plat shall conform to all applicable Ordinances and state and federal laws.
2. The preliminary plat shall be consistent with the Sherburne County Comprehensive Plan.
3. No plat shall be approved if it does not conform to any applicable floodplain overlay district standards contained in the Sherburne County Zoning Ordinance.
4. No plat shall be approved where a variance would be required to use the lot(s) for their intended use.
5. In addition to meeting the buildable lot area requirements of the applicable zoning district, each lot shall have sufficient buildable area to accommodate the construction of structures and driveways, a sewage treatment system, two (2) soil treatment and dispersal areas to support the system, and a water supply system, while providing for all required setbacks. Areas that are in floodways, wetlands, rights-of-way, bluffs or steep slopes, or that have soils that are unsuitable for individual sewage treatment systems shall not be included in calculating the buildable area of a lot.
6. No plat shall be approved that does not contain adequate provisions for stormwater runoff.
7. The County shall consider whether the plat as proposed adequately protects the health, safety and welfare of County residents by providing for a safe drinking water supply, adequate sewage treatment capacity, adequate stormwater runoff and erosion control, safe road access, proper road alignment and capacity and proper setbacks and buffering from conflicting land uses.

Subdivision 16: Final Plat

- A. A subdivider may file an application for final plat approval within the time required following preliminary plat approval. The application shall include the following:
 1. A completed application form signed by all property owners and the applicant, if different than the owner(s).
 2. The fees established by the County Board for Final Planned Unit Development Plat applications.
 3. An updated (within thirty (30) days of the date of application) title commitment or title opinion for all the property being platted. For Torrens property, the application must include a current Certificate of Title for all of the property being platted.
 4. Six (6) full size copies of the Final Plat, one (1) 11” x 17” copy, and one copy of the plat in a PDF format.
 5. Six (6) full-sized copies of the Grading and Drainage Plans, one (1) 11’x17’ copies of

Grading and Drainage Plans and one copy of the plans in a PDF format.

6. A certificate of compliance for any sewage treatment system on the property. No certificate of compliance dated more than ten (10) years prior to the date of application will be accepted. If any septic system on the property is not compliant, the system must be upgraded or abandoned according to the Zoning Ordinance and applicable State regulations and a new certificate of compliance submitted before any Planned Unit Development Plat application may be considered complete.
 7. A stormwater management plan for the proposed development, along with written comments from the Town Board, as the drainage authority, relating to the plan. The stormwater management plan must include: (1) the existing and proposed drainage, including calculations; (2) a grading plan; and (3) a stormwater pollution prevention plan.
 8. The County Surveyor and Public Works Department must approve the final plat as in conformance with Sherburne County Public Works Platting Manual and Minnesota Statutes chapter 505.
 9. Prior to consideration by Planning Advisory Commission, the applicant must submit documentation of approval by the town board in the Township where the plat is located pursuant to Minnesota Statute section 505.09, subd. 1a.
- B. The application may request final plat approval for all of the development or may be limited to only that portion of the preliminary plat that the subdivider intends to develop at the time. In the case of a phased development, the County Board may grant an extension to the deadline to record the final plat, provided that the subdivider must request the extension at the same time that the first phase is submitted for final plat approval. If an extension is granted by the County Board, the final plat for all subsequent phases shall be subject to the official controls in effect at the time of final plat approval for such subsequent phases.
- C. The final plat shall have incorporated all changes or modifications recommended by the Planning Commission, the County Surveyor and County Engineer, if applicable, the Commissioner of Transportation. In all other respects, the final plat shall conform to the preliminary plat.
- D. The final plat shall include the content and be in the form required by the Sherburne County Public Works Platting Manual and Minnesota Statutes chapter 505.
- E. The final plat shall be considered a complete application when the Zoning Administrator determines that the requirements of this Ordinance have been met and the County Engineer and County Surveyor have determined that the plat conforms to the requirements of the Sherburne County Public Works Platting Manual and Minnesota Statutes chapter 505.
- F. If the final plat is approved by the County Board, the subdivider shall obtain all necessary signatures and record the plat with the Sherburne County Recorder within one year of the date of approval. The subdivider shall provide the County Attorney with an updated title

commitment, title opinion or certificate of title, as required by the Sherburne County Public Works Platting Manual, prior to obtaining the County Attorney's signature. In addition to the requirement to record the plat within one year after approval, the plat must be recorded within fifteen (15) calendar days after obtaining the County Attorney's signature. If a final plat is not recorded within one year following County Board approval and/or fifteen days after the County Attorney's signature, the plat shall become null and void.