

Chapter 2
RULES AND DEFINITIONS

SECTION:

XX-2-1: Rules

XX-2-2: Definitions

XX-2-1: RULES: The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and the future tenses, and the future the present.
- C. The word "shall" is mandatory while the word "may" is permissive.
- D. The masculine gender includes the feminine and neutral.
- E. All measured distances expressed in feet shall be to the nearest tenth of a foot.
- F. For terminology not defined in this title, this code, the Minnesota state building code or the Webster's dictionary shall be used to define such terms. (Ord. 910, 18 Apr 22)

XX-2-2: DEFINITIONS: The following words and terms, wherever they occur in this ordinance, shall be interpreted as herein defined:

Applicant: The owner, their agent or other person having legal control, ownership, and/or interest in the land proposed to be subdivided.

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.

Boulevard: The portion of the road right-of-way between the curb line or edge of the roadway and the property line.

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 meeting the area requirements of the applicable zoning district and having the minimum contiguous area at least three feet above the highest known water table remaining on a lot or parcel of land after all public road rights-of way, all easements, 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 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.

Certificate of Survey: A document prepared by a registered engineer or registered land surveyor that precisely describes area, dimensions, and location of a parcel or parcels of land.

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: The Baldwin township comprehensive plan.

Conservation Easement: A non-possessory interest in real estate property as defined by Minnesota statute 84.64, subd 2.

County: Sherburne county, Minnesota.

Design Standards: The specifications to landowners or those proposing to subdivide land for the preparation of plats, both preliminary and final, indicating, among other things, the optimum, minimum or maximum dimensions of such items as rights- of-way, blocks, easements and lots.

Development: Acts relating to subdividing land, platting land, building structures and installing site improvements.

Development Agreement: A contract document signed by the subdivider and town 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 the town for which the provisions of the town zoning ordinance are uniform.

Drainageway: A watercourse or surface area for the drainage or conveyance of surface water.

Easement: A grant by a property owner for the use 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 town, county, Minnesota Statutes regarding the platting of land and in such form as required by this ordinance 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 federal emergency management agency and designated on the flood maps.

Gross Area: The total area of a 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.

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 roads at their intersection or junction or a lot bounded on two sides by a curving road 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 road line, which intersect with each other to form an interior angle of less than 120 degrees.

Lot, Double Frontage: A lot other than a corner lot which has a property line abutting on one street and an opposite property line abutting on another nonintersecting street.

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, department of natural resources waters, floodways) divided by the base density.

Metes and Bound Description: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.

Natural Waterway: A natural passageway on the surface of the earth, so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also shall include all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.

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 department of natural resources protected waters and wetlands and land designated as “floodway” by federal emergency management agency.

Outlot: A lot or parcel of remnant land after platting that is intended as open space or other future use.

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

Parks: Public lands and open spaces dedicated or reserved for recreation purposes.

Pedestrianway: A public right-of-way or easement across a block or within a block to provide access for pedestrians that may be used for the installation of sidewalks or trails.

Percentage of Grade: Along a centerline of a road, the change in vertical elevation in feet and tenths of a foot for each 100 feet of horizontal distance, expressed as a percentage.

Planning Commission: The Baldwin township planning commission.

Preliminary Plat: A detailed drawing or map of a proposed subdivision meeting the requirements herein enumerated.

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

Registered Land Survey: A survey filed with the county recorder of a tract or tracts of registered land to be conveyed in other than full government subdivision or simple fraction thereof.

Private Drive: A roadway serving as vehicular access to two or more parcels of land owned by one or more private parties not dedicated to the public.

Protective Covenants: Private contracts entered into between all owners and holders of mortgage constituting a restriction on the use of property within a subdivision for the benefit of the property owners.

Public Improvement: Any drainageway, right-of-way, parkway, road, sanitary sewer, storm sewer, water system, sidewalk, trail, pedestrianway, tree, lawn, parking area, lot improvement,

or other facility for which the town may ultimately assume ownership, responsibility for maintenance and operation, or which may affect an improvement, for which local government responsibility is or may be established.

Reserve Strip: A narrow parcel of land placed between lot lines and rights-of-way or road easements to control access.

Right-of-way: Land acquired by reservation or dedication intended for public use, and intended to be occupied or which is occupied by a road, sidewalk, trail, pedestrianway, railroad, utility lines, oil or gas pipeline, water line, sanitary sewer, storm sewer, or other similar uses.

Road, Cul-de-sac: A local road with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.

Road, Local: A public roadway providing access property access by pedestrians and vehicles to abutting properties, whether designated as an avenue, street, highway, road, circle, court, place, lane, boulevard, or parkway, or however otherwise designated.

Road, Major Collector: Major collector roadways collect traffic from local and minor collector roads and connects with arterial roads.

Road, 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.

Road, Minor Collector: Minor collector roadways serve as a feeder roadway for local traffic to the collector/arterial network and may also provide direct lot access.

Road, Principal Arterial: Principal arterial roads form the backbone of the regional transportation network a through facility that yet allows for turning movements with access control.

Roadway: The portion of street right-of-way improved for vehicular travel.

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.

Setback: The shortest distance between a building and the property line nearest thereto.

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.

Subdividing: The process of effecting a subdivision.

Subdivision: The separation of an area, parcel or tract of land under single ownership into two or more parcels, tracts, lots, or long term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads or alleys for residential, commercial, industrial or other use or any combination thereof; includes resubdivision and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Surveyor: A land surveyor registered under Minnesota state laws.

Town or Township: Baldwin township, Minnesota

Town Attorney: The person designated by the town board to be the attorney for Baldwin township.

Town Board: The Baldwin township town board of supervisors.

Town Clerk: The person designated by the town board to be the clerk for Baldwin township.

Town Engineer: The person or firm designated by the town board to be the engineer for Baldwin township.

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 the towns comprehensive plan and zoning ordinance.

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 Administrator: The person or firm designated by the town board to be the zoning administrator for Baldwin Township.

Zoning District: An area or areas within the limits of the town for which the regulations and requirements governing land use are uniform.

Zoning Ordinance: The Baldwin township zoning ordinance. (Ord. 910, 18 Apr 22)