

SECTION 11 - GENERAL REGULATIONS

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Subdivision 1: Lot and Block Standards

- A. The minimum lot area, lot width, and lot depth shall conform to the requirements of the Zoning District in which the plat is situated as required by the Zoning Ordinance.
- B. Corner lots shall have sufficient width to meet appropriate building setbacks from all roads as required by the Zoning Ordinance.
- C. Side lines of lots shall be approximately at right angles to road lines or radial to curved road lines.
- D. Double frontage lots shall be avoided except where lots back on a highway or other arterial road, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least ten (10) feet to allow space for screen planting along the back of lot line.
- E. Lot remnants that are below the minimum lot area or width required by the Zoning Ordinance shall not be permitted and must be added to adjacent or surrounding lots, unless the subdivider can show acceptable plans for the use of such remnants.

- F. Lots intended for commercial, industrial or any use other than single family residential shall be designed as such as the lot shall be of adequate size to allow of-street parking, loading areas and such other facilities as may be required by the Zoning Ordinance.
- G. All lots shall have the minimum required frontage and shall have direct access to a public road. The minimum required frontage shall be the lot width requirement for the applicable zoning district, and or plat. If there is a significant curve in the road, or the lot is located on a cul-de-sac, then the public road frontage may be measured at the setback line.
- H. Where lots are separated by a road or an outlot, separate block numbers shall be used.
- I. The blocks in residential subdivisions shall not exceed fourteen hundred twenty (1,400) feet in length, except where the County determines that, topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required near the center of the block. Blocks for business or industrial use should not exceed six hundred (600) feet in length.
- J. The width of the block shall be sufficient to allow two (2) tiers of lots of appropriate depth.

Subdivision 2. Road Design Standards

- A. The arrangement of roads shall conform to the Sherburne County Transportation Plan. The arrangement of roads shall be considered in relation to the reasonable circulation of traffic, topographic conditions, storm water run-off, public safety, and appropriate relation to the proposed uses of the area.
- B. The County may require right-of-way widths more than that required in the Zoning Ordinance if additional right-of-way is deemed necessary to meet the transportation needs of a proposed subdivision.
- C. For all public roads hereafter dedicated, the minimum right-of-way widths shall conform to the Sherburne County Transportation Plan. Roads shall not have less than the following rights-of-way and standards:

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

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

Maximum Cul-de-sac Length	1400'(feet)
Minimum Cul-de-sac Outside Shoulder/Curb Radius	55'(feet)
Minimum Cul-de-sac Right-of-way Radius	65' (feet)
Minimum Intersection Angle	75°(degrees)
Minimum Intersection Offset	125' (feet)

- D. All proposed roads shall be offered for dedication as public rights-of-way. Private roads shall not be permitted.
- E. Except for permanent cul-de-sacs that meet the requirements of Subdivision 2. H. of this Ordinance, roads should connect with roads already dedicated to property lines in adjacent platted property, provide for future connections to adjacent undeveloped property. When a plat contemplates a future continuation of a road to an adjacent undeveloped property, a proposed road continuation plan which shows the location of the continued road across the adjacent property shall be included with the preliminary plat application and shall be submitted for review and comment by the Township and adjacent property owner(s). Said plan shall consider, but not be limited to, the following:
1. Width and length of road
 2. Access for emergency services
 3. Location and potential impact on natural resources
 4. Location of existing roads and/or easements of record
 5. Cumulative review of how proposed future road is compatible with a Township road plan and its effect on traffic circulation.
- F. If a road is proposed to continue as outlined in Subdivision 2.F. of this Section, the dead-end road shall, however, be provided with a vehicular turn-around. Because local access roads are maintained by the Township, the type of turn-around, whether radial or T-type shall be subject to approval by the Township. A turn around provided under the provisions of this Section may be by easement with a provision that the easement will expire when the road is extended.
- G. Dead-end roads are discouraged. Permanent cul-de-sacs may be permitted where topography, woodlands, or public waters justify their use. Beginning from a single access point, cul-de-sacs shall not exceed fourteen hundred (1,400) feet in length (as measured at a starting point at center of intersection to centerpoint of cul-de-sac) except where requested by the road authority, with concurrence of the County, for future road connection, and shall provide a terminal turn-around with a right-of-way radius of sixty-five (65) feet.
- H. Subdivisions with twenty-three (23) lots or more shall have two or more accesses onto existing public roads. When counting lots under this provision, all existing and proposed lots shall be counted.
- I. Intersection and road design features shall comply with the most recent versions of:

1. Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials (AASHTO)
 2. Road Design Manual, State of Minnesota Department of Transportation (MnDOT)
 3. State-Aid Operations Rules, Chapter 8820, State of Minnesota Department (MnDOT), State Aid for Local Transportation Division
 4. Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD). United States Department of Transportation (USDOT), Federal Highway Administration (FHWA)
 5. Minnesota Manual on Uniform Traffic Control Devices (MN MUTCD), State of Minnesota, Department of Transportation (MnDOT)
 6. Traffic Manual, State of Minnesota Department of Transportation (MnDOT)
 7. Sherburne County Public Works Transportation Plan
- J. Whenever the proposed subdivision contains or is adjacent to a State or Federal Highway, provision shall be made for a service road adjacent to the highway right-of-way that will allow for traffic to and from the subdivision to access the State or Federal Highway at an appropriate, safe intersection. A service road should be designed at a distance suitable for the appropriate use of land between such road and the highway right-of-way.
- K. Dedication of half roads will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided, or where it becomes necessary to acquire the remaining half by condemnation so that it may be improved in the public interest.

Subdivision 3. Utility Easements

- A. An easement for utilities at least six (6) feet wide shall be provided on each lot's side and rear lot lines, to form a continuous easement at least twelve (12) feet wide across adjoining platted lots. Lots abutting unplatted property shall provide a minimum twelve (12) feet wide easement. An easement for utilities at least twelve (12) feet wide shall be provided along the road right-of-way. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.
- B. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the County Board, by ordinance, upon the recommendation of the Planning Commission.
- C. Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall alongside lot lines.
- D. Where a subdivision contains or is traversed by a water course, drainage way, channel, lake or stream, a stormwater easement, drainage right-of-way or park dedication shall be provided, together with such further width or construction, or both, as will be adequate for the storm

water drainage of the area. The minimum width of such easements shall be determined by the Public Works Department.

- E. If there are existing public roads, drainage easements, or utility easements that have been dedicated to the public, and the location of the road or easement will be altered by a plat, the County may require that the old alignments be vacated by the easement holder prior to the final plat approval.
- F. If easements exist for pipelines or overhead power lines, the developer must provide documentation on the restrictions that are in place for the use of any land on which the easement is located.
- G. Pipeline Easements:
 - 1. Permanent markers (such as steel fence posts) shall be set on each side of pipeline easements where they cross lot lines and road rights-of-way.
 - 2. When practical, pipelines shall follow on the back or rear property lines.
 - 3. No permanent building, or other improvements are allowed within the pipeline easements. Building shall be setback 50' from the edge of the pipeline easement.
- H. Plat monumentation, and identification of monuments shall be as required by Minnesota Statutes regarding platting and registered land surveys. The County may require a financial guarantee to assure that delayed staking takes place. See the Public Works Platting Manual for the allowable options.

Subdivision 4. Buildable Lot Standards

- A. In addition to meeting the buildable lot area requirements of the applicable zoning district, all newly created lots for residential building purposes, where public sanitary sewer is not available, must have at least 40,000 contiguous square feet of the required minimum platted lot area at least three (3) feet above the highest known water table.
- B. All newly created lots for residential building purposes, served by shared sewer systems designed under the standards set forth in the Section 10.1 Planned Unit Development must have at least 15,000 contiguous square feet of the required minimum platted lot area at least three (3) feet above the highest known water table.
- C. The standards in Subdivision 4.A. and 4.B of this Ordinance must be met unless the Township in which the property is located has adopted its own zoning ordinance that includes alternate minimum building lot size requirements, provided that such lots must meet the following minimum standards:
 - 1. Each lot must have 10,000 square feet of undisturbed and contiguous land that is at least eighteen (18) inches above mottling (as defined in Minnesota Rules 7080).
 - 2. A minimum of three (3) soil borings must be done on each proposed lot by a licensed soil

scientist; one where the house will be located and one where each septic drain field will go. The designing engineer must designate the permanent location of the home and the maximum house pad size on the preliminary plat and the grading and drainage plan.

3. Each lot must have 5,000 square feet of contiguous land that is 36 inches above mottling. This may be accomplished by filling in non-wetland area. This area shall be a minimum of 60 feet in width and 60 feet in length. The house shall be located in this area and all fill below the floor areas and foundation shall be certified as structural fill by a geotechnical engineer.
4. The designing engineer shall incorporate into the overall drainage plan of the plat all fill that may be necessary for construction of homes. If additional fill is proposed after the grading and drainage plan was approved by the Township Engineer, then prior to building permit being issued, the property owner must submit proposed grading changes to the Township and submit an approval letter to the County. Elevation changes not shown on the preliminary plat and / or grading and drainage plan will not be allowed.
5. The designing engineer must identify on the preliminary plat and grading plans what the low floor and low entry elevations will be for construction of a new home. The low floor shall be determined by not only surface flooding potential, but by mottling as shown in the soil borings. The types of homes that will be allowed on each individual lot must also be identified (full basement, walkouts, 2-level split entry, slab on grade.)

Subdivision 5. Outlots

- A. Lots in a plat, planned unit development or other subdivision of land may be designated as an Outlot when:
 1. The landowner intends to develop the subdivision in phases;
 2. The proposed outlot is to be owned by all other lot owners under a homeowner's association,
 3. The land is to be dedicated to the public for future public uses. For example, a stub road to the adjacent lands for future development, a pathway for connection to state trails, etc.
- B. Residential, commercial and industrial buildings are not allowed on an outlot. Public facilities may be allowed on an outlot to the extent permitted in the applicable zoning district.

Subdivision 6: Stormwater Drainage

- A. To reduce the amount and protect the quality of storm water run-off that may be created during and after the process of developing a residential, commercial or industrial subdivision, a storm water management plan may be required.

- B. Developers and contractors will implement "Best Management Practices (BMP's) as defined by the State of Minnesota, in all subdivisions. BMP's shall be used during grading and construction of all stages of the development, including construction on individual building sites.
- C. If a method of storm water management is used that will require maintenance, a plan shall be submitted indicating how the system will be maintained and who will be responsible for maintenance.
- D. Some or all the following may be required prior to final plat approval:
 - 1. A temporary erosion and sediment control plan;
 - 2. A permanent erosion and sediment control plan;
 - 3. Identification of who will be responsible for implementing and managing the temporary and permanent erosion and sediment control plans.
- E. Any solid waste generated during road building, site development or building construction shall be handled and disposed of as required by the Solid Waste Ordinance.

Subdivision 7: Controls During Construction

- A. Soil erosion shall be limited during construction as required by Section 17.1 of the Zoning Ordinance.
- B. All preliminary and final grading / drainage plans must designate the lowest floor elevation and lowest entry elevation for the residence of each lot.
- C. The preliminary and final grading plan must include a plan for tree removal and preservation.
- D. The designing engineer's designation of the type of house (example: walkout, no walkout, split, full basement, slab) that will be allowed on each lot must be shown on the preliminary and final drainage and grading plan drawings.
- E. The entire area approved as part of a final plat must be graded in conformance with the approved drainage and grading plans before any building permits will be issued.
- F. For all Planned Unit Developments under Section 10.1 and for land developed in accordance with Subdivision 4.C. of this Ordinance that will require significant filling and grading, the developer must comply with the following:
 - 1. The developer shall provide the County Building Official with a signed certification from a Minnesota licensed geotechnical engineer, certifying that grading and compaction of the entire plat has been completed pursuant to the approved grading and drainage plans. The

certification shall be in a form acceptable to the Building Official and must be provided prior to issuance of any building permits.

2. The developer must disclose to future homeowners and builders, through covenants or other recorded documents, in a form acceptable to the County, that two as-built inspections surveyed and certified by a qualified professional will be required for every home. The first inspection will be to establish the elevation of the lowest floor, and the second for the final grading of the lot, in conformity with the requirements of the grading plan. The inspection reports, which must be signed and certified as accurate by a licensed surveyor and/or geotechnical engineer, must be provided to the County Building Official before any building inspections will be made for the home, and before a Certificate of Occupancy will be issued by the County.
3. The developer shall also provide notice to homeowners, through covenants or other recorded documents, in a form acceptable to the County, that the final grading/drainage as-built grades may not be altered by the homeowner and/or builder in landscaping or through any other work.
4. The developer shall provide financial security prior to performing and ground disturbing work on the property, guaranteeing that the property will be graded, filled and inspected according to the requirements of the approved grading and drainage plan and this Ordinance. The financial security shall be in a form acceptable to the County and in an amount equal to 125% of the estimated cost of completing the required grading, filling and inspections.

Subdivision 8: Tree and Woodland Preservation

Developers, proposing new residential subdivision areas with oak woods shall schedule an on-site inspection with the County Forester for diagnosis of any existing oak wilt infection centers on the property. If oak wilt is found, it will be included in the report of the Sherburne County Tree Forester will be forwarded to the Planning Commission and County Board for consideration within thirty (30) days.

Subdivision 9: Compliance with Wetland Conservation Act Regulations

- A. The Sherburne County Board of Commissioners has delegated to the Planning and Zoning Department the authority to make all necessary decisions on Wetland approvals pursuant the requirements of the MN Wetland Conservation Act.

- B. All applicants for Preliminary Plats must have all required wetland approvals prior to being scheduled for a Public Hearing with the Sherburne County Planning Advisory Commission.
- C. The Department may, at its discretion, refer a decision on an approval under the Wetland Conservation Act to the Sherburne County Board of Commissioners.
- D. An applicant may appeal a decision of the Planning and Zoning Department relating to the Wetland Conservation Act pursuant to Section 17, subd. 13 of the Zoning Ordinance.

Subdivision 10: Environmental Assessment Worksheet

In accordance with Minnesota State Statute 4410.4300 Mandatory Environmental Assessment Worksheet or its successor. Any proposed subdivision meeting the mandatory threshold established under State Statute must obtain a negative declaration on the need for an Environmental Impact Statement before the proposed subdivision can obtain preliminary plat approval.

Subdivision 11: Conditional Use and Interim Use Permit

Developers proposing a new subdivision must revoke any Conditional Use or Interim Use Permit that is no longer active or is inconsistent with the proposed land use.